

***I MINA'TRENTAI OCHO NA LIHESLATURAN GUÁHAN***  
**Informational Briefing/Hearing/ Oversight Hearing / Roundtable Hearing**

| STANDING COMMITTEE /<br>SENATOR  | HEARING           | COMMITTEE REPORT   | HEARING DATE          | DATE<br>COMMITTEE<br>REPORT FILED | NOTES |
|--|-------------------|--|-----------------------|-----------------------------------|-------|
| Committee on Public Safety, Emergency Management, and Guam National Guard. | Oversight Hearing | Digital Committee Report on the Oversight Hearing on the Department of Corrections | 12/17/25<br>8:30 a.m. | 2/23/26                           |       |




OFFICE OF SENATOR  
**Eulogio Shawn Gumataotao**

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

February 18, 2026

**The Honorable Frank F. Blas, Jr.**  
Speaker  
*I Mina'trentai Ocho na Liheslaturan Guåhan*  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**VIA: The Honorable V. Anthony Ada**   
Chairperson, Committee on Rules

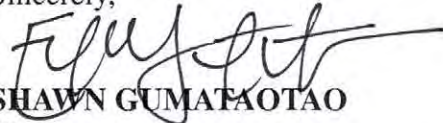
**RE: Committee Report on the Department of Corrections Oversight Hearing**

*Håfa Adai* Speaker Blas:

Transmitted herewith is the Committee Report relative to the Department of Corrections (DOC) Oversight Hearing which was conducted by the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) on December 17, 2025.

Please contact our office if you have any questions or wish to discuss this matter further.

Sincerely,

  
**SHAWN GUMATAOTAO**

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard



COMMITTEE ON RULES

**RECEIVED:**

February 18, 2026 4:59 p.m.

*Marie Crisostomo*



OFFICE OF SENATOR  
Eulogio Shawn Gumataotao

---

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

## **COMMITTEE REPORT**

Oversight Hearing of the Department of Corrections



Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

## First Notice of Oversight Hearing and Public Hearing - Wednesday, December 17, 2025, 8:30 a.m. and 2:00 p.m.

3 messages

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Tue, Dec 9, 2025 at 2:00 PM

To: phnotice@guamlegislature.gov

Bcc: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, "vicespeakertonyada@guamlegislature.gov"

<vicespeakertonyada@guamlegislature.gov>, "office.senatorbri@guamlegislature.gov"

<office.senatorbri@guamlegislature.gov>, "senator.duenas@guamlegislature.gov" <senator.duenas@guamlegislature.gov>,

Jesse Lujan <senator.lujan@guamlegislature.gov>, "officeofsenatorshellycalvo@guamlegislature.gov"

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<malafunkshun@guamlegislature.gov>, "senator.perez@guamlegislature.gov" <senator.perez@guamlegislature.gov>,

Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "senator.parkinson@guamlegislature.gov"

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December 9, 2025

### MEMORANDUM

To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**, Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

Subject: **First Notice of Oversight Hearing & Public Hearing Wednesday, December 17, 2025, 8:30 a.m.; 2:00 p.m.**

*Buenas yan Håfa adai!* Please be advised that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) will conduct an Oversight Hearing and a Public Hearing on **Wednesday, December 17, 2025**, in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.

The agenda includes the following discussion items:

#### **8:30 a.m. Oversight Hearing Department of Corrections (DOC) Facilities**

- Impact of DOC Facilities on Government of Guam-U.S. Marshals Service Agreement for the Management of Federal Prisoners
  - Agreement Status
  - Plan of Action Required to Address Facility Repairs
  - Comments and Recommendations from the Office of the Attorney General

- Guam Housing and Urban Renewal Authority & DOC Collaboration on the Repair of DOC Facilities
- DOC Facility Master Plan (New Prison) **Part I & Part II** - Updates from Supporting Agencies & DOC
  - Department of Land Management
  - Department of Public Works
  - Guam Economic Development Authority
  - Department of Corrections

### 2:00 p.m. Public Hearing

- **Bill No. 184-38 (COR), 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.**

The Committee will address Bill No. 184-38 (COR) with proposed Committee amendments, which were prepared based on feedback provided during the Bill's initial Public Hearing on October 14, 2025.

### Watch Live

The Oversight Hearing and Public Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *I Liheslaturan Guåhan's* live feed. A recording of the hearings will be available online via Guam Legislature Media on YouTube after the hearings.

### How to Participate

Participation in the Oversight Hearing will be limited to representatives from the Department of Corrections and those Government of Guam Departments which have been asked to provide information and respond to questions from Senators regarding DOC Facilities. Members of the public are welcome to attend the Oversight Hearing

If written testimonies are to be presented regarding Bill No. 184-38 (COR), testimonies may be submitted before December 16, 2025, and they should be addressed to Senator Shawn Gumataotao, Chairman of the Committee on Public Safety, Emergency Management, and Guam National Guard. Testimonies may be submitted via Senator Gumataotao's mailbox located at the Guam Congress Building in Hagåtña or via email to his office at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov). Please be informed that if you intend to include a PowerPoint presentation in your testimony for Bill No. 184-38 (COR), the file(s) should be submitted to Senator Gumataotao's office via email **at least 72 hours in advance** of the intended use.

### Special Accommodations


Individuals requiring special accommodations, auxiliary aids or services are asked to submit their request to Ms. Diana Topasna at the Office of Senator Shawn Gumataotao at (671) 647-1409/1411, 120 Father Duenas Avenue Capitol Plaza Building, Suite 103, *Hagåtña*, Guam 96910, or via email at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov).


*Si Yu'os Ma'åse'!*

--

Office of Senator Eulogio Shawn Gumataotao  
 Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard  
 38th Guam Legislature  
 120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910  
 (671) 647-1409/1411

 **12.9.25 First Notice of Oversight Hearing and Public Hearing.pdf**  
434K

 **Bill No. 184-38 (COR).pdf**  
1559K

 **Draft ESG AB184-38 (COR) 10.22.25.pdf**  
192K

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**Guam Legislature Clerks** <clerks@guamlegislature.gov>  
To: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>  
Cc: Rennae Meno <rennae.meno@guamlegislature.gov>

Tue, Dec 9, 2025 at 2:12 PM

*Håfa Adai,*

Received, and thank you.



***Elijah Untalan***  
**Clerks Office**

***I Mina'trentai Ocho na Liheślaturan Guåhan***

Guam Congress Building, 163 Chalan Santo Papa, *Hagåtña*, Guam 96910

Voice: (671) 472-3465/3460 Fax: (671) 472-3524

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Thank you

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**From:** Senator Shawn Gumataotao <[office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov)>

**Sent:** Tuesday, December 9, 2025 2:00 PM

**To:** [phnotice@guamlegislature.gov](mailto:phnotice@guamlegislature.gov) <[phnotice@guamlegislature.gov](mailto:phnotice@guamlegislature.gov)>

**Subject:** First Notice of Oversight Hearing and Public Hearing - Wednesday, December 17, 2025, 8:30 a.m. and 2:00 p.m.

[Quoted text hidden]

---

**Ed Pocaigue** <[sgtarms@guamlegislature.gov](mailto:sgtarms@guamlegislature.gov)>  
To: Senator Shawn Gumataotao <[office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov)>

Tue, Dec 9, 2025 at 2:45 PM

Hafa adai and posted on the calendar.

[Quoted text hidden]



**Edward S. Pocaigue, Jr.**  
Sergeant-at-Arms

*I Mina'trentai Ocho Na Liheslaturan Guåhan*  
Guam Congress Building, 1st Floor  
163 Chalan Santo Papa  
Hagåtña, Guam 96910



1-671-969-3514



[sgtarms@guamlegislature.gov](mailto:sgtarms@guamlegislature.gov)

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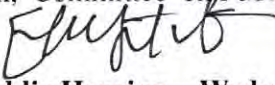
OFFICE OF SENATOR  
**Eulogio Shawn Gumataotao**

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 9, 2025

**MEMORANDUM**

To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**, Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard 

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- Impact of DOC Facilities on Government of Guam-U.S. Marshals Service Agreement for the Management of Federal Prisoners
  - Agreement Status
  - Plan of Action Required to Address Facility Repairs
  - Comments and Recommendations from the Office of the Attorney General
- Guam Housing and Urban Renewal Authority & DOC Collaboration on the Repair of DOC Facilities
- DOC Facility Master Plan (New Prison) [Part I](#) & [Part II](#) - Updates from Supporting Agencies & DOC
  - Department of Land Management
  - Department of Public Works
  - Guam Economic Development Authority
  - Department of Corrections

**2:00 p.m. Public Hearing**

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# First Notice of Oversight Hearing & Public Hearing

 PRINT

## First Notice of Oversight Hearing & Public Hearing

### PUBLIC HEARING

 **Posted on:** 12/09/2025 03:35 PM

 **Posted by:** Diana Topasna

 **Public Hearing Date:** 12/17/2025 08:30 AM

 **Department(s):**


**GUAM LEGISLATURE (/notices?department\_id=92)**


 **Division(s):**

OFFICE OF SENATOR SHAWN GUMATAOTAO (/notices?division\_id=294)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

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December 9, 2025

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To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**  
Chairman, Committee on Public Safety, Emergency  
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Guam Housing and Urban Renewal Authority & DOC Collaboration on the Repair of DOC Facilities

DOC Facility Master Plan (New Prison) **Part I** (<https://doc.guam.gov/wp-doc-content/uploads/2023/09/GUAM-DEPARTMENT-OF-CORRECTIONS-Facility-Master-Plan-pages-1-84.pdf>) & **Part II** (<https://doc.guam.gov/wp-doc-content/uploads/2023/09/Department-of-Corrections-Facility-Master-Plan-pages-85-167.pdf>) - Updates from Supporting Agencies & DOC

- Department of Land Management
- Department of Public WorksGuam Economic Development Authority
- Department of Corrections

**2:00 p.m. Public Hearing**

**Bill** \_\_\_\_\_ **No.** 184-38 **(COR)**  
([https://guamlegislature.gov/38th Guam Legislature/Bills Introduced 38th/Bill%20No.%20184-38%20\(COR\).pdf](https://guamlegislature.gov/38th%20Guam%20Legislature/Bills%20Introduced/38th/Bill%20No.%20184-38%20(COR).pdf)), *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.*

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Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

## Second Notice of Oversight Hearing and Public Hearing - Wednesday, December 17, 2025, 8:30 a.m. and 2:00 p.m.

5 messages

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Mon, Dec 15, 2025 at 8:00 AM

To: phnotice@guamlegislature.gov

Bcc: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, "vicespeakertonyada@guamlegislature.gov"

<vicespeakertonyada@guamlegislature.gov>, "office.senatorbri@guamlegislature.gov"

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Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "senator.parkinson@guamlegislature.gov"

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tritonscalluog@gmail.com, nestor@postguam.com, Jenna Blas <jenna.g.blas@ghs.guam.gov>

December 15, 2025

### MEMORANDUM

To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**, Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

Subject: **Second Notice of Oversight Hearing & Public Hearing – Wednesday, December 17, 2025, 8:30 a.m.; 2:00 p.m.**

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*Si Yu'os Ma'åse'!*

--

Office of Senator Eulogio Shawn Gumataotao  
 Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard  
 38th Guam Legislature  
 120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910  
 (671) 647-1409/1411

 **12.15.25 Second Notice of Oversight Hearing and Public Hearing\_signed.pdf**  
431K

 **Bill No. 184-38 (COR).pdf**  
1580K

 **Draft ESG AB184-38 (COR) 10.22.25.pdf**  
192K

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**Ed Pocaigue** <sgtarms@guamlegislature.gov>  
To: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Mon, Dec 15, 2025 at 8:03 AM

Hafa Adai,

Calendar updated.


[Quoted text hidden]


--



**Edward S. Pocaigue, Jr.**  
Sergeant-at-Arms

*I Mina'trentai Ocho Na Liheslaturan Guåhan*  
Guam Congress Building, 1st Floor  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

 1-671-969-3514

 sgtarms@guamlegislature.gov

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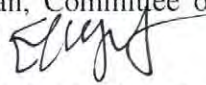
OFFICE OF SENATOR  
**Eulogio Shawn Gumataotao**

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 15, 2025

**MEMORANDUM**

To: **All Senators, Stakeholders, Media**

From: **Senator Shawn Gumataotao**, Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard 

Subject: **Second Notice of Oversight Hearing & Public Hearing – Wednesday, December 17, 2025, 8:30 a.m.; 2:00 p.m.**

*Buenas yan Håfa adai!* Please be advised that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) will conduct an Oversight Hearing and a Public Hearing on **Wednesday, December 17, 2025**, in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.

The agenda includes the following discussion items:

**8:30 a.m. Oversight Hearing - Department of Corrections (DOC) Facilities**

- Impact of DOC Facilities on Government of Guam-U.S. Marshals Service Agreement for the Management of Federal Prisoners
  - Agreement Status
  - Plan of Action Required to Address Facility Repairs
  - Comments and Recommendations from the Office of the Attorney General
- Guam Housing and Urban Renewal Authority & DOC Collaboration on the Repair of DOC Facilities
- DOC Facility Master Plan (New Prison) Part I & Part II - Updates from Supporting Agencies & DOC
  - Department of Land Management
  - Department of Public Works
  - Guam Economic Development Authority
  - Department of Corrections

**2:00 p.m. Public Hearing**

**Bill No. 184-38 (COR), 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.**

The Committee will address Bill No. 184-38 (COR) with proposed Committee amendments, which were prepared based on feedback provided during the Bill's initial Public Hearing on October 14, 2025.

### **Watch Live**

The Oversight Hearing and Public Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *I Liheslaturan Guåhan's* live feed. A recording of the hearings will be available online via Guam Legislature Media on YouTube after the hearings.

### **How to Participate**

Participation in the Oversight Hearing will be limited to representatives from the Department of Corrections and those Government of Guam Departments which have been asked to provide information and respond to questions from Senators regarding DOC Facilities. Members of the public are welcome to attend the Oversight Hearing

If written testimonies are to be presented regarding Bill No. 184-38 (COR), testimonies may be submitted before December 16, 2025, and they should be addressed to Senator Shawn Gumataotao, Chairman of the Committee on Public Safety, Emergency Management, and Guam National Guard. Testimonies may be submitted via Senator Gumataotao's mailbox located at the Guam Congress Building in Hagåtña or via email to his office at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov). Please be informed that if you intend to include a PowerPoint presentation in your testimony for Bill No. 184-38 (COR), the file(s) should be submitted to Senator Gumataotao's office via email **at least 72 hours in advance** of the intended use.

