

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
184-38 (COR)	Eulogio Shawn Gumataotao	AN ACT TO <i>AMEND</i> § 14.101, TO <i>ADD</i> A NEW § 14.104.2(f), AND TO <i>AMEND</i> § 14.105, 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 FUSION CENTER DIRECTOR POSITIONS, AND REQUIRING THE SUBMISSION OF PROJECT PERFORMANCE, COMPLIANCE, AND FINANCIAL REPORTS.	9/5/25 11:12 a.m.						

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

Bill No. 184-38 (COR)

Introduced by:

Eulogio Shawn Gumataotao 

AN ACT TO AMEND § 14.101, TO ADD A NEW § 14.104.2(f), AND TO AMEND § 14.105, 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 FUSION CENTER DIRECTOR POSITIONS, AND REQUIRING THE SUBMISSION OF PROJECT PERFORMANCE, COMPLIANCE, AND FINANCIAL REPORTS.

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 future funding opportunities which in turn weakens our collective ability to detect, prepare for, prevent, protect against, respond to, and recover from known and

1 emerging threats against the people of Guam, particularly at time of rising military
2 tensions in our part of the world.

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

12 It is, therefore, the intent of this Act to strengthen homeland security services
13 for the people of Guam and the Marianas by requiring a merit-based grants manager
14 position. Through this Act, *I Liheslatura's* policy on the accountability of federal
15 grants prohibits the use of unclassified personnel for this critical financial
16 management responsibility. The prohibition shall extend to the program director or
17 equivalent position for the Marianas Regional Fusion Center whose duties include,
18 but are not limited to, coordinating the exchange of criminal intelligence,
19 information regarding threats to physical security and cybersecurity, and chemical,
20 biological, radiological, nuclear, and conventional explosive hazards.

21 Additionally, the Guam Office of Homeland Security is required by this Act
22 to provide a copy of project performance, compliance, and financial reports to *I*
23 *Liheslaturan Guåhan* and the Office of Public Accountability whenever such reports
24 are submitted to a federal awarding agency.

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

1 **“§ 14.101. Office of Homeland Security Established.** There is hereby
2 established the Office of Homeland Security (OHS). The OHS will be managed by
3 the Homeland Security Advisor. The Homeland Security Advisor shall be an
4 unclassified employee appointed by *I Maga'hågan/Maga'låhen Guåhan*, and shall
5 serve at her pleasure. The Homeland Security Advisor position shall be subject to
6 the availability of funds, which may be locally appropriated or in the form of a
7 federal grant award designated for such purpose. U.S. Government funds provided
8 to OHS shall be accounted for by a grants manager or equivalent position in the
9 classified service, and pursuant to 4 GCA § 4103, such personnel in the classified
10 service may be established contingent upon the availability of a grant, federal
11 program or federal funds.”

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

14 “(f) The Advisor shall provide a copy of all federally required project
15 performance, compliance, and financial reports to the Speaker of *I Liheslaturan*
16 *Guåhan* and the Public Auditor of Guam whenever such reports are submitted to a
17 federal awarding agency or their successor entity including, but not limited to, the
18 U.S. Department of Homeland Security and the Federal Emergency Management
19 Agency.”

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

22 **“§ 14.105. Marianas Regional Fusion Center.** There is hereby established
23 the Marianas Regional Fusion Center (MRFC). The MRFC shall operate under the
24 direction of the OHS and managed by a program director or equivalent position in
25 the classified service. Pursuant to 4 GCA § 4103, the MRFC program director or
26 equivalent position in the classified service may be established contingent upon the
27 availability of a grant, federal program or federal funds. A Peace Officer Standards

1 and Training Commission-certified employee in the classified service from a
2 different branch, department, agency, instrumentality, authority or corporation may
3 be appointed to the MRFC program director or equivalent position consistent with 4
4 GCA § 4114.~~and its~~The MRFC's purpose shall be to coordinate the exchange of
5 criminal intelligence, information regarding threats to physical security and
6 cybersecurity, and chemical, biological, radiological, nuclear, and conventional
7 explosive hazards, and to facilitate local, regional, national, and international
8 communication, which may include the Commonwealth of the Northern Mariana
9 Islands law enforcement entities, first responders, and government and private sector
10 partners.”

11 **Section 5. Effective Date.** The provisions of this Act shall be effective upon
12 enactment.