




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
270-38 (COR)	Therese M. Terlaje Telo T. Taitague Chris Barnett	AN ACT TO AMEND §73128 AND §73143 OF CHAPTER 73, TITLE 5 GUAM CODE ANNOTATED AND §2406, §2412 OF CHAPTER 2, TITLE 4 GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO STRENGTHENING THE INSPECTION OF INCOMING CARGO IN GUAM.	2/6/26 3:50 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 270-38 (COR)

Introduced by:

Therese M. Terlaje 
Telo T. Taitague 
Chris Barnett 

**AN ACT TO AMEND §73128 AND §73143 OF CHAPTER
73, TITLE 5 GUAM CODE ANNOTATED AND §2406,
§2412 OF CHAPTER 2, TITLE 4 GUAM
ADMINISTRATIVE RULES AND REGULATIONS
RELATIVE TO STRENGTHENING THE INSPECTION
OF INCOMING CARGO IN GUAM**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 protection of Guam’s borders and the integrity of the Customs inspection process
4 are critical to safeguarding the island from illegal importation, including contraband,
5 controlled substances, and other prohibited goods. The tampering of seals prior to
6 official release from the Customs and Quarantine Agency undermines the inspection
7 process, compromises public safety, and erodes public trust in government
8 enforcement. Strengthening penalties and closing procedural loopholes are
9 necessary to ensure accountability at all levels of the import and inspection process.

10 *I Liheslaturan Guåhan* finds that pursuant to 5 GCA, §73143 the penalties
11 associated with tampering with a seal on a container prior to its official release from
12 Customs’ custody require both a financial fine of twenty-five thousand dollars
13 (\$25,000) along with confiscation of the cargo involved **and** the suspension of “the

1 business license(s) of all principals involved”. The Guam Customs & Quarantine
2 Agency reported during an oversight hearing on January 2, 2026, that CQA has
3 collected \$200,000 in fines since 2019. CQA also reported a total of nine seal
4 tampering violations in 2025 and one violation has so far been recorded in 2026.
5 However, a letter from the Director of CQA dated October 27, 2025 indicates that
6 none of the violations reported resulted in the suspension or revocation of any
7 business license, raising serious concern about the adequacy and enforcement of
8 penalties necessary to deter such criminal activity.

9 Therefore, it is the intent of *I Liheslaturan Guåhan* to secure and control all
10 containers under inspection, to prohibit the removal of sealed cargo from designated
11 inspection areas prior to official release, and to impose stricter penalties on those
12 who knowingly tamper with Customs seals or violate Customs custody procedures.
13 These measures are designed to protect the people of Guam and ensure that no
14 individual or entity is above the law.

15 **Section 2.** §73128 of Chapter 73, Title 5 GCA is hereby amended to read:

16 “(a) Imported merchandise, required by regulations to be inspected or examined,
17 shall not be delivered from customs custody, except as otherwise provided in this
18 Chapter, until it has been inspected or examined, and is found to comply with
19 requirements by Customs Officials. The Collector may require such packages or
20 quantities examined as he may deem necessary.

21 (b) Any container or cargo placed under a Customs “hold” for inspection shall
22 remain in a Customs-designated secured facility until the official inspection is
23 completed. No sealed container or cargo shall be transferred or removed from
24 Customs-designated secured facilities prior to official release from Customs
25 custody.”

26 **Section 3.** §73143 of Chapter 73, Title 5 GCA is hereby amended to read:

1 “(a) Should the seal on a container or cargo be broken or tampered with prior to its
2 official release from Customs’ custody, except under the direction of a Customs
3 Inspector, then the person or firm that has accepted delivery of the sealed container
4 or cargo shall be liable for the following administrative penalties levied by the
5 Collector of Customs:

6 (1) A fine of not less than ~~Twenty-Five~~ One Hundred Thousand Dollars
7 (\$25,000/100,000) or equal to the value of the article or articles introduced or
8 attempted to be introduced, whichever is more, and the confiscation of the cargo
9 involved; and

10 (2) The suspension of the business license(s) of all principals involved in the
11 violation of this section for one (1) year unless waived in writing by the director of
12 the Guam CQA based on a written analysis of the degree of culpability including,
13 but not limited to, negligence, gross negligence, or fraud; and

14 (3) The suspension of the business license(s) of all principals involved in the
15 violation of this Section for two (2) years if (2) two violations occurs in 10 years; or

16 (4) If more than two (2) violations of this Section occur within 10 years, the
17 business license(s) of all principals involved shall be permanently revoked.