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# Second Notice of Oversight Hearing & Public Hearing

 PRINT

## Second Notice of Oversight Hearing & Public Hearing

### PUBLIC HEARING

 **Posted on:** 12/15/2025 08:00 AM

 **Posted by:** Diana Topasna


 **Public Hearing Date:** 12/17/2025 08:30 AM


 **Department(s):**


**GUAM LEGISLATURE (/notices?department\_id=92)**


 **Division(s):**

OFFICE OF SENATOR SHAWN GUMATAOTAO (/notices?division\_id=294)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type\_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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(<https://notices.guam.gov/app/webroot/userfiles/files/Draft%20ESG%20AB184-38%20%28COR%29%2010.22.25.pdf>).

December 15, 2025

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**To:** All Senators, Stakeholders, Media

**From:** Senator Shawn Gumataotao

Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

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Facilities**

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Guam Housing and Urban Renewal Authority & DOC Collaboration on the Repair of DOC Facilities

DOC Facility Master Plan (New Prison) **Part I** (<https://doc.guam.gov/wp-doc-content/uploads/2023/09/GUAM-DEPARTMENT-OF-CORRECTIONS-Facility-Master-Plan-pages-1-84.pdf>) & **Part II** (<https://doc.guam.gov/wp-doc-content/uploads/2023/09/Department-of-Corrections-Facility-Master-Plan-pages-85-167.pdf>) - Updates from Supporting Agencies & DOC

- Department of Land Management
- Department of Public Works
- Guam Economic Development Authority
- Department of Corrections

**2:00 p.m. Public Hearing**

**Bill**                      **No.**                      **184-38**                      **(COR)**  
([https://guamlegislature.gov/38th Guam Legislature/Bills Introduced 38th/Bill%20No.%20184-38%20\(COR\).pdf](https://guamlegislature.gov/38th%20Guam%20Legislature/Bills%20Introduced%2038th/Bill%20No.%20184-38%20(COR).pdf)), *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.*

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OFFICE OF SENATOR SHAWN GUMATAOTAO  
38<sup>TH</sup> GUAM LEGISLATURE  
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# The Guam Legislature

*I Liheslaturan Guåhan*

Hagåtña, Guam

Committee on Public Safety, Emergency Management, and Guam National Guard  
Oversight Hearing and Public Hearing • Wednesday, December 17, 2025 • 8:30 a.m.; 2:00 p.m. •  
Guam Congress Building, Public Hearing Room

## Agenda

- I. Call to Order
- II. **8:30 a.m. Oversight Hearing - Department of Corrections (DOC) Facilities**  
Impact of DOC Facilities on Government of Guam-U.S. Marshals Service Agreement for the Management of Federal Prisoners
  - a. Agreement Status
  - b. Plan of Action Required to Address Facility Repairs
  - c. Comments and Recommendations from the Office of the Attorney General
- III. Guam Housing and Urban Renewal Authority & DOC Collaboration on the Repair of DOC Facilities
- IV. DOC Facility Master Plan (New Prison) - Updates from Supporting Agencies and DOC
  - a. Department of Land Management
  - b. Department of Public Works
  - c. Guam Economic Development Authority
  - d. Department of Corrections
- V. **2:00 p.m. Public Hearing: Bill No. 184-38 (COR), 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.**

The Committee will address Bill No. 184-38 (COR) with proposed Committee amendments, which were prepared based on feedback provided during the Bill's initial Public Hearing on October 14, 2025.

- VI. Adjournment



Office of Senator

SENATOR EULOGIO SHAWN GUMATAOTAO

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

I Mina'trentai Ocho na Liheslaturan Guåhan • 38th Guam Legislature

OVERSIGHT HEARING

Department of Corrections (DOC) Facilities

Wednesday, December 17, 2025, at 8:30 a.m.  
Public Hearing Room, Guam Congress Building

SIGN-IN SHEET

|   | NAME                 | AGENCY OR ORGANIZATION (IF ANY) | Please indicate with ✓ |      | Contact Number | Email Address                  |
|---|----------------------|---------------------------------|------------------------|------|----------------|--------------------------------|
|   |                      |                                 | Written                | Oral |                |                                |
| 1 | Enl E Borede =       | Doc                             | ✓                      | ✓    | [REDACTED]     | [REDACTED]                     |
| 2 | Douglas Maylan       | AG's Office                     |                        | ✓    | 475 - 3324     | dbmaylan@agssum.gu             |
| 3 | Austin Fortino       | AG's Office                     |                        |      | 475 - 3324     | aafortino@agssum.gu            |
| 4 | Victoria P. Luwan    | Delcor                          |                        |      | [REDACTED]     | [REDACTED]                     |
| 5 | Antone Aguan         | DOC                             |                        |      | [REDACTED]     | antone.aguan@doc.guam.gov      |
| 6 | Sonny Perez          | GHURA                           |                        |      | [REDACTED]     | sperez@ghura.org               |
| 7 | Margherita C. Lizama | DOC                             |                        |      | [REDACTED]     | margherita.lizama@doc.guam.gov |



Office of Senator

SENATOR EULOGIO SHAWN GUMATAOTAO

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

I Mina'trentai Ocho na Liheslaturan Guåhan • 38th Guam Legislature

### OVERSIGHT HEARING

Department of Corrections (DOC) Facilities

Wednesday, December 17, 2025, at 8:30 a.m.

Public Hearing Room, Guam Congress Building

SIGN-IN SHEET

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|---|-------------------|---------------------------------|------------------------|------|----------------|-------------------------|
|   |                   |                                 | Written                | Oral |                |                         |
| 1 | Elizabeth Napoli  | Gitura                          |                        | ✓    | 472-1442       | efnapoli@gkhrk.org      |
| 2 | Donnet P. Amole   | DPW                             |                        | ✓    | [REDACTED]     |                         |
| 3 | Shahm Nedy        | DOL                             |                        |      | [REDACTED]     | Shahm.Nedy@doc.gu       |
| 4 | Therese Tawana    | DOC                             |                        |      | [REDACTED]     |                         |
| 5 | Tina Garcia       | GEDA                            |                        | ✓    | 647-4332       | tina.garcia@invest.gu   |
| 6 | Angelene Rius     | GEDA                            |                        |      | "              | angelene.rius@invest.gu |
| 7 | Jean Stan Wickler | GEDA                            |                        |      | 647-4338       | JStanwickler@invest.gu  |



LOURDES A. LEON GUERRERO  
Governor

JOSHUA F. TENORIO  
Lieutenant Governor

In reply, refer to:  
DOC2026-12-022

---

**Department of Corrections**  
*Depattamenton Mangngurihi*  
Government of Guam

---

P.O. Box 3236 Hagatna, Guam 96932  
#1 Mashburn Lane Dairy Road, Mangilao, Guam 96913  
Telephone No.: (671)735-5170/5176  
Fax No.: (671)734-4051  
Website: [www.doc.guam.gov](http://www.doc.guam.gov)



FRED E. BORDALLO JR.  
Director

**December 17, 2025**

**MEMORANDUM**

**To:** The Honorable Senator Eulogio Shawn Gumataotao, Chairperson  
Committee on Public Safety, Emergency Management and Guam National Guard  
38<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagatna, Guam 96910

**From:** Fred E. Bordallo Jr, Director  
Department of Corrections  
#1 Mashburn Lane Dairy Road  
Mangilao, Guam 96913

**Subject:** Testimony for Oversight Hearing Department of Corrections (DOC) Facilities

Buenas yan Hafa Adai! Honorable Senator Eulogio Shawn Gumataotao, and members present with the 38<sup>th</sup> Guam Legislature. I am providing testimony for this oversight hearing on Department of Corrections (DOC) Facilities. I received the notice and issues or topics for discussion that involves the challenges of maintaining facilities at Hagatna, and Mangilao and for an update of the actions we are taking to mitigate the challenges. Besides the facilities at Mangilao and Hagatna being old and vulnerable for major security breaches especially with a high increase of the pretrial inmate population, and convicted inmate population, to have effective countermeasures against these threats and vulnerabilities we need an increase of our security force for deterrence and response efforts. I'm confident with the support from the Governor and Lt Governor of Guam and the 38<sup>th</sup> Guam Legislature's collaboration and support we can achieve success of having not only a sufficient level of security personnel, but also completion of the necessary actions toward the construction of a new prison at Mangilao and after a new Detention Facility.

We have an agreement with the U.S. Marshals Service and they depend on the Department of Corrections to have the confinement space that is secured, and adequate with the amenities for the temporary confinement of their federal detainees too include the prisoners held by Immigration

Custom and Enforcement (ICE). We provide a billing for the detention space. That agreement has not been rescinded with the recent HVAC system defects we encountered at the federal detention side at Hagatna. For operational security purposes I am not at liberty to divulge the locations of the federal detainees. There are several ICE detainees that are continued to be housed at the federal detention side, Hagatna. The Governor's Chief of Staff had visited the detention at Hagatna and has been helpful with the resources being galvanized to mitigate the infrastructure challenges in Hagatna facilities.

We have updated our MOU with GHURA, that specifically focuses on their assistance with the HVAC systems Hagatna. DPW will be providing assistance in the challenges at the facility related to electrical and water systems.

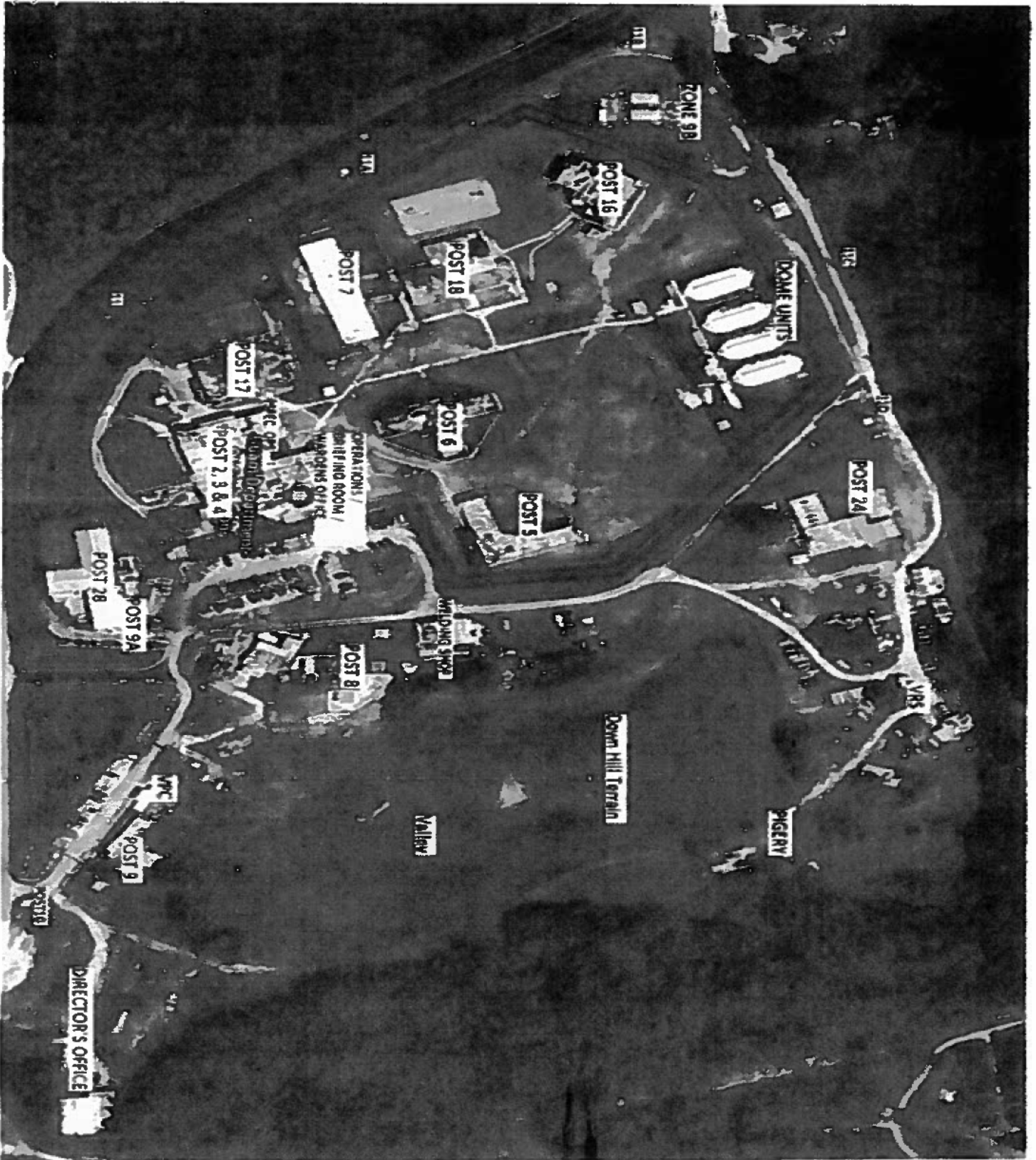
Both these two agencies with others have attended our new prison planning task force, that includes Department of Administration, BBMR, BSP, DPW, GEDA, GHLCD, Military Affairs and Guam National Guard. With the Governor and Lt. Governor's support we have met for discussions about the previous facility master plan and what change and designs can be done that reduces financial cost yet achieves the goal of increase confinement space at Mangilao. According to DPW leadership the scope of work for the new northside prison facility has been sent to the Guam Office of the Attorney General. I am ready for any of the committee members questions.

Si Yu'us Ma'ase!




