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I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN 2025 (FIRST) Regular Session

Bill No. 184-38 (COR)

As Amended by the Committee on Public Safety,
Emergency Management, and Guam National Guard

Introduced by:

Eulogio Shawn Gumataotao

AN ACT TO *AMEND* § 14.101, TO *ADD* A NEW § 14.104.2(f),
AND TO *AMEND* § 14.105 **AND 14.106**, ALL OF ARTICLE
14.1, CHAPTER 1, TITLE 5, GUAM CODE, ANNOTATED,
RELATIVE TO STRENGTHENING HOMELAND
SECURITY SERVICES FOR THE PEOPLE OF GUAM BY
REQUIRING MERIT-BASED GRANTS MANAGEMENT
AND **THE MARIANAS REGIONAL FUSION CENTER**
(MRFC) DIRECTOR POSITIONS, ~~AND~~ REQUIRING THE
SUBMISSION OF PROJECT PERFORMANCE,
COMPLIANCE, AND FINANCIAL REPORTS **AND**
CORRECTIVE ACTION PLANS, AS APPLICABLE, AND
PLACING MRFC UNDER THE JURISDICTION OF THE
GUAM POLICE DEPARTMENT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds it
necessary to ensure that federal and local taxpayer dollars designated for Guam
Office of Homeland Security operations are managed in accordance to law and
federal awarding agency requirements.

I Liheslatura further finds that without merit-based positions, the
responsibility of managing financial resources and submitting project performance,
compliance, and financial reports to federal awarding agencies are assigned to
unclassified and potentially unqualified political appointees. Moreover, Guam's
record as a recipient of federal grants for homeland security services jeopardizes

Draft Committee Markup Version

1 future funding opportunities which in turn weakens our collective ability to detect,
2 prepare for, prevent, protect against, respond to, and recover from known and
3 emerging threats against the people of Guam, particularly at time of rising military
4 tensions in our part of the world.

5 According to the 2024 Office of Public Accountability's (OPA) investigate
6 audit on the Guam Homeland Security/Office of Civil Defense's (GHS/OCD)
7 operating costs, auditors revealed that \$8.4 million in federal reimbursements were
8 not received by the General Fund, because the Federal Emergency Management
9 Agency placed grant restrictions due to Guam Homeland Security/Office of Civil
10 Defense's repeated noncompliance with federal guidelines and regulations. OPA
11 Report No. 24-07 issued in June 2024, concluded that noncompliance issues were
12 caused by the lack of consistent Guam Homeland Security/Office of Civil Defense
13 leadership and a qualified fiscal and grants management team.

14 It is, therefore, the intent of this Act to strengthen homeland security services
15 for the people of Guam by requiring a merit-based grants manager position. Through
16 this Act, *I Liheslatura's* policy on the accountability of federal grants prohibits the
17 use of unclassified personnel for this critical financial management responsibility.
18 The prohibition shall extend to the program director or equivalent position for the
19 Marianas Regional Fusion Center whose duties include, but are not limited to,
20 coordinating the exchange of criminal intelligence, information regarding threats to
21 physical security and cybersecurity, and chemical, biological, radiological, nuclear,
22 and conventional explosive hazards. Additionally, the Guam Office of Homeland
23 Security is required by this Act to provide a copy of project performance,
24 compliance, and financial reports to *I Liheslaturan Guåhan* and the Office of Public
25 Accountability whenever such reports are submitted to a federal awarding agency.

26 A copy of all reports from federal awarding agencies received by the Office of
27 Homeland Security relating to identified or alleged violations of law, regulation, or

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1 the terms and conditions of a federal award, and corresponding Corrective Action
2 Plans, shall also be provided to the Guam Legislature and OPA.

3 Consistent with public testimony provided to the Committee on Public Safety,
4 Emergency Management, and Guam National Guard, *I Liheslatura* further intends
5 through this Act to place the Marianas Regional Fusion Center under the jurisdiction
6 of the Guam Police Department.