18 (b) All fines levied under this section shall be deposited in the Customs Inspection
19 Fund. All cargo confiscated under this section shall be disposed of as provided for
20 in this Chapter. The Director of the Customs and Quarantine Agency shall
21 immediately notify the License Board created by 11 GCA § 70112 of a violation by
22 any person or firm whose license is to be suspended. No expenditures shall be made
23 from the Customs Inspection Fund except by appropriation of *I Liheslatura*.

24 (c) Any person or firm charged with a violation of this section shall have the burden
25 of proving by clear and convincing evidence that such person or firm was not
26 responsible for the broken or tampered with seal.”

27 **Section 4.** §2406 of Chapter 2, Title 4 GAR is hereby amended to read:

1 “(a) An importer may request for a container to be inspected at a provisional
2 inspection site located at the owner’s premises. Such inspection may be authorized
3 by the Director of Commerce or Chief of Customs under the following conditions:

4 (1) The applicant is required to provide the following particulars:

5 (A) name, address, and telephone number of applicant.

6 (B) map to business establishment.

7 (2) The Special request shall be granted based on availability of Customs and
8 Quarantine personnel (regular office hours).

9 (3) Requests will be entertained on a case- by-case basis.

10 (4) Priority will be given on a first-come-first-served basis.

11 (5) The owner or importer is responsible for providing adequate manpower
12 and equipment of off-load goods in a timely manner for inspection.

13 (b) Any person(s) wishing to move a container to a provisional inspection site or
14 CFS must submit Customs Form 30 to the Chief of Customs or Director of
15 Commerce for approval prior to movement of the container from the port of entry.

16 (c) An application for the operation of a Provisional Inspection Site shall be
17 submitted to the Department of Commerce, Customs & Quarantine Division, in
18 order to verify the eligibility of the applicant and facility for approval. The
19 application must contain the following:

20 (1) The applicant must submit a completed Provisional Inspection Site facility
21 application form.

22 (2) The person must attach a copy of a valid Government of Guam business
23 license issued by the Department of Revenue & Taxation.

24 (3) A certified blueprint of the facility(ies) must be submitted with the
25 application to the Director for approval.

26 (d) The facility shall be completely secured by a perimeter fence with a locked gate.

1 (e) The facility must have a safety area marked or zoned for cargo examination and
2 adequate lighting so as to permit the inspector to conduct his examination, without
3 straining his eyes.”

4 **Section 5.** §2412 of Chapter 2, Title 4 GAR is hereby amended to read:

5 “Should a seal on a container or cargo be broken or tampered with prior to its official
6 release from Customs custody, except under the direction of a Customs Inspector,
7 then the person or firm that has accepted delivery of the sealed container or cargo,
8 shall be liable for the following administrative penalties levied by the Collector of
9 Customs under 5 GCA § 73143.

10 (a) A fine of not less than ~~Twenty Five~~ One Hundred Thousand Dollars
11 (\$25,000~~100,000~~) or equal to the value of the article or articles introduced or
12 attempted to be introduced, whichever is greater and the confiscation of the cargo
13 involved; and

14 (b) The suspension of the business license(s) of all principals involved in the
15 violation of this section for one (1) year unless waived in writing by the director of
16 the Guam CQA based on a written analysis of the degree of culpability including,
17 but not limited to, negligence, gross negligence, or fraud; and

18 (c) The suspension of the business license(s) of all principals involved in the
19 violation of this Section for two (2) years if (2) two violations occurs in 10 years; or

20 (d) If more than two (2) violations of this Section occur within 10 years, the
21 business license(s) of all principals involved shall be permanently revoked.”

22 **Section 6.** Severability.

23 If any of the provisions of this Act or the application thereof to any person or
24 circumstance are held invalid, such invalidity shall not affect any other provision or
25 application of this Act, which can be given effect without the invalid provision or
26 application, and to this end the provisions of this Act are severable.