**Fred E. Bordallo Jr.**

Cc: Governor of Guam  
Lt. Governor of Guam  
Chief of Staff  
Deputy Chief of Staff

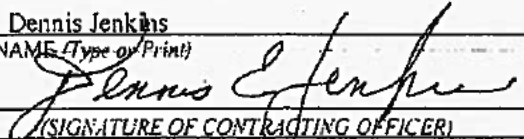


|  |                               |  |                                |  |  |
|--|-------------------------------|--|--------------------------------|--|--|
| 1. AGREEMENT NUMBER<br>93-99-0121  | 2. EFFECTIVE DATE<br>10/01/02 | 3. REQUEST FOR DETENTION SERVICES (RDS) NO.  |                                |  |  |
| 4. ISSUING OFFICE<br><br>UNITED STATES MARSHALS SERVICE<br>PRISONER SERVICES DIVISION<br>WASHINGTON, DC 20530-1000 |                               | 5. LOCAL GOVERNMENT<br><br>NAME AND ADDRESS<br>Government of Guam<br>Department of Corrections<br>P.O. Box 3236<br>Agana, Guam 96910 | FACILITY CODE(S)<br>9NX<br>9WL |  |  |
| 6. APPROPRIATION DATA<br>15X1020   |                               | Contact Person: Angle A. R. Sabian, Director<br>Area Code & Telephone No. ▶ (671) 734-3982   |                                |  |  |

| 7. ITEM NO. | 8. SUPPLIES/SERVICES   | 9. QUANTITY                  | 10. UNIT | 11. UNIT PRICE      | 12. AMOUNT               |
|-------------|--|------------------------------|----------|---------------------|--------------------------|
|             | This agreement is for the housing, safekeeping, and subsistence of federal prisoners, in accordance with the contents set forth herein.  | ESTIMATED USMS PRISONER DAYS |          | FIXED PER DIEM RATE | ESTIMATED ANNUAL PAYMENT |
|             |  | 27,375                       | PDs      | \$75.00             | \$1,753,125.00           |
|             | Guard/Transportation service shall also be provided under this agreement in accordance with the quantities and hourly rate cited herein. | ESTIMATED GUARD HRS          |          |                     |                          |
|             |  | 1,000                        | Ghs      | \$18.75             | \$ 18,750.00             |

|   |   |
|---|---|
| 13. AGENCY CERTIFYING<br><br><i>To the best of my knowledge and belief, data submitted in support of this agreement is true and correct, the document has been duly authorized by the governing body of the Department or Agency and the Department or Agency will comply with ALL PROVISIONS SET FORTH HEREIN.</i> | 14. NAME AND TITLE OF LOCAL GOVERNMENT AUTHORIZED TO SIGN AGREEMENT<br><br><br>_____<br>SIGNATURE<br>10-16-02<br>_____<br>DATE<br>Ted R. Lewis<br>NAME (Type or Print)<br>Acting Director<br>TITLE |
|---|---|

|   |   |   |
|---|---|---|
| 15. PRISONER TYPE TO BE INCLUDED<br>UNSENTENCED<br><input checked="" type="checkbox"/> Adult Male<br><input checked="" type="checkbox"/> Adult Female<br><input type="checkbox"/> Juvenile<br><input checked="" type="checkbox"/> INS | SENTENCED<br><input checked="" type="checkbox"/> Adult Male<br><input checked="" type="checkbox"/> Adult Female<br><input type="checkbox"/> Juvenile<br><input checked="" type="checkbox"/> BOP | 16. LEVEL OF USE<br><input type="checkbox"/> Minimum (0-249)<br><input type="checkbox"/> Medium (250-999)<br><input checked="" type="checkbox"/> Major (1000 +) |
|---|---|---|

|   |               |
|---|---------------|
| 17. NAME OF AUTHORIZING OFFICIAL<br><br>Dennis Jenkins<br>NAME (Type or Print)<br><br>(SIGNATURE OF CONTRACTING OFFICER) | DATE: 10/1/02 |
|---|---------------|

Intergovernmental Service Agreement Schedule

IGA No. 93-99-0121

Page No. 2 of 10

ARTICLE I - PURPOSE AND SECURITY PROVIDED

The purpose of this Intergovernmental Service Agreement (IGA) is to establish a formal binding relationship between the United States Marshals Service (USMS) and other federal user agencies (the Federal Government) and The Government of Guam (the Local Government) for the detention of persons charged with or convicted of violations of federal law or held as material witnesses (federal prisoners) at the Guam Department of Corrections (the facility).

The Local Government agrees to accept and provide for the secure custody, care and safekeeping of federal prisoners in accordance with state and local law, standards, policies, procedures, or court orders applicable to the operations of the facility. The USMS considers all federal prisoners medium/maximum security-type prisoners that are housed within the confines of the facility, at a level appropriate for prisoners considered a risk of flight, a danger to the community, or wanted by other jurisdictions.

ARTICLE II - ASSIGNMENT AND CONTRACTING OF CATEGORICAL PROJECTED-SUPPORTED EFFORT

1. Neither this agreement nor any interest therein may be assigned or transferred to any other party without prior written approval by the USMS.
2. None of the principal activities of the project-supported effort shall be contracted out to another organization without prior approval by the USMS. Where the intention to award contracts is made known at the time of application, the approval may be considered granted if these activities are funded as proposed.
3. All contracts or assignments must be formalized in a written contract or other written agreement between the parties involved.
4. The contract or agreement must, at a minimum, state the activities to be performed, the time schedule, the project policies, and the flow-through requirements that are applicable to the contractor or other recipient, other policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be used in determining allowable costs. The contract or other written agreement must not affect the recipient's overall responsibility for the duration of the project and accountability to the government.

ARTICLE III - MEDICAL SERVICES

1. The Local Government agrees to provide federal prisoners with the same level of medical care and services provided to local prisoners, including the transportation and security for prisoners requiring removal from the facility for emergency medical services. All costs associated with hospital or health care services provided outside the facility will be paid directly by the Federal Government. In the event the Local Government has a contract with a medical facility/physician or receives discounted rates, the federal prisoners shall be charged the same rate as local prisoners.

|  |                    |                  |
|--|--------------------|------------------|
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2. The Local Government agrees to notify the United States Marshal (USM) as soon as possible of all emergency medical cases requiring removal of a prisoner from the facility and to obtain prior authorization for removal for all other medical services required.
3. When a federal prisoner is being transferred via the USMS airlift, he/she will be provided with three (3) to seven (7) days of prescription medication which will be dispensed from the detention facility. When possible, generic medications should be prescribed.
4. Medical records must travel with the federal prisoner. If the records are maintained at a medical contractor's facility, it is the detention facility's responsibility to obtain them before a federal prisoner is moved.
5. Federal prisoners will not be charged and are not required to pay their own medical expenses. These expenses will be paid by the Federal Government.
6. The Local Government agrees to notify the USM as soon as possible when a federal prisoner is involved in an escape, attempted escape, or conspiracy to escape from the facility.

#### ARTICLE IV - RECEIVING AND DISCHARGE

1. The Local Government agrees to accept as federal prisoners those persons committed by federal law enforcement officers for violations of federal laws only upon presentation by the officer of proper law enforcement credentials.
2. The Local Government agrees to release federal prisoners only to law enforcement officers of agencies initially committing the prisoner (i.e., DEA, INS, etc.) or to a Deputy USM. Those prisoners who are remanded to custody by a USM may only be released to a USM or an agent specified by the USM of the Judicial District.
3. The Federal Government agrees to maintain federal prisoner population levels at or below the level established by the facility administrator.
4. Federal prisoners may not be released from the facility or placed in the custody of state or local officials for any reason except for medical emergency situations. Federal prisoners sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement of Detainers and then only with the concurrence of the District USM.

#### ARTICLE V - PERIOD OF PERFORMANCE

This agreement shall be in effect indefinitely until terminated in writing by either party. Should conditions of an unusual nature occur making it impractical or undesirable to continue to house prisoners, the Local Government may suspend or restrict the use of the facility by giving written notice to the USM. Such notice will be provided thirty (30) days in advance of the effective date of formal termination and at least two (2) weeks in advance of a suspension or restriction of use unless an emergency situation requires the immediate relocation of prisoners.

ARTICLE VI - PER DIEM RATE AND ECONOMIC PRICE ADJUSTMENT

1. Per diem rates shall be established on the basis of actual and allowable costs associated with the operation of the facility during a recent annual accounting period.
2. The Federal Government shall reimburse the Local Government at the per diem rate identified on page one (1) of this agreement. The fixed per diem rate of \$75.00 will be in effect for five (5) years, expiring on September 30, 2007.
3. The rate covers one (1) person per "prisoner day." The Federal Government may not be billed for two (2) days when a prisoner is admitted one evening and removed the following morning. The Local Government may bill for the day of arrival, but not for the day of departure.
4. When a rate increase is desired, the Local Government shall submit a written request to the USM at least sixty (60) days prior to the desired effective date of the rate adjustment. All such requests must contain a completed Cost Sheet for Detention Services (USM-243) which can be obtained from the USM. The Local Government agrees to provide additional cost information to support the requested rate increase and to permit an audit of accounting records upon request of the USMS.
5. Criteria used to evaluate the increase or decrease in the per diem rate shall be those specified in the Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments.
6. The effective date of the rate modification will be negotiated and specified on the IGA Modification form approved and signed by a USMS Contract Specialist. The effective date will be established on the first day of the month for accounting purposes. Payments at the modified rate will be paid upon the return of the signed modification by the authorized Local Government official to the USM.

ARTICLE VII - BILLING AND FINANCIAL PROVISIONS

1. The Local Government shall prepare and submit original and separate invoices each month to the federal agencies listed below for certification and payment.

U.S. Marshals Service  
District of Guam  
238 Archbishop Flores Street  
Pacific News Bldg., Suite 507  
Agana, GU 96910

((671) 472-7222

U.S. Bureau Of Prisons  
Community Corrections Office  
450 Golden Gate Avenue  
Room 145458  
San Francisco, CA 94102

(415) 436-7990

Immigration and Naturalization  
Western Regional Office  
Regional Commissioner  
Terminal Island  
San Pedro, CA 90731

(213) 795-6523

2. To constitute a proper monthly invoice, the name and address of the facility, the name of each federal prisoner, their specific dates of confinement, the total days to be reimbursed, the appropriate per diem rate as approved in the IGA, and the total amount billed (total days multiplied by the rate per day) shall be listed. The name, title, complete address, and phone number of the local official responsible for invoice preparation should also be listed on the invoice.

3. The Prompt Payment Act, Public Law 97-177 (96 stat. 85, 31 USC 1801), is applicable to payments under this agreement and requires the payment to the Local Government of interest on overdue payments. Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and 5 CFR, Part 1315.

4. Payment under this agreement will be due on the thirtieth (30<sup>th</sup>) calendar day after receipt of a proper invoice, in the office designated to receive the invoice. If the due date falls on a non-working day (e.g., Saturday, federal holiday), then the due date will be the next working day. The date of the check issued in payment shall be considered to be the date payment is made.

**NOTE: RATES NOT SPECIFIED IN THE AGREEMENT WILL NOT BE AUTHORIZED FOR PAYMENT.**

ARTICLE VIII - SUPERVISION AND MONITORING RESPONSIBILITY

All recipients receiving direct awards from the USMS are responsible for the management and fiscal control of all funds. Responsibilities include the accounting of receipts and expenditures, cash management, the maintaining of adequate financial records, and the refunding of expenditures disallowed by audits.

ARTICLE IX - ACCOUNTING SYSTEMS AND FINANCIAL RECORDS

1. The recipient shall be required to establish and maintain accounting systems and financial records that accurately account for the funds awarded. These records shall include both federal funds and all matching funds of state, local, and private organizations. State and local recipients shall expend and account for funds in accordance with state laws and procedures for expending and accounting for its own funds, as well as meet the financial management standards in 28 Code of Federal Regulations (CFR), Part 66, and current revisions of OMB Circular A-87.

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2. Recipients are responsible for complying with OMB Circular A-87 and 28 CFR, Part 66, and the allowability of the costs covered therein (submission of Form USM-243). To avoid possible subsequent disallowance or dispute based on unreasonableness or unallowability under the specific cost principles, recipients must obtain prior approval on the treatment of special or unusual costs.

3. Changes in IGA facilities: The USMS shall be notified by the recipient of any significant change in the facility, including significant variations in inmates populations, which causes a significant change in the level of services under this IGA. The notification shall be supported with sufficient cost data to permit the USMS to equitably adjust the per diem rates included in the IGA. Depending on the size of the facility for purposes of assessing changes in the population, a 10% increase or decrease in the prison population shall be a "significant increase or decrease" for purposes of this subsection.

#### ARTICLE X - MAINTENANCE AND RETENTION OF RECORDS AND ACCESS TO RECORDS

1. In accordance with 28 CFR, Part 66, all financial records, supporting documents, statistical records, and other records pertinent to contracts or sub-awards awarded under this IGA shall be retained by each organization participating in the program for at least three (3) years for purposes of federal examination and audit.

2. The 3-year retention period set forth in paragraph one (1) above, begins at the end of the first year of completion of service under the IGA. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular 3-year period, whichever is later.

3. Access to Records: The USMS and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of recipients or its sub-recipients/contractors, which are pertinent to the award, in order to make audits, examinations, excerpt, and transcripts. The rights of access must not be limited to the required retention period, but shall last as long as the records are retained.

4. Delinquent Debt Collection: The USMS will hold recipient accountable for any overpayment, audit disallowance, or any breach of this agreement that results in a debt owed to the Federal Government. The USMS may apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards.

#### ARTICLE XI - GOVERNMENT FURNISHED PROPERTY

1. It is the intention of the USMS to furnish excess federal property to local governments for the specific purpose of improving jail conditions and services. Accountable excess property, such as furniture and equipment, remains titled to the USMS and shall be returned to the custody of the USMS upon termination of the agreement.

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2. The Local Government agrees to inventory, maintain, repair, assume liability for, and manage all federally provided accountable property as well as controlled excess property. Such property cannot be removed from the jail without the prior written approval of USMS Headquarters. The loss or destruction of any such excess property shall be immediately reported to the USM and USMS Headquarters. Accountable and controlled excess property includes any property with a unit acquisition value of \$1,000 or more, all furniture, as well as equipment used for security and control, communication, photography, food service, medical care, inmate recreation, etc.
3. The suspension of use or restriction of bedspace made available to the USMS are agreed to be grounds for the recall and return of any or all government furnished property.
4. The dollar value of property provided each year will not exceed the annual dollar payment made by the USMS for prisoner support unless a specific exemption is granted by the Chief, Prisoner Services Division, USMS Headquarters.
5. It is understood and agreed that the Local Government shall fully defend, indemnify, and hold harmless the United States of America, its officers, employees, agents, and servants, individually and officially, for any and all liability caused by any act of any member of the Local Government or anyone else arising out of the use, operation, or handling of any property (to include any vehicle, equipment, and supplies) furnished to the Local Government in which legal ownership is retained by the United States of America, and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees related thereto. The Local Government will be solely responsible for all maintenance, storage, and other expenses related to the care and responsibility for all property furnished to the Local Government.

#### ARTICLE XII - MODIFICATIONS/DISPUTES

1. Either party may initiate a request for modification to this agreement in writing. All modifications negotiated will be written and approved by a USMS Contracting Officer and submitted to the Local Government on form USM 241a for approval.
2. Disputes, questions, or concerns pertaining to this agreement will be resolved between the USM and the appropriate Local Government official. Space guarantee questions along with any other unresolved issues are to be directed to the Chief, Prisoner Services Division.

#### ARTICLE XIII - INSPECTION

The Local Government agrees to allow periodic inspections of the facility by USMS Inspectors. Findings of the inspection will be shared with the facility administrator in order to promote improvements to facility operations, conditions of confinement, and levels of services. The mandatory minimum conditions of confinement which are to be met during the entire period of the IGA agreement are:

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1. Adequate, trained jail staff will be provided 24 hour a day to supervise prisoners. Prisoners will be counted at least once on every shift, but at least twice in every 24-hour period. One of the counts must be visual to validate prisoner occupancy.
2. Jail staffing will provide full coverage of all security posts and full surveillance of inmates.
3. Jail will provide for three meals per day for prisoners. The meals must meet the nationally recommended dietary allowances published by the National Academy of Sciences.
4. Jail will provide 24-hour emergency medical care for prisoners.
5. Jail will maintain an automatic smoke and fire detection and alarm system, and maintain written policies and procedures regarding fire and other safety emergency standards.
6. Jail will maintain a water supply and waste disposal program that is certified to be in compliance with applicable laws and regulations.