7 **Section 2.** § 14.101 of Article 14.1, Chapter 1, Title 5, Guam Code Annotated,
8 is *amended* to read:

9 “§ 14.101. **Office of Homeland Security Established.** There is hereby
10 established the Office of Homeland Security (OHS). The OHS will be managed by
11 the Homeland Security Advisor. The Homeland Security Advisor shall be an
12 unclassified employee appointed by *I Maga’hågan/Maga’låhen Guåhan*, and shall
13 serve at her pleasure. The Homeland Security Advisor position shall be subject to
14 the availability of funds, which may be locally appropriated or in the form of a
15 federal grant award designated for such purpose. U.S. Government funds provided
16 to OHS shall be accounted for by a grants manager or equivalent position in the
17 classified service, and pursuant to 4 GCA § 4103, such personnel in the classified
18 service may be established contingent upon the availability of a grant, federal
19 program or federal funds.”

20 **Section 3.** A new § 14.104.2(f) is *added* to Article 14.1, Chapter 1, Title 5,
21 Guam Code Annotated, is *amended* to read:

22 “(f) The Advisor shall provide a copy of all federally required project
23 performance, compliance, and financial reports to the Speaker of *I Liheslaturan*
24 *Guåhan* and the Public Auditor of Guam whenever such reports are submitted to a
25 federal awarding agency or their successor entity including, but not limited to, the
26 U.S. Department of Homeland Security and the Federal Emergency Management
27 Agency. A copy of all reports from federal awarding agencies received by the Office

Draft Committee Markup Version

1 of Homeland Security relating to identified or alleged violations of law, regulation,
2 or the terms and conditions of a federal award, and corresponding Corrective Action
3 Plans, shall also be provided to Speaker of I Liheslaturan Guåhan and the Public
4 Auditor of Guam. Prior to submitting the reports required by this Act, OHS must
5 redact sensitive national security information consistent with applicable federal
6 government policy.”

7 **Section 4.** § 14.105 of Article 14.1, Chapter 1, Title 5, Guam Code Annotated,
8 is *amended* to read:

9 “**§ 14.105. Marianas Regional Fusion Center.** There is hereby established
10 the Marianas Regional Fusion Center (MRFC). The MRFC shall operate under the
11 direction of the Chief of Police and may be situated within OHS facilities with
12 federal funding support made available through OHS. The MRFC shall be~~and~~
13 managed by a program director or equivalent position in the classified service who
14 shall be selected by the Chief of Police. Pursuant to 4 GCA § 4103, the MRFC
15 program director or equivalent position in the classified service may be established
16 contingent upon the availability of a grant, federal program or federal funds. A Peace
17 Officer Standards and Training Commission-certified employee in the classified
18 service from a different branch, department, agency, instrumentality, authority or
19 corporation may be appointed to the MRFC program director or equivalent position
20 consistent with 4 GCA § 4114,~~and its~~The MRFC’s purpose shall be to coordinate
21 the exchange of criminal intelligence, information regarding threats to physical
22 security and cybersecurity, and chemical, biological, radiological, nuclear, and
23 conventional explosive hazards, and to facilitate local, regional, national, and
24 international communication, which may include the Commonwealth of the
25 Northern Mariana Islands law enforcement entities, first responders, and
26 government and private sector partners.”

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1 **Section 5.** § 14.106 of Article 14.1, Chapter 1, Title 5, Guam Code Annotated,
2 is amended to read:

3 **“§ 14.106. Division of Cybersecurity and Critical Infrastructure Security.**

4 There is hereby established a Division of Cybersecurity and Critical Infrastructure
5 Security within the OHS’ MRFC, whose multiple functions shall be the protection
6 of information networks and telecommunications networks, including hardware,
7 software, and data, from cyberattacks and the security of critical infrastructure,
8 including, but not limited to, buildings, transportation and equipment, roads, ports,
9 monuments, and utilities.”

10 **Section 6. Effective Date.** The provisions of this Act shall be effective upon
11 enactment.