#### ARTICLE XIV - CONFLICT OF INTEREST

Personnel and other officials connected with the agreement shall adhere to the requirements given below:

1. Advice. No official or employee of the recipient, a sub-recipient, or a contractor shall participate personally through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Department of Justice funds are used, where to his/her knowledge, he/she or his/her immediate family, partner, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest, or less than an arms-length transaction.
2. Appearance. In the use of Department of Justice project funds, officials or employees of the recipient, a sub-recipient or a contractor, shall avoid any action which might result in, or create the appearance of:
  - a. Using his or her official position for private gain;
  - b. Giving preferential treatment to any person;
  - c. Losing complete independence or impartiality;
  - d. Making an official decision outside official channels;or
  - c. Affecting adversely the confidence of the public in the integrity of the government or the program.

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ARTICLE XV - GUARD/TRANSPORTATION SERVICES TO MEDICAL FACILITY

1. The Local Government agrees, upon request of the Federal Government in whose custody a prisoner is held, to provide:
  - a. Transportation and escort guard services for federal prisoners housed at their facility to and from a medical facility for outpatient care, and
  - b. Transportation and stationary guard services for federal prisoners admitted to a medical facility.
2. Such services will be performed by qualified law enforcement or correctional officer personnel employed by the Local Government under their policies, procedures, and practices. The Local Government agrees to augment such practices as may be requested by the USM to enhance specific requirement for security, prisoner monitoring, visitation, and contraband control.
3. The Local Government will continue to be liable for the actions of its employees while they are transporting federal prisoners on behalf of the USMS. Further, the Local Government will also continue to provide workers' compensation to its employees while they are providing this service. It is further agreed that the local jail employees will continue to act on behalf of the Local Government in providing transportation to federal prisoners on behalf of the USMS.
4. Furthermore, the Local Government agrees to hold harmless and indemnify the USMS and its officials in their official and individual capacities from any liability, including third-party liability or workers' compensation, arising from the conduct of the local jail employees during the course of transporting federal prisoners on behalf of the USMS.
5. The Federal Government agrees to reimburse the Local Government at the rate stipulated on page one (1) of this agreement. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

ARTICLE XVI - GUARD/TRANSPORTATION SERVICES TO U.S. COURTHOUSE

1. The Local Government agrees upon request of the USM in whose custody a prisoner is held, to provide transportation and escort guard services for federal prisoners housed at their facility to and from the U.S. Courthouse. The Local Government agrees to the following:
  - a. Transportation and escort guard services will be performed by [REDACTED] qualified officers employed by the Local Government under their policies, procedures, and practices, and will augment such practices as may be requested by the USM to enhance specific requirements for security, prisoner monitoring, and contraband control;
  - b. Upon arrival at the courthouse, transportation and escort guard will turn federal prisoners over to Deputy U.S. Marshals only upon presentation by the deputy of proper law enforcement credentials;

b2

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- c. The Local Government will not transport federal prisoners to any U.S. Courthouse without a specific request from the USM who will provide the prisoner's name, the U.S. Courthouse, and the date the prisoner is to be transported.
2. Each prisoner will be restrained in handcuffs, waist chains, and leg irons during transportation.
3. Such services will be performed by qualified law enforcement or correctional officer personnel employed by the Local Government under their policies, procedures, and practices. The Local Government agrees to augment such practices as may be requested by the USM to enhance specific requirements for security, prisoner monitoring, visitation, and contraband control.
4. The Local Government will continue to be liable for the actions of its employees while they are transporting federal prisoners on behalf of the USMS. Further, the Local Government will also continue to provide workers' compensation to its employees while they are providing this service. It is further agreed that the local jail employees will continue to act on behalf of the Local Government in providing transportation to federal prisoners on behalf of the USMS.
5. Furthermore, the Local Government agrees to hold harmless and indemnify the USMS and its officials in their official and individual capacities from any liability, including third-party liability workers' compensation, arising from the conduct of the local jail employees during the course of transporting federal prisoners on behalf of the USMS.
6. The Federal Government agrees to reimburse the Local Government at the rate specified on page one (1) of this agreement. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

## Legislative Delivery-Oral Testimony

The Guam Housing and Urban Renewal Authority's involvement with the Department of Corrections is limited to providing professional engineering and technical support when formally requested and authorized. GHURA was initially engaged under an agreement, a Memorandum of Agreement (MOA), related to HVAC repairs at the Mangilao Dome facilities, which was later discontinued by DEPCOR without prior notice to our agency. We subsequently learned that DEPCOR redirected its priorities to address urgent HVAC needs at the Hagåtña Detention Facility and Federal Detention. In response, GHURA requested a new agreement to clearly define the revised scope and protect both agencies. The revised MOA now under review reflects GHURA's role strictly as a technical advisor and not as a procuring, construction, or managing agency.

Under the proposed MOA, GHURA's responsibility is limited to providing access to a facilities management engineer to prepare and review Heating, Ventilation, Air Conditioning (HVAC) specifications, offer technical recommendations, and assist during the procurement process. The Department of Corrections retains full responsibility for procurement, contracting, construction, and project funding. Compensation to GHURA is offered at \$7,000 and reflects reimbursement to continue professional and technical services. The GHURA Architectural and Engineering staff conducted a preliminary inspection of the Hagatna Detention Facility to determine the span of the work scope. The work scope is now specific to HVAC replacement at the Hagåtña Detention Facility and Federal Detention and is supported by funding appropriated under Public Law 37-125. GHURA's continued assistance is contingent upon formal execution of the MOA and compliance with federal funding accountability requirements.

## B. One-Page Executive Summary (For Legislative Packet)

### Purpose of GHURA Involvement

GHURA is providing limited technical engineering assistance to DEPCOR related to HVAC replacement projects at the Hagåtña Detention Facility and Federal Detention. The assistance is advisory only and does not include procurement, construction management, or contracting authority.

### Why a New MOU Was Required

- The original agreement addressed HVAC work at the Mangilao dome facilities.
- That scope was discontinued by DEPCOR without prior notice to GHURA.
- DEPCOR later prioritized HVAC repairs at detention facilities, requiring a revised agreement.
- GHURA requested a new MOU to clearly define scope, roles, and funding accountability.

### Key MOU Highlights

- **Scope:** HVAC system replacement support (specification review and technical guidance only)
- **GHURA Role:** Engineering review, technical recommendations, and IFB support
- **DEPCOR Role:** Procurement, contracting, construction, and funding
- **Compensation:** Not to exceed \$7,000
- **Funding Source:** Public Law 37-125
- **Termination:** Upon project completion or 30-day written notice

### Accountability

GHURA assistance is contingent on formal MOA execution and continuation for services at a different facility, consistent with public and federal fund accountability requirements.

### C. Legislative Q&A Backup Sheet (Anticipated Questions)

**Q1: Is GHURA managing or constructing the detention facility HVAC systems? A:** No. GHURA's role is strictly advisory and technical. All procurement, construction, and project management responsibilities remain with DEPCOR.

**Q2: Why is GHURA involved at all? A:** DEPCOR does not have an in-house facilities project engineer, while GHURA does. The MOA allows DEPCOR to access technical expertise without transferring authority.

**Q3: Why was a new agreement necessary? A:** The original agreement was tied to a different facility and scope that was later discontinued. A new MOA is required to accurately reflect the revised project and protect both agencies.

**Q4: How much is GHURA being paid? A:** Compensation is capped at \$7,000 and reflects reimbursement to continue professional/technical assessment services at a different facility site.

**Q5: What happens if the MOU is not executed? A:** GHURA cannot provide further assistance without a formal agreement, due to funding accountability requirements.

**Q6: Who ultimately answers for project outcomes? A:** DEPCOR retains full responsibility for procurement decisions, construction execution, and project outcomes.



OFFICE OF SENATOR  
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 9, 2025

Mr. Fred Bordallo, Jr.  
Director  
Department of Corrections  
Sent via: [fred.bordallo@doc.guam.gov](mailto:fred.bordallo@doc.guam.gov)

**Subject: Oversight Hearing Regarding Department of Corrections (DOC) Facilities**

*Håfa adai* Director Bordallo,

Please be informed that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) has scheduled an Oversight Hearing on the Department of Corrections (DOC) for **Wednesday, December 17, 2025, at 8:30 a.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.

The Committee respectfully requests your attendance and participation in the upcoming Oversight Hearing, which will provide the Department of Corrections with the opportunity to provide information and respond to questions from members of *I Liheslatura* regarding the Government of Guam-U.S. Marshals Service Agreement for the Management of Federal Prisoners.

Additionally, the Committee requests for DOC to summarize the status of ongoing efforts, if any, to develop a new DOC facility in Mangilao based on Public Law and legislative appropriations. Recognizing the urgency of addressing DOC's facility-related issues, the Committee will also invite representatives from relevant Government of Guam entities to provide information specific to their involvement in the development of a new DOC facility. Moreover, the Committee acknowledges that the efforts of these entities, if not properly supported, will adversely impact the safety and health of DOC personnel and the inmates and detainees entrusted to their care.

A copy of the Notice of Oversight Hearing and Public Hearing which includes Discussion Topics is attached to this letter to help guide DOC in its preparation for the upcoming Oversight Hearing. Please be informed that if you intend to include a PowerPoint presentation in your testimony during the Oversight Hearing, the file(s) should be submitted to my office via email at **least 72 hours in advance** of the intended use.

Please contact my office at the numbers provided below or via email at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov) should you have any questions.

*Si Yu'os ma'åse'!*

**SHAWN GUMATAOTAO**

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

*Attachment: Notice of 12.17.25 Oversight Hearing and Public Hearing*



OFFICE OF SENATOR  
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 9, 2025

The Honorable Douglas Moylan  
Attorney General  
Office of the Attorney General  
Sent via: [dbmoylan@oagguam.org](mailto:dbmoylan@oagguam.org)

**Subject: Oversight Hearing Regarding Department of Corrections (DOC) Facilities**

*Håfa adai* Attorney General Moylan,

Please be informed that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) has scheduled an Oversight Hearing on the Department of Corrections (DOC) for **Wednesday, December 17, 2025, at 8:30 a.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.


The Committee respectfully requests your attendance and participation in the upcoming Oversight Hearing, which will provide the Office of the Attorney General (OAG) with the opportunity to provide comments and recommendations relative to the impact of DOC Facilities on the Government of Guam-U.S. Marshals Service Agreement for the Management of Federal Prisoners.

Additionally, the Committee invites the OAG to offer comments regarding your involvement, if any, with ongoing efforts to develop a new DOC facility in Mangilao. The Committee looks forward to the OAG's presentation and appreciates the work that you and your team have put forward on this critical issue which, if not properly supported, will adversely impact the safety and health of DOC personnel and the inmates and detainees entrusted to their care.

Please be informed that if you intend to include a PowerPoint presentation in your testimony during the Oversight Hearing, the file(s) should be submitted to my office via email **at least 72 hours in advance** of the intended use.

Please contact my office at the numbers provided below or via email at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov) should you have any questions.

*Si Yu'os ma'åse'!*

  
**SHAWN GUMATAOTAO**  
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachment: *Notice of 12.17.25 Oversight Hearing and Public Hearing*

120 Father Duenas Avenue, Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910  
Phone: (671) 647-1409, (671) 647-1411 • email: [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov)



OFFICE OF SENATOR  
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 9, 2025

Mr. Joseph M. Borja  
Director  
Department of Land Management  
Sent via: [joseph.Borja@land.guam.gov](mailto:joseph.Borja@land.guam.gov)

**Subject: Oversight Hearing Regarding Department of Corrections (DOC) Facilities**

*Håfa adai* Director Borja, *Joe*

Please be informed that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) has scheduled an Oversight Hearing on the Department of Corrections (DOC) for **Wednesday, December 17, 2025, at 8:30 a.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.

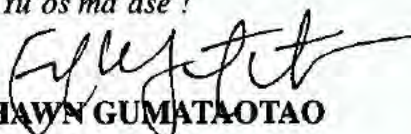
The Committee respectfully requests your attendance and participation in the upcoming Oversight Hearing, which will provide the Department of Land Management (DLM) with the opportunity to share updates with policymakers and members of the public regarding ongoing efforts to develop a new DOC facility in Mangilao.

The Committee looks forward to DLM's presentation and appreciates the work that you and your team have put forward on this critical issue which, if not properly supported, will adversely impact the safety and health of DOC personnel and the inmates and detainees entrusted to their care.

Please be informed that if you intend to include a PowerPoint presentation in your testimony during the Public Hearing, the file(s) should be submitted to my office via email **at least 72 hours in advance** of the intended use.

Please contact my office at the numbers provided below or via email at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov) should you have any questions.

*Si Yu'os ma'åse'!*

  
**SHAWN GUMATAOTAO**  
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

Attachment: *Notice of 12.17.25 Oversight Hearing and Public Hearing*



OFFICE OF SENATOR  
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 9, 2025

Mr. Vincent Arriola  
Director  
Department of Public Works  
Sent via: [vince.arriola@dpw.guam.gov](mailto:vince.arriola@dpw.guam.gov)

**Subject: Oversight Hearing Regarding Department of Corrections (DOC) Facilities**

*Håfa adai* Director Arriola, *VMce*

Please be informed that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) has scheduled an Oversight Hearing on the Department of Corrections (DOC) for **Wednesday, December 17, 2025, at 8:30 a.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.

The Committee respectfully requests your attendance and participation in the upcoming Oversight Hearing, which will provide the Department of Public Works (DPW) with the opportunity to share updates with policymakers and members of the public regarding ongoing efforts to develop a new DOC facility in Mangilao.

The Committee looks forward to DPW's presentation and appreciates the work that you and your team have put forward on this critical issue which, if not properly supported, will adversely impact the safety and health of DOC personnel and the inmates and detainees entrusted to their care.

Please be informed that if you intend to include a PowerPoint presentation in your testimony during the Oversight Hearing, the file(s) should be submitted to my office via email **at least 72 hours in advance** of the intended use.

Please contact my office at the numbers provided below or via email at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov) should you have any questions.

*Si Yu'os ma'åse'!*

**SHAWN GUMATAOTAO**

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

*Attachment: Notice of 12.17.25 Oversight Hearing and Public Hearing*



OFFICE OF SENATOR  
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 9, 2025

Ms. Christina Garcia  
Administrator  
Guam Economic Development Authority  
Sent via: [tina.garcia@investguam.com](mailto:tina.garcia@investguam.com)

**Subject: Oversight Hearing Regarding Department of Corrections (DOC) Facilities**

*Håfa adai* Administrator Garcia, *TMG*

Please be informed that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) has scheduled an Oversight Hearing on the Department of Corrections (DOC) for **Wednesday, December 17, 2025, at 8:30 a.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.


The Committee respectfully requests your attendance and participation in the upcoming Oversight Hearing, which will provide the Guam Economic Development Authority (GEDA) with the opportunity to share updates with policymakers and members of the public regarding ongoing efforts to develop a new DOC facility in Mangilao.

The Committee looks forward to GEDA's presentation and appreciates the work that you and your team have put forward on this critical issue which, if not properly supported, will adversely impact the safety and health of DOC personnel and the inmates and detainees entrusted to their care.

Please be informed that if you intend to include a PowerPoint presentation in your testimony during the Oversight Hearing, the file(s) should be submitted to my office via email **at least 72 hours in advance** of the intended use.

Please contact my office at the numbers provided below or via email at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov) should you have any questions.

*Si Yu'os ma'åse'!*

  
**SHAWN GUMATAOTAO**  
Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

*Attachment: Notice of 12.17.25 Oversight Hearing and Public Hearing*



OFFICE OF SENATOR  
Eulogio Shawn Gumataotao

38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

December 9, 2025

Ms. Elizabeth Napoli  
Executive Director  
Guam Housing and Urban Renewal Authority  
Sent via: [efnapoli@ghura.org](mailto:efnapoli@ghura.org)

**Subject: Oversight Hearing Regarding Department of Corrections (DOC) Facilities**

*Håfa adai* Executive Director Napoli,

Please be informed that the Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) has scheduled an Oversight Hearing on the Department of Corrections (DOC) for **Wednesday, December 17, 2025, at 8:30 a.m.** in the Public Hearing Room of the Guam Congress Building in *Hagåtña*.

The Committee respectfully requests your attendance and participation in the upcoming Oversight Hearing, which will provide GHURA with the opportunity to share updates with policymakers and members of the public regarding ongoing efforts to assist DOC in addressing multiple facility-related repairs in Mangilao and *Hagåtña*.

The Committee looks forward to GHURA's presentation and appreciates the work that you and your team have put forward on this critical issue which, if not properly supported, will adversely impact the safety and health of DOC personnel and the inmates and detainees entrusted to their care.

Please be informed that if you intend to include a PowerPoint presentation in your testimony during the Oversight Hearing, the file(s) should be submitted to my office via email **at least 72 hours in advance** of the intended use.

Please contact my office at the numbers provided below or via email at [office.senatorshawn@guamlegislature.gov](mailto:office.senatorshawn@guamlegislature.gov) should you have any questions.

*Si Yu'os ma'åse'!*

**SHAWN GUMATAOTAO**

Chairman

Committee on Public Safety, Emergency Management, and Guam National Guard

*Attachment: Notice of 12.17.25 Oversight Hearing and Public Hearing*



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38th Guam Legislature | *I Mina'trentai Ocho Na Liheslaturan Guåhan*

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

The Committee on Public Safety, Emergency Management, and Guam National Guard convened a public hearing on December 17, 2025, at 8:30 a.m. at the Public Hearing Room of the Guam Congress Building.

#### **Public Notice Requirements**

Public Hearing Notices sent out via email to all Senators and all main media broadcasting outlets on December 9, 2025 (5-Day Notice) and again on December 13, 2025 (48-Hour Notice). The notice was also published on the Guam Public Notice Website on the aforementioned dates.

#### **Senators' Present**

Senator Eulogio S. Gumataotao, Committee Chairperson  
Vice Speaker Tony Ada, Committee Vice Chairperson  
Senator Sabrina Salas-Matanane, Committee Member  
Senator Christopher Duenas  
Senator Chris Barnett  
Senator Joe T. San Agustin

#### **Attendees**

Mr. Fred Bordallo, Director - DOC  
Mr. Douglas Moylan, Attorney General of Guam  
Mr. Austin Fortunato, Office of the Attorney General  
Mr. Michael P. Quinata, DOC  
Mr. Antone Aguon, DOC  
Mr. Sonny Perez, GHURA  
Ms. Maryhelen S. Lizama, DOC  
Ms. Elizabeth Napoli, Director – GHURA  
Mr. Vincent P. Arriola, Director – DPW  
Ms. Sarah T. Nededog, DOC  
Ms. Therese Tayama, DOC  
Ms. Tina Garcia, Administrator – GEDA  
Ms. Angeline Rios, GEDA  
Mr. John San Nicolas, GEDA

#### **Written Testimony Provided by**

Mr. Fred Bordallo, Director – DOC  
Ms. Elizabeth Napoli, Director – GHURA

## II. SUMMARY OF TESTIMONY & DISCUSSION

### Oversight Hearing - DOC – December 17, 2025, 8:30am

**Chairman Shawn Gumataotao:** Today's public hearings by the Committee on Public Safety, Emergency Management, and the Guam National Guard are hereby called to order, beginning with this morning's oversight hearing regarding the Department of Corrections facilities. Today is Wednesday, December 17, 2025, and the time is now 8.30 a.m. Chamorro Standard Time. And for the record, and in accordance with the open government law, notices for today's oversight hearing and public hearing were sent on December 9, 2025, and again on December 13, 2025. Notices for these hearings were also published on the Guam Legislature website and the Guam Public Notices website. Joining us here this morning is a member of the Committee on Public Safety, Emergency Management, and Guam National Guard, and our federal senators, and the vice chair of this committee and the vice speaker, Senator Tony Ada. Also joining us this morning is Senator Joe San Agustin, and good morning to you as well and good morning to Senator Chris Duenas. Thank you again, and Si Yu'os ma'ase colleagues for your attendance today.

Now before we proceed with the discussion, I'd like to first provide some general rules of conduct for this morning's oversight hearing, which shall also apply to this afternoon's public hearing, which shall be as follows. Written comments or presentations shall be submitted to the committee. Please provide my legislative staff with your written comments for photocopying. Comments may be made, sorry, comments may be read, and lengthy presentations should be summarized to five minutes. Those offering comments will be allowed to present written or oral testimony in the five minute time frame allotted, and I ask you to please respect the committee's requests for the time. Once you are done, please remain in the room for questions or additional comments, as may be desired by members of the Committee on Public Safety, Emergency Management, and your Guam National Guard and other members of the Guam legislature. Questions and comments shall be confined to the nature of the agenda. The agenda for this morning's oversight hearing concerns DOC facilities, including the government of Guam U.S. Marshals Service Agreement for the Management of Federal Prisoners, and ongoing efforts, if any, to develop a new DOC facility in Mangilao based on public law and legislative appropriations. For the record, the committee requested the attendance and participation of the Department of Corrections Director, Mr. Fred Bordallo, Jr., and Attorney General Douglas Moylan. Thank you both for being with us this morning. Recognizing the urgency of addressing DOC's facility-related issues, the committee also invited representatives from relevant government of Guam entities to provide information specific to their involvement with repairs to existing prison facilities and in the development of a new DOC facility. The committee invited Executive Director Elizabeth Napoli of the Guam Housing and Urban Renewal Authority, Director Joseph Borja of the Guam Department of Land Management, Director Vince Arriola of the Guam Department of Public Works, and Administrator Christina "Tina" Garcia of the Guam Economic Development Authority. At this time, the Chair requests for these individuals, if they are in attendance, to please take a seat before the committee. Now before speaking, members of the panel shall first be recognized by the Chair and shall state their name for record purposes. And then the order of questioning will begin with a panel of Senators who each shall have five minutes to ask their questions. The time allotted to each Senator does not include responses that are provided by those testifying. Personal inferences about the character or motive of any Senator or any individual commenting is not permitted. Any violations of this general rule of conduct will result in removal from the public hearing room for this morning's oversight hearing. Individuals who fail to maintain proper form or decorum may be restricted from providing oral testimony and or may be asked to leave or be escorted and removed from the room. Proper form or decorum shall be practiced by all present here in the public hearing room.

At this time, I would like the committee, again, if you are testifying this morning, I know I see the Director here, Attorney General here, thank you again both for being with us. I do see Director Vince Arriola, he just walked in, thank you Vince for being with us. The GHURA, from GHURA, Liz Napoli,

please come on up if you can. And then we can have this, and I ask the Sergeant at Arms to swear on the individuals who are here to present and provide testimony or comments and answer questions from Senators on the items that are outlined in today's oversight hearing agenda. Yes, sir.

**Sergeant at Arms Pocaigue:** Please raise your right hand.

**Chairman Shawn Gumataotao:** Hold on one second. One more.

**Sergeant at Arms Pocaigue:** Under Penalty of Perjury, do you affirm that any and all information you provide today, whether it be verbally, electronically, and in writing, be the truth, the whole truth, and nothing but the truth? **I do.** (*Panel members-AG Moylan, Director Bordallo (DOC), Director Napoli (GHURA), Director Arriola (DPW)*)

**Sergeant at Arms Pocaigue:** Mr. Chair, they are under oath.

**Chairman Shawn Gumataotao:** Thank you so much, Sergeant at Arms. Please, if you can, please be seated. And let me begin with this.

170,000 Guam residents, 886 inmates and detainees, 245 DOC employees. Oversight hearings are done by this branch to monitor and support, with public policy, the agencies under our respective committee oversight. This activity, this oversight hearing, is the most fundamental means of involvement in executive affairs available to the legislative branch of the government of Guam. Colleagues, agency directors, individuals who are in attendance at this oversight hearing, and members of our community who are following today's discussion. The purpose of this oversight hearing regarding DOC facilities is to get to the bottom of the issue, and that is to answer two basic and important questions. What steps have been taken to date to address the Department's immediate repair needs at its facilities, and where are we at on the development of a new DOC facility? According to information provided through the Department's website, DOC's mission is to protect the public from the destructive action of law offenders through control and rehabilitation. The general management of the prisoner population of both inmates and detainees is the overall responsibility of the Director's Office. Among DOC's legal responsibilities pursuant to 9GCA Chapter 90 include the establishment and operation of correctional institutions and other places of confinement for prisoners serving sentences of imprisonment imposed by the courts of Guam and other authorized prisoners and other persons placed in the custody of the Director pursuant to the laws of Guam. Now, DOC is authorized by Guam law to enter into one or more contracts with the Attorney General of the United States for the custody, care, subsistence, education, treatment, and training in one or more federal correctional institutions of persons convicted of criminal offenses in the courts of Guam. In addition to its authority to transfer inmates to an authorized facility outside of Guam in response to a declaration of a correctional emergency, DOC is permitted to transfer inmates to a correctional institution outside of Guam in non-emergency circumstances. According to DOC, the Hagåtña Detention Facility is under the purview of the warden. It houses local pretrial detainees, immigration, and U.S. federal marshal detainees. The facility is also used to house inmates that cannot be housed at the adult correctional facility. The women's facility is located in Mangilao outside the adult correctional facility and is Guam's only holding facility for women. The facility houses female offenders, adjudicated, pretrial status, federal, and immigration. Before we hear from the agency heads and our elected Attorney General regarding the first part of the agenda concerning the impact of DOC facilities on the Government of Guam-U.S. Marshal Service Agreement for the Management of Federal Prisoners, I would like to share a brief video summarizing the committee's motivation for convening today's oversight hearing and our broader objective for providing DOC personnel and the individuals entrusted to their care with a safe and properly functioning facility pursuant to public policy and legislative appropriations.

**Audio Presentation:** *On June 24, 2025, the Committee on Public Safety visited the adult correctional facility in Mangilao. The purpose of our visit was to discuss the status of the Guam Department of Corrections Facility Master Plan with Department leadership to see for ourselves the location for the new prison there and confirm DOC's ongoing efforts to address immediate facility repairs in Mangilao and the Hagåtña Detention Facility in accordance with Guam law. Nearly one year ago, December 28, 2024, Guam Governor Lou Leon Guerrero signed Bill 368-37 into law. In her transmittal message for now Public Law 37-144, the Governor wrote, "DOC will utilize the flexibility in this legislation to fund some of the critical needs to address the most immediate security and safety issues in its facilities, which will help ensure the safety and security of officers, detainees, and prisoners." The legislative intent for Public Law 37-144 says in part, "The ACF and HDF facilities are in dire need of maintenance, repair, and new security materials, vehicles, and equipment in order to ensure safety at these facilities." This hearing is designed to facilitate progress at both DOC facilities since the passage of Public Law 37-144 and to ensure forward movement by DOC and supporting agencies in the development of a new facility pursuant to Public Law 36-57 from October 13, 2021. Senators appropriated \$5 million for this effort in FY 2025 and another \$5 million in FY 2026 for a new prison in Guam. Following our June visit to DOC's Mangilao facility and in separate meetings with the Department of Public Works and the Guam Housing and Urban Renewal Authority, the committee met four times with representatives from the two agencies, the Department of Land Management, the Guam Economic Development Authority, and DOC between the months of July and October to move things forward on a new prison, particularly those issues concerning an approved survey map to start architecture and design work, financing options based on legislative appropriations, and a request for proposal for the A&E, which we understand was canceled by DOC this past February and then resubmitted by DPW in October. The committee is interested in holding individuals accountable for not executing on the laws of Guam and the United States of America, confirming implementation and following through on corrective measures in local law, federal agreements, and the recently passed Public Law 38-60, and ensuring DOC will continue to have the support it needs to protect the public from the destructive action of law offenders by operating a safe, secure, humane, and efficient corrections system.*

And thank you, colleagues and attendees, for the opportunity to share the video summarizing again the committee's visit to DOC's Mangilao facility this past June and the follow-up actions we've taken to help move the development of a new prison forward with the support of relevant departments. Today's discussion and the resulting new policies or amendments are intended to keep Guam's 170,000 residents safe through responsive and effective leadership in support of DOC's 245 employees as they work hard every single day to manage 886-plus inmates and detainees. As a reminder, today's oversight hearing concerns three topics, including the U.S. Marshals Agreement for the Management of Federal Inmates, collaboration between DOC and the Guam Housing and Urban Renewal Authority on the repair of prison facilities, and the ongoing intergovernmental efforts to develop a new prison. At this time, I would like to recognize Director Fred Bordallo, Jr. for his presentation regarding the impact of DOC facilities on the Government of Guam U.S. Marshals Service Agreement for the Management of Federal Prisons. The committee is particularly interested in receiving any information relative to the agreement status and a plan of action required, if any, to address immediate facility repairs. And then following your presentation this morning, we will recognize the Attorney General. I know that he has another commitment and we want to be respectful of that this morning. If his time permits, we will proceed with the AG's presentation and then the committee will then entertain questions Senators here might have for the Attorney General before he has to leave for his other arrangement. And for DOC's presentation on Agenda Item 2 and the presentations by relevant departments regarding Agenda Items 3 and 4, the committee will receive the presentations by the agencies and then proceed to questions Senators might have for participants after those respective presentations. So at this time, Director Bordallo, welcome to the People's House and you may proceed.

**Mr. Fred Bordallo Jr., DOC Director:** Thank you, Senator Gumataotao. I beg the indulgence of Senator Gumataotao and the Senators from the Legislature. Before I read my written testimony, I just want to ask for a moment of silence for Corrections Officer Anthony Babauta, who is assigned to the Hagåtña Detention Facility, who passed away this weekend. Thank you. Buenas and Hafa Adai, Honorable Senator Eulogio Shawn Gumataotao and members present with the 38th Guam Legislature. I am providing testimony for this oversight hearing on the Department of Corrections' facilities. I received the notice and the issues are topics for discussion that involves the challenges of maintaining facilities at Hagåtña and Mangilao and for an update of the actions we are taking to mitigate the challenges. Besides the facilities at Mangilao and Hagåtña being old and vulnerable for major security breaches, especially with a high increase of pre-trial inmate population and convicted inmate population, to have effective countermeasures against these threats and vulnerabilities, we need an increase of our security force for deterrence and response efforts. I'm confident with the support of the Governor, Lieutenant Governor of Guam and the 38th Guam Legislature's collaboration and support, we can achieve success of having not only sufficient level of security personnel, but also completion of the necessary actions toward the construction of a new prison at Mangilao and after a new detention facility. We have an agreement with the U.S. Marshals Service, and they depend on the Department of Corrections, to have the confinement space that is secure and adequate with the amenities for the temporary confinement of their federal detainees, to include prisoners held by immigration customs enforcement, ICE. We provide a building for the detention space. That agreement has not been rescinded with the recent HVAC system defects we encountered at the federal detention site at Agana. For operational security purposes, I'm not at liberty to divulge the locations of the federal detainees. There are several ICE detainees that are continued to be housed at the federal detention site of Hagåtña. The Governor's Chief of Staff had visited the detention Hagåtña and had been helpful with the resources being galvanized to mitigate the infrastructure challenges in Hagåtña facilities. We have updated our MOU with GHURA that specifically focuses on their assistance with the HVAC systems at Agana. DPW will be providing assistance in the challenges at the facility related to electrical and water systems. Both these two agencies, with others, have attended our new prison planning task force that includes the Department of Administration, BBMR, Bureau of Statistics and Planning, DPW again, GEDA, Guam Homeland Security, Civil Defense, Military Affairs, Guam National Guard and with the Governor, Lieutenant Governor's support, we have met for discussions about the previous facility master plan and what change and designs can be done that reduces financial costs, yet achieves the goal of increased confinement space at Mangilao. According to DPW leadership, the scope of the work of the new Northside prison facilities has been sent to the Guam Office of the Attorney General. I'm now ready for any of the committee members' questions. Thank you. Si Yu'os ma'åse.

**Chairman Shawn Gumataotao:** Thank you so much there, Director Bordallo. Attorney General Moylan, I think if you can, we'd like you to proceed, and again, thank you for being with us this morning here for this oversight hearing.

**AG Douglas Moylan:** Thank you, Mr. Chairman. First of all, Merry Christmas to everyone. And also, I'd like to recognize yourself, Chairman Gumataotao, Vice Speaker Ada, Senator Duenas, Senator Borja, Senator San Agustin, Senator Barnett, and Senator Matanane.

I was asked to come down here to answer questions and to, I guess, give a perspective from the Attorney General's office, and I can tell you right now that after three years in office, my prosecutors, investigators, paralegals, and clerks are doing exactly what I promised in 2022, which was to be the toughest Attorney General on criminals and on crime. The statistics, since we have taken over administration of the AG's office, has continued to increase. Unfortunately, it's also a response to the increasing crime on Guam, which is primarily driven by the meth epidemic that the Governor can control, as well as the repeat criminals.

The law enforcement entities go from the first responders, whether it's Guam Police Department, Customs, on that end, to the Attorney General's office, to the Judiciary, and then ultimately DOC having a role in all these functions, detainees, and then the criminals that are serving their sentences. Those are the primary groups that I understand the experts to my right have been dealing with. I think we need to identify and make no question about it. Who is responsible for the Department of Corrections is the Governor of Guam, an elected official answerable to our people. There was a point also, as the Chairman had pointed out in the video, that I went down with other members of my staff at the invitation of Director Bordallo to look at the facility. I was very troubled by what I saw, as I think everybody is that goes there, but there's enough property to put a Butler building up, and my perspective on it, we need a short-term versus a long-term solution. Anytime we talk about pardon facilities, and with the way that our contracting industry and everything, all the other bureaucracies that this government is facing, we never get anything done, and especially when you've got two-year Senators, four-year Attorney Generals, four-year Governors, and things like that. My recommendation, and it continues to this day, build a Butler building. There is so much property. We literally walked through the entire footprint of the Department of Corrections. There's an area there on the lower area, right next to those tents that they have, I think post 10 and 11, something like that. There's property to build a Butler building. It takes six months to put that together. You've got the experts at DPW. We have the Senators, I believe, that are motivated for that, and you can have a two-story type of Butler building. I think our number was it can house in the hundreds of individuals and be built quickly. They literally have containers there where they're using the restrooms, their cleanup for the prisoners in those two posts that are rusting out, containers. And you've got tents that were put up in 1997. That's what I was informed. So Senators, the Department of Corrections is the end result of the criminal justice system. Without a facility that can house these people in humane ways, we're going to have a riot. There's going to be people that are going to be hurt and killed up there if we don't address this and address it quickly. We're seeing the boat beginning to sink right now, I think, to a certain extent, to put it kind of colorfully. As the Attorney General, I oppose any efforts, which this Governor attempted maybe six months to a year ago. I was being invited with the Chief Justice and other people to meet with the Governor to let prisoners out. That was shocking. I didn't even respond to it. Every case has a defense attorney, has a reason why those defendants have been put in that facility. And the end result of our equations here is to protect us. That is what, this is not a political question. We're either going to be protected or not protected. And it's not the Attorney General's office. It's not the judiciary. It's the prison that literally keeps these people behind bars and safe. And the officers need to be safe and everybody's being threatened in terms of if we overcrowd the prison. So my recommendation to the committee and the Senators here, we need to think in terms of short-term and long-term plans. Because when, I think it was Director Camacho rest his soul, when I came into office, him and I were looking at it, the A&E, the building up. This is the type of discussions we're having, but this is three years later and nothing has been done. And then we've had all these financial problems. So the most realistic approach, again, as I say, is to use the Butler building design. They can withstand 200 mile an hour plus winds. You've got the engineers. We've got the facility. We have the capability of doing it. You've got this infrastructure already at the prison. Put the concrete slab down, bring in those beams, put them up, house a facility within a Butler building. I'm open for questions. This is important. The Attorney General's Office has been reducing the numbers. As recently as last week, we met with the DHS officials in D.C. via Zoom, specifically geared toward the Attorney Generals and dealing with the immigrants, the illegal criminal alien immigrants in our community. Guam stood out because we actually are seeking a greater alliance with our ICE people. Agent Sayama, we met with just last week. The representative from Hawaii came in and we met with her as well. So we're reducing our plea agreements right now and our post-judgment agreements that most of the courts are accepting are removing the criminal aliens from Guam with restrictions that if they show up again in any port of U.S. entry, they will be brought to Guam and housed or put back in prison for the full amount of service. And that's for the people that the feds won't just take and, you know, try and immediately ship them out. Because we have the deportees that are ICE detainer or ICE warrant group,

and then we have the non-U.S. citizens that, by agreement, are leaving the United States, which includes Guam. And with the bench warrant ability, we can put them on the same thing that the Customs does. We flag them when they come in. What that means for this oversight hearing is that we're reducing the number of detainees and we're doing it actively. I've been informed that, and this isn't the current number, but since I've taken office, in a close alliance with ICE, 101 detainees have been deported. And I can tell you right now, a lot of these criminal aliens, they are inherently repeat criminals. And they start when they're in family court and they graduate into the adult court. And it's just a litany of non-U.S. citizens that choose to break our laws. And the victims include even their family members who are also non-U.S. citizens. So any characterization by anybody that I'm racist or whatever, the victims are the victims, whether they're U.S. citizens or not U.S. citizens and I'll make it clear right now, our policy, and with the help of Director Bordallo and especially Antoine Aguon, Major Antoine Aguon, we have worked closely with ICE and been reducing the numbers. But it's overwhelming and I kid you not, you look at the detainees every day that GPD arrests, 50% to 80% of those are all meth related. It's our own people, it's the non-U.S. citizens, and we're seeing the trend. Non-U.S. citizens, it was usually alcohol abuse. But because the price has gotten to a point, everybody is, the lower income people, the non-U.S. citizens, they're becoming ICE addicts every weekend. So you're getting swamped, and they're the end result of a boat that's getting swamped and I put it out before, I believe there's a bill with our oversight, Chairwoman, you need to lock that port down, you need to use the National Guard to find out who's coming in at night, where those fishing boats are docking on Guam, outside the marina and the ports. Meth is getting into Guam and until we stop that, there's no way we're going to stop the numbers going into DOC. Because it's not like you can reform these people quickly, and that's the problem we're facing.

**Chairman Shawn Gumataotao:** Thank you so much, Attorney General Moylan. Also, I'd like to welcome to our hearing this morning, thank you, Senator Barnett, for being with us. Also, Senator Borja, and another member of our committee, Senator Sabrina Salas-Matanane, thank you, colleagues, for being with us this morning. So I'm going to go ahead and begin with the questions this morning, if I can. And again, I do appreciate you both for being with, actually everyone for being with us this morning.

So let me start with Director Bordallo. For the benefit of the committee, and members of the public who are following today's oversight hearing, are you aware of the key terms and conditions of any active agreement between DOC and the United States Marshal Service for the confinement of federal defendants pending cases before the United States District Court of Guam?

**Mr. Fred Bordallo Jr., DOC Director:** Yes, I am Senator.

**Chairman Shawn Gumataotao:** So, if I can, what guidance, if any, did DOC seek from the Office of the Attorney General prior to a November 21st, 2025, continued disposition hearing relative to the state of Guam's corrections facilities, and what guidance has been provided to them when on the record, in criminal case 11-00058, the United States of America v. Kenneth Leroy McLain?

**Mr. Fred Bordallo Jr., DOC Director:** Can you repeat the name of that defendant?

**Chairman Shawn Gumataotao:** Sure. It's case number 11-00058, the United States of America v. Kenneth Leroy McLain.

**Mr. Fred Bordallo Jr., DOC Director:** Senator, I'm not familiar with that case, that federal case.

**Chairman Shawn Gumataotao:** I just wanted to let you know you're under oath, so I will ask again, did you seek any information from the Office of the Attorney General prior to the November 21st continued disposition hearing?

**Mr. Fred Bordallo Jr., DOC Director:** For that case, I don't recollect we communicated with the Guam Office of the Attorney General on that federal case.

**Chairman Shawn Gumataotao:** I will also just, let me go backwards. During that November 20, 21st, 2025 hearing at the U.S. District Court, when asked by Federal Public Defender Attorney Leilani Lujan on the housing of 14 federal detainees, who said, quote, and so you recently toured the Day Room or the Hagåtña facility, you said on the record, quote, I went down there, yeah, recently, well, that was probably a month ago when the governor had toured the facility, close quote. You said this on the record, yes or no?

**Mr. Fred Bordallo Jr., DOC Director:** Okay, now I'm starting to remember because I was summoned to the, if you're talking about me being summoned to the District Court in front of Judge Gatewood because they had some case there, the Federal Public Defender, now I remember that day. The U.S. Marshals were asking for Judge Gatewood that they had individuals that they, because the HVAC was not functioning at the Hagåtña detention, they asked for that they could move some federal detainees up to the Mangilao prison, now I remember that.

**Chairman Shawn Gumataotao:** So if you recollect then, can I ask again on the record, did you seek from the Office of the Attorney General any guidance prior to the November 21, 2025 continued disposition hearing?

**Mr. Fred Bordallo Jr., DOC Director:** No, no I didn't.

**Chairman Shawn Gumataotao:** Now in that same November 21, 2025 hearing at the U.S. District Court of Guam, the Federal Public Defender said to you, quote, right, I recall that tour and in fact, she was quoted as saying at that time that the facility conditions were inhumane. Do you recall that? Close quote. To which you answered under oath there, quote, I recall that, yes, you are under oath here. Did the Governor of Guam, Director Bordallo, tour the Hagåtña detention facility in October 2025, yes or no?

**Mr. Fred Bordallo Jr., DOC Director:** The Governor has toured the Hagåtña detention facility, I got to look at the dates when she did, for my recollection, but she has toured while I was Director of Corrections.

**Chairman Shawn Gumataotao:** You were asked in Criminal Case 11-00058, the United States of America v. Kenneth Leroy McLain, quote, the conditions continue to be inhumane at the Hagåtña facility, and you responded, quote, that's correct, close quote. We met in August, we met in October, did you at any time mention the conditions at DOC as inhumane, yes or no?

**Mr. Fred Bordallo Jr., DOC Director:** I didn't indicate it as humane, I indicated it's so overcrowded, five or six, I even have photos that I've shared in some analysis reports that I think some senators have copies of that to show how many people are in the cell, to include the Office of the Attorney General, I believe.

**Chairman Shawn Gumataotao:** Okay, let me turn my, just my questions to the Attorney General of Guam. Is this the first time you're hearing of this?

**AG Douglas Moylan:** Well, Mr. Chairman, this is the first time that I'm hearing of it. Just to be that loyally caveat it, there's a lot of cases that our office deals with, I'll have to check with solicitors, but had this been a case, they would normally inform me that a government official has been taken in the federal court to testify, so personally, I do not recall ever hearing about this case.

**Chairman Shawn Gumataotao:** As you hear this and hear the testimony that was presented before the U.S. District Court, does this have you a bit concerned about the situation at the Department of Corrections?

**AG Douglas Moylan:** Very concerned. The government of Guam has been dragged through the federal courts for receiverships in the past. I think one literally was 15 to 20 years, if not more than that, um, we are in danger of having, again, another function of the government of Guam stripped from us because we cannot do our job. So that is the, this is the danger in receivership.

**Chairman Shawn Gumataotao:** And so can I ask you as well, is your office familiar with the key terms and conditions of any active agreement between DOC and the U.S. Marshals Service?

**AG Douglas Moylan:** I'm not. I was informed, I think it was late last week, that the federal government is looking at, and this is hearsay information, but they had withdrawn putting detainees, certain groups of their federal detainees in our facility, and we're looking at Saipan and other facilities to use. That's the hearsay information that I heard. I think that's why you may be calling this oversight hearing. I also heard maybe the federal judge had gone down to the facility or at least been reviewing the conditions down there.

**Chairman Shawn Gumataotao:** And also to hear that there may be federal detainees no longer here, that does affect revenues, correct?

**AG Douglas Moylan:** It does affect revenues, but, Senators, my feeling is that there was a two-part to this, and earlier, and I was, right after the governor toured it, my team toured it. It's a two-part effect. It's an opportunity to get money, and let me step back a moment. Since I took office, I've been talking with the Lieutenant Governor, literally in the office with him, about the abandoned cars and especially about an opportunity to have our detainees, our prisoners, taken up to Saipan. They're saying that they have space, there's a charge for that and all that. Nothing has happened on those two issues since the last three years that I've spoken with them, and I have gone out of my way to use my lawyers to develop consent decrees, go to court, do certain things. So, having said that, an opportunity to make the federal government pay more for a facility where we need money for. It's not just a per bed head, it's we are doing a key function because you don't have a facility here. It's the same thing with the hospital. You don't have a big enough hospital, they're coming to us. You don't have a big enough, you don't have any prison on Guam. We can charge, and again, we're a territory, we're a department interior under them, we can charge a premium to fix this facility and get it done. That's the first opportunity. But when we can't humanely house prisoners, they need to get them out of there because we're going to get swamped. At the end of the equation, more victims are going to occur because they're going to be not put there, and then his men are going to be killed by those prisoners when they swamp it. I literally was there, and I think I had a lady with me from my office that insisted on going. They literally put all the prisoners on the other side of the room, and I'm talking about 50 prisoners. You've got the attorney general, and you've got a guy with a rubber bullet gun that goes into that area, and they're just looking at us. So this is a powder keg waiting to go off up there, and something needs to be done to protect the director and all his men and to prevent these guys from getting out. That's the bottom line. When you're hearing that meth is constantly getting into that prison, there is a big problem. And we've got the dogs.

The dogs are even there. They're finding it. It's all over the place in there. So we need to address it and housing, and I know that I keep on seeing these cycles of prison guards. His men, they're coming in, and just like GPD, they're slowly coming in. The numbers are increasing for the prison guards. But the facility is such that you need to build something and not a 10-year, 5-year, 3-year long-term plan. You need to put a butler building up that can withstand a typhoon and use it temporarily while the larger facility is being made and don't speak to the attorney general's office about releasing people house arrest, because it's

turning into crime victims. Most of these guys are drug addicted. All these thefts, they're usually related to some drug connection. So something needs to be done.

**Chairman Shawn Gumataotao:** Yes, thank you so much for that. If I can ask from DOC, can you be sure to get to the committee the terms and conditions of any active agreement between DOC and the U.S. Marshals Service for the record? That would be appreciated. At this time, I'm going to go ahead and turn it to my colleagues. And I'll start with the vice chair of this committee and the vice speaker of the Guam legislature, Senator Tony Ada.

**Vice Chairman Tony Ada:** Thank you, Mr. Chair. Just a couple of questions. And Director Bordallo, is there any communication or conversations about receivership coming from the federal government on DOC?

**Mr. Fred Bordallo Jr., DOC Director:** No, Senator.

**Vice Chairman Tony Ada:** None whatsoever?

**Mr. Fred Bordallo Jr., DOC Director:** No, none whatsoever.

**Vice Chairman Tony Ada:** Has any planning or consideration been brought up in actually erecting a temporary facility, the butler building, as the attorney general has called it, in ensuring that these canopies are taken down and the storage containers and placing federal detainees?

**Mr. Fred Bordallo Jr., DOC Director:** Yep. The suggestion by the attorney general was accurate about the butler buildings. And there's another, of course, when our prison planning, looking at actual, with the new, I'm getting ahead on the prison planning to actually take down those domes that were, when we say temporary, those domes are 21 years old. So to actually have a permanent building right where the domes are at, that's a new Northside prison facility on our new prison planning that we've been coming up with now.

**Vice Chairman/Vice Speaker Tony Ada:** But that's a long-term, this short-term solution for actually erecting these butler buildings. Any consideration into that?

**Mr. Fred Bordallo Jr., DOC Director:** Well, the consideration, of course, when the attorney general said that he was talking about the continuation of if we have butler buildings, but pretrial inmates in those butler buildings, and that's where there's a little bit of me and the attorney general discussing, because he's not familiar. I'm the one who's been working corrections since 1978. He doesn't have any experience in corrections, but he did ask me, is there a difference between housing pretrial and housing convicted? Yes. National correction standards, you have detainees in jails and detention facilities, and you have convicted prisoners in state penitentiaries and prisons and I was telling the attorney general, and I actually shared some information with them, that it all started way back in the 90s when they put illegal Chinese immigrants up there in our prison that was meant for rehabilitation. That was the start of, you know, no state governor would ever allow that, right? But that's the past. We can correct this by the agreement I have with the attorney general. We must expand some confinement space, right? But that confinement space, if you can separate it, should be in different areas than all in the area of Mangilao, in one area, putting it within the vicinity, a person who would be confined for an ice pipe who's a pretrial next to a triple lifer who's serving a murder sentence. And that one with the ice pipe could be a FSM citizen who's not even a U.S. citizen, and if he gets hurt, you know, the optics doesn't look pretty good, you know, of us and it's not a secure area, Senator.

**AG Douglas Moylan:** Mr. Vice Speaker, just to also update, this is bringing back a little bit of memory. At the time that we discussed this, tents also, military-grade tents to be used to this transition, because putting all those guys into that type of the tents, the domes that he's talking about, and again, you've been there, you already know what I'm speaking of. So the tents, the military-grade tents, as well as the Butler Building were, I think, the two things we were talking about at the time.

**Vice Chairman/Vice Speaker Tony Ada:** I see. And where are we at with the Agaña detention facility when the last conversation you had with the inhumane conditions, where are we at with that?

**Mr. Fred Bordallo Jr., DOC Director:** Well, that's what we have updated with our MOU with GHURA, and we right now, today, have an assessment of a vendor, because we've had some quotes out for some vendors, and one of them is taking a look at the possible short-term solution of portable air cons, at least in the temporary. We have the industrial fans that are there. INS detainees are still there. The U.S. Marshal, other detainees, they opted to go to a different location and not be at Agaña. So that's what we're working on right now on that process, and we're discussing with BBMR and DOA on the financing of that with an emergency procurement.

**Vice Chairman/Vice Speaker Tony Ada:** And how much longer are we looking at, being that this was done since October, this conversation has started since October, how much longer are we looking at in rectifying the situation down there at the facility?

**Mr. Fred Bordallo Jr., DOC Director:** We're looking, well, again, I would say if everything is smooth with the procurement and the three quotes we have for the portable, and then with GHURA working on the HVAC, we're looking at possibly 90 days.

**Vice Chairman/Vice Speaker Tony Ada:** So another 90 days to correct the situation. And since you brought up GHURA's involvement in this, where are we at with Fred, Director Bordallo?

**Chairman Shawn Gumataotao:** Vice Speaker, so we're going to go to that later on, but let's just kind of focus back onto the U.S. Marshal agreement that we mentioned earlier. But we are going to hear from them on this if we can. I'm sorry.

**Vice Chairman/Vice Speaker Tony Ada:** Sure, not a problem. Okay, so was the agreement with the U.S. Marshal's office satisfied with what you had mentioned is going to happen in the next 90 days with these facilities?

**Mr. Fred Bordallo Jr., DOC Director:** There's going to be a scheduled detention committee meeting, which they, that Sarah Nededog also attends and briefs me on with the U.S. Marshals. But I think they were satisfied that we accommodated them when they asked for us the temporary hold for their detainees before they send them to a different location. And there's other options that were on the table that was discussed in the court, at the federal court, which was the possibility of other confinement spaces like the Guam Police Department and other areas. The Drug Enforcement Agency has some holding cells up at the Sirena building. So there's always going to be some sort of form of a holding facility if the U.S. Marshals are also considering. But they were looking at us depending on us to help them out.

**Vice Chairman/Vice Speaker Tony Ada:** Thank you. Mr. Chair, I see Ms. Nededog in the audience. If we can have her come up to the table just so that she can answer the questions on what Director Bordallo mentioned, that there was updated information.

**Chairman Shawn Gumataotao:** If you come forward, we're going to have the Sergeant of Arms swear you in. So if you're prepared to testify today, then we can do that.

**Sergeant at Arms Pocaigue:** Under penalty of perjury, do affirm that any and all information you provide today, whether it be verbally, electronically, and in writing, be the truth, the whole truth, and nothing but the truth.

**Ms. Sarah Thomas Nededog, Program Director, DOC:** Yes.

**Sergeant at Arms Pocaigue:** Mr. Chair, she's under oath. You may proceed.

**Chairman Shawn Gumataotao:** So for the record, can you please identify yourself for the committee?

**Ms. Sarah Thomas Nededog, Program Director, DOC:** Good morning. My name is Sarah Thomas Nededog and I'm currently the Program Director for the Guam Department of Corrections.

**Chairman Shawn Gumataotao:** Okay, Mr. Vice Speaker, you can proceed.

**Vice Chairman/Vice Speaker Tony Ada:** Thank you, Mr. Chair. Ma'am, the Director had mentioned that you were in conversations with the U.S. Marshals Office on updates on the agreement. What is the latest update that you have received from them on the conditions of the Hagåtña detention facility?

**Ms. Sarah Thomas Nededog, Program Director, DOC:** For the last several months, I want to say six, seven, eight months, we've been meeting at least monthly with the U.S. Marshals here at District Court Building and the primary concern that they have, of course, is the safety and well-being of the federal detainees. And there were growing numbers. And so the discussion that we began with were just some very basic concerns, such as transportation to court, their uniforms, making sure that they were given meals when they were at court, when they were back, and those kinds of incidences which we resolved pretty quickly after the commencement of our meetings and, of course, then the facilities there were growing. And not only do we have our federal detainees, but we have our local detainees as well that we're always trying to address. Anyway, they have been kept abreast of what the procedures were or what the plans were to address the concerns over at HDF and when the air conditioners broke down, they made their own decisions about what they would do, which is, of course, within their purview to decide what they would do with the federal detainees and so that was not in consultation with us. They made those decisions independently and, of course, it's within their realm to determine that. So we're hopeful to meet with them in the next week or two to talk further about what are some of the things they can do, we are doing to help improve the conditions so that any of their detainees that are coming in or were already sent or were there at HDF could return, which is a better situation for them, is to have them here on the ground, closely accessible to their lawyers and to the courts. So those discussions continue and, prayfully, we will have a better update in the next week or two. But as has been said, it's going to take a couple of months to get HDF to a situation or condition that's going to be acceptable. So I think our relationship with GHURA and with DPW and the discussions that we've been having in the last couple of weeks has been, you know, there's a real commitment, I believe, on all of the agencies that are involved to address this as soon as possible and try to do whatever we can to do emergency procurement of any supplies or equipment that we need to make Hagåtña an appropriate site, a setting for the federal and local detainees.

**Vice Chairman/Vice Speaker Tony Ada:** Thank you for that. Has any conversation you had with any individuals about possible receiverships or any possible lawsuits in conjunction to or in relation to the conditions at the Hagåtña Detention Facility?

**Ms. Sarah Thomas Nededog, Program Director, DOC:** No, sir.

**Vice Chairman/Vice Speaker Tony Ada:** None, okay. Thank you. Mr. Chair, I'll go ahead and yield the rest of my time to my colleagues.

**Chairman Shawn Gumataotao:** Yes, thank you so much, Vice Speaker. I'd like to ask Senator San Agustin, you're recognized for five minutes. And again, thank you for being here with the oversight hearing.

**Senator Joe San Agustin:** All right, thank you, Mr. Chair. You know, thank you to the Attorney General for bringing up the issue of the Butler Building. Since the introduction of Public Law 36-57, that would be considered the most improvement if there was ever built, but it didn't happen. And then the introduction of that became law, Public Law 37-144. Going back now to the Director, what has the department done to move forward on Public Law 36-57 and even 37-144? Because there's obviously, there's nothing happening. Other than there's conversation. Conversation doesn't move, doesn't protect inmates. It doesn't protect the government from receivership or possible civil suits. So please explain that.

**Mr. Fred Bordallo Jr., DOC Director:** Well, you know, with the Modernization Act, we sold the intent of the Modernization Act. Several times you could see the word rehabilitation on the Modernization Act for a new prison. It never said for a new jail detention facility. It said a new prison. And anyone who has commented on the new prison and the Modernization Act has always used the word rehabilitation. Now someone who's worked in corrections both in detention facilities and at Mangilao right now, I know the difference between a jail slash detention facility pretrial who are under technically the court's jurisdiction, right? And normally, they're under sheriff's departments and police departments. They never had any historical public hearing to discuss how a jail or detention facility suddenly landed on the laps of the Department of Corrections. But addressing the Modernization Act, it always said about rehabilitation and for the long term, the individuals who are convicted, who deserve to be, you know, have to go through programs and be eligible for that. For Senator Dwayne San Nicolas, when he asked to get and there was a compromise, \$1 million out of the \$4 million to be used toward renovations repairs. We've had work with GHURA and DPW and we've had managed to correct a lot of the deficiencies at Post 8. When there was a previous tour of Post 8, the air cons weren't working there and there are still plans. Now there are and even Post 8, just for the record, for the people watching this in the public, is you have everyone there, women, and it's been mentioned, pre-trial detainees, women, federal and local, to include sentenced women inmates. There is no segregation. The only way you segregate those women is put them in different areas of the wings where I used to work at. That used to be a detention facility, mostly for male individuals. Working on what Senator Dwayne San Nicolas's bill that passed into law on the renovations and repairs, there's been some security systems in place that we've managed to use and some of that and some of the renovations I believe that we use, we may be able to get reimbursed because of the damages from Mawar, from FEMA. So we might get some of that money recovered back on that. So that's some of the progress that has been taking place. And DPW and GHURA have been very instrumental in helping us assist that when they're doing an assessment of the Agana detention and doing assessment of the domes and post-8 area there and the other facilities, Senator.

**Senator Joe San Agustin:** Okay, Director, have you ever gone to GEDA and find out if you can even borrow money so you can speed up whatever you need to do?

**Chairman Shawn Gumataotao:** So Senator, later in the agenda, we're going to talk about those plans. But if you can focus your attention on this agreement between the federal marshals and their management of those, we're going to get to that at the very end, though. Yeah, I'm sorry, please continue.

**Senator Joe San Agustin:** Okay, well, in reference to the marshal service agreement, as I'm looking at the response that's provided, I guess, by GHURA in reference to getting the facility, how far is that already?

**Mr. Fred Bordallo Jr., DOC Director:** I couldn't hear you. I'm looking at the GHURA's response in reference to the facilities.

**Senator Joe San Agustin:** We're also going to talk about that, too. Oh, then, Mr. Chairman, I'll wait until everything is done. Then I'm going to ask the question because the bill, public law 36-57 is ready four or five years old And the first and the only possible improvement would be the Butler building. Other than that, everything is piecemeal and that's unacceptable. DOC had a shot of five minutes. They could have gone to GEDA and find out they can get 30, 40 minutes and they could have speed up all the process. The involvement of GHURA and DPW would have been more convenient and cost effective. And that's my point. So with that, Mr. Chairman, I'll wait until everything's done. Then I'll ask the question because it just bothers me that five years later, now we're coming up with all the excuses for failure. That's all I'm hearing. Thank you.

**Chairman Shawn Gumataotao:** Yes, thank you, Senator San Agustin. Senator Chris Duenas, I'll go ahead and have you proceed again. We're talking about the very first issue, which is the DOC facilities on Government of Guam U.S. Marshals Service Agreement. Thank you.

**Senator Chris Duenas:** Si Yu'os ma'åse' Mr. Chair, and I understand we're respecting the Attorney General's time and asking essentially the effects and I think what we have the General here for is the issue of legal liability. So I just want to ask him, after everything you've heard so far this morning General, do you believe that we're moving towards or maybe currently in legal jeopardy with regard to the agreement and the effect of the DOC facilities not being adequate or up to par or maybe even subpar with regard to housing capabilities for federal detainees?

**AG Douglas Moylan:** Thank you, Senator Duenas. Fred is a friend of mine, so I'm going to be very careful in how I pose this and especially as the legal representatives for the people of Guam are government. We were sued before they took the function and made us actually, there was a joint type of agreement on the receivership. We were made to do certain things. There is obviously legal liability here for the people of Guam having to be forced to pay things out of our own general fund because of the conditions that everyone seems to be talking about. Whether it meets the level of receivership, that would be a separate fight in the district court. But I think with this Trump administration, they are conducive to sitting down Department of Justice and figuring it out because this is symbiotic. They need us to house their people efficiently and to a certain extent, we need them because we're a territory. So yes, there is a legal liability that's facing we, the people of Guam. But there is a fix. It's a quick fix. It's an effective fix and if the federal courts see that we are actually doing something other than what's being done right now, which is, in my opinion, nothing, we can avoid a receivership. But this whole idea of receivership, oh, we're all going to be hurt emotionally that we had a function taken away from us. We need to get way past that. The health care industry is in jeopardy of receivership. The hospital is in jeopardy of receivership. Every function of our government is failing under this governor. And that is the danger, businesses are leaving. They're all the signs that the government is failing the people. And we're being injured, hurt, and you call it. But this is the top of the food chain. Without public safety, you don't have a government and you don't have society. Public safety is key in with the Department of Corrections. We pass pieces of paper in the judiciary at the AG's office. We administer it. But the safety of every person in our community is tied into the prison. If they can't keep them safely in there, everybody's in danger, including their officers. So I'm, as I said, I'm a strong advocate. Get the Butler building in here. Get those tents, military tents. Separate the population. Don't put them all together because that's what causes the riots. Thank you.

**Senator Chris Duenas:** Director Bordallo, I think there's just no question here. I'm simply cut to the chase. The bottom line is, the question being posed here by the committee in this oversight is the effect of

the facilities on the agreement. I believe right now, just to be clear, there's no question we are not in compliance with the agreement. I got two questions for you. One is, and I was able to point this out in discussions with the Guam Memorial Hospital when we got resources to them. There is not a resource issue. We continue to see in this government, there's an action issue. So the bottom line is two questions. Why has this not risen to the level of an emergency declaration? And second, why have you not or do you not have the resources? And if you don't, why haven't you made it clear to us as well as the governor to get you everything you need to be able to move heaven and earth on this issue?

**Mr. Fred Bordallo Jr., DOC Director:** And thank you for those two questions, Senator. In regards to the compliance with the U.S. Marshals Services that we have the agreement with the U.S. Marshals Services, the U.S. Justice Department, the marshals do not mandate the Department of Corrections to be held in agreement with them. This is almost like an MOU. It can be rescinded at any time. The U.S. Marshals has not come to us to rescind. As a matter of fact, the U.S. Marshals have the resources that if they don't want, they want to rescind the agreement with Department of Corrections, they can make an agreement with the U.S. military and hold their federal prisons in a military brig that would exist here in Guam if the U.S. military has a military brig.

**Senator Chris Duenas:** I don't want to interrupt you for the purpose of being interrupted, *yeah, yeah*, okay? But I want to tell you something. That question is not satisfactory because you're running a facility. You currently have an agreement, so you have a fiduciary responsibility to provide adequate conditions. It sounds to me like if that's the way you want to take this up, then you may, when you go back to your office, type up a letter to them and ask them, would they like to seek other agreements, other facilities, maybe even saying that you're not capable of it. But given the fact that you have the responsibility now, would you be in noncompliance with the agreement?

**Mr. Fred Bordallo Jr., DOC Director:** Well, they've been satisfied, and I think Sarah Nededog has testified. They're satisfied so far with the answers that we give them that we met, the chief of staff has come down and has the DPW and GHURA assisting us. We were focusing the MOU with GHURA toward the HVAC system, which is the number one, one of the number one challenge. But that's not the only challenge, Hagåtña Detention. That facility has been built since the 90s prefab, and there's more other challenges there in terms of that infrastructure, electrical stuff. I mean, I even had someone take a look at the electrical panel there. The other side of that is the showers where the inmates, water and electrical doesn't work there you know. And that's a long-term, it's going to be long-term just to fix the Hagåtña Detention. Not to also mention that Hagåtña Restoration Plan doesn't want that Hagåtña facility to be there, and that to be torn down and I said this publicly, to be replaced as the Manuel F. Guerrero Administrative Building.

**Senator Chris Duenas:** So why is this not an emergency, Director?

**Mr. Fred Bordallo Jr., DOC Director:** Well, the chief of staff said we're going to use emergency procurement, and that's the thing, too slow.

**Senator Chris Duenas:** So it is an emergency.

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, to sort of like speed up some of the things that we need.

**Senator Chris Duenas:** Have you made the declaration?

**Mr. Fred Bordallo Jr., DOC Director:** We've gotten quotes, and we're doing assessments now. But do you have a declaration that will actually be facilitating that? I think you're acting as though it's an emergency, but you haven't declared the emergency to give you the authority to get moving.

**Mr. Fred Bordallo Jr., DOC Director:** I believe that we're working, I'm working with the chief of staff who we're going to coordinate to get emergency procurement.

**Senator Chris Duenas:** Mr. Chair, on the legal question here, I think it's cut and dry. We're either going to move and make this a suitable facility in the next 90 days, or we should ask the Marshals Services to seek other services. On this legal question, that's all I have, Mr. Chair.

**Chairman Shawn Gumataotao:** Thank you so much, Senator Duenas. Senator Barnett, you're recognized. You have five minutes, sir, on this issue of the U.S. Marshals Agreement with the Government of Guam.

**Senator Chris Barnett:** Yeah, thank you, Mr. Chair. It's a little hard to ask questions on the agreement. Do we have it in front of us?

**Chairman Shawn Gumataotao:** Again, I'd ask that for the committee, yeah.

**Senator Chris Barnett:** So, good morning to the panel. Thank you for being here and Si Yu'os Ma'åse' Mr. Chair, for the opportunity to speak. Good morning to the people of Guam. So, specifically on the Marshals Service Agreement, if it does reach a point where they feel you're not in compliance with the agreement, would it necessarily lead to receivership, or would it lead to them seeking other facilities? Because there seems to be a lot of questions about the potential of federal receivership.

**Mr. Fred Bordallo Jr., DOC Director:** No, Senator. It would lead to them just receiving, I mean, rescinding their agreement, like an MOU. There's an out clause that you can rescind the agreement, and then they'll look for another resource here on the island for confinement space for their federal detainees and I just want to say on the record, INS, I met with the Immigration Customs Enforcement and Sayama, and he told me with their INS federal people, their contract with the U.S. Marshals, if they had any complaints of where they're at, they're currently at the Hagåtña detention on the federal side, they can rescind their contract with the U.S. Marshals.

**Senator Chris Barnett:** So the million dollars that we appropriated in the 37th Guam Legislature, I haven't got, I know you said some of the expenditures, but if you could list all the expenditures and tie in how they would address components of the agreement with the Marshals Service.

**Mr. Fred Bordallo Jr., DOC Director:** There's supposed to be a balance of 700,000 because we spent 300,000 up there, mostly at the Mangilao facilities, and I believe even our parole officers, I mean, our parole division officers, which is adjacent to the Hagåtña detention had some of their air conditions fixed. So our plans is to tap from that 700,000 so that when the GHURA puts out the bid for the HVAC system, that will be used, that will be the thing to be tapped. Plus other deficiencies that DPW identifies and assess like electrical stuff and water systems and plumbing and a lot of other stuff that inside that facility needs to fix to ensure security because I think some glass panels have been broken in there when people took a tour, they noticed that.

**Senator Chris Barnett:** Thank you. Ms. Sarah, can you, when you're meeting with the Marshals Service, did they ever raise the concern about insufficient staffing at the Department of Corrections?

**Ms. Sarah Thomas Nededog, Program Director, DOC:** Clarification, did they ever, the feds ever raise?

**Senator Chris Barnett:** Did they ever say, hey, *about staffing?* we got concerns about the lack of sufficient staffing, the inmate detainee to corrections officer ratio?

**Ms. Sarah Thomas Nededog, Program Director, DOC:** Like the ratio? No, no. Initially, the concern was really like transportation and those kinds of things and making sure there was adequate, you know, staffing to take them to and from courts. But other than that, they have not made any mention about adequate staffing at HDF.

**Senator Chris Barnett:** So I know we don't have the agreement in front of us, but I can assume that it basically says, you know, house them in humane conditions. In the instances of the HVAC system, which you said was raised by the Marshals Service, is that a violation, for lack of a better term, enough of a red flag or do you provide that you're undergoing corrective measures and then they say, okay, that's okay?

**Ms. Sarah Thomas Nededog, Program Director, DOC:** I have to say that the meetings with the U.S. Marshals has been very supportive and they understand the situation that we're in with a very, very old facility with constant issues because it's not just as simple as the air conditioners, HVAC not working, but the capacity to support that. So I think GHURA can speak further to that as well as DPW, but it's also the electrical capacity and I think Director Bordallo, you may mention of that. So it's not just about getting air conditioner down there and plugging it in. There's much more to that. So they're aware of that they know the complexity of, we've gotten an evaluation now, which is very good. Thanks to GHURA in terms of what really is needed and then the next step is securing it and as has been said, the emergency procurement, apparently, it has been said that that's what the next step is. So we're hopeful of that and our discussions with the U.S. Federal Marshals, they're pleased at us doing that, the government of Guam working towards an emergency procurement plan. So that seems to be, you know, I think with them, they really do want to maintain this relationship. But at the same time, of course, they're concerned about the environment and that it's appropriate for their detainees. So they're trying to constantly, you know, find that middle ground. But the discussions have been very, I think they've been very understanding and they want to help in any way they can and at the same time, they want to make sure they carry out and protect their own mission, which that's what they're doing.

**Senator Chris Barnett:** Thank you, Sarah and I think for sure, we're all concerned about the conditions of the Department of Corrections and as we've seen, the population climb upwards *right*, of 1,000 I think the current count, according to the chair, *incredible* is 886, right? So I want to commend the Department of Corrections and the family for doing what many and other agencies do, which is, you know, try to meet their mandates with the lack of resources or whatever and so with the marshal service and the staffing, I'm sure in meeting those mandates, you have to be creative in how you deploy your staff. So are you able to tell the senators present the status of your overtime for fiscal year 2026?

**Mr. Fred Bordallo Jr., DOC Director:** I believe we are running into a shortfall in our overtime because it's high, especially a reduction of, we don't have the level of manpower. So we're looking at a particular strategy of increasing manpower quicker through recruitment. And one of the things that we've discussed in our command staff meeting is since we're handling a lot of the detention, pre-trial detainees, about 530 pre-trial detainees, the quicker process, and I discussed this yesterday with the deputy director of DOA, is to start getting some detention facility guards hired. They're different from the correction officer one. They have the same thing, but they're different in terms of the length of training that will be required to train a detention facility guard versus the corrections officer one. The corrections officer one has to go through all the post-training, about eight, nine months a detention facility guard, Captain Pocaigue, we can have them train. Just like me, I was a correctional specialist, but in detention in the military only takes eight weeks to get us orientated and knowing the rules and regulations of what we can operate as a detention facility guard, and it'll be quicker and we can get, and there's some corrections officers that we've lost that DOA director, deputy director told me we can fill those vacancies with a detention facility guard versus LTA detention facility guard.

**Senator Chris Barnett:** Right, so in talking about recruitment and retention and getting enough corrections officers at the facility to make sure that we don't jeopardize the agreement with the marshals of service, how crucial or critical do you believe measures before this body to address recruitment and retention pay of Department of Corrections officers and supporting staff? How important do you think those efforts are?

**Mr. Fred Bordallo Jr., DOC Director:** Well, it's certainly appreciated from the legislature in supporting us in collaboration with the governor to give us the funding, to provide the funding where we can increase our manpower strength, and especially in recruitment of the corrections officers and the detention facility guards, because again, as I said, we're demanded by, we have a lot of demands for other programs and for the, especially work credit programs, community projects, helping the schools out, and we can't, and with a shortfall manpower, our main thing is keeping Hagåtña secure and Mangilao secure because our officers, if they're going on to community, they're not there. They have to come back and we're always demanded by the courts to transport or replace a court-martial to relieve them from duties guarding a person who's a detainee or from the Guam Police Department, and that takes a lot out of our officers and those additional demands.

**Senator Chris Barnett:** Right, and I think when you talk about the outdated facility, it creates so many problems with the staff being able to secure it adequately, right? If we get the modern facility, that requires less staffing, correct? So, the facility is actually making the staffing issues worse, right?

**Mr. Fred Bordallo Jr., DOC Director:** We have a modern facility that built where those dome tents used to be. That will be a little, that's a bigger improvement in terms of having to have that much staff because of the modernization of security systems that will be in place in that new facility.

**Senator Chris Barnett:** Yeah, so I know that part of the challenges of the DOC leadership is deploying corrections officers to different sectors of the facility that require more supervision, which could lead to, you know, security violations. And so I wanted to ask you if you're able to comment on the record if there was an incident involving a firearm of a corrections officer that was stolen from this corrections officer's vehicle, which was parked inside of the corrections facility footprint.

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, I could just confirm that there's an ongoing criminal investigation and also internal affairs and the officer who made that report about a stolen firearm is on administrative leave with pay.

**Chairman Shawn Gumataotao:** Again, Senator, if we can...

**Senator Chris Barnett:** Thank you, Mr. Chair. I appreciate that.

**Chairman Shawn Gumataotao:** Thank you so much. Senator Sabrina Salas-Matanane, you have the floor. You have five minutes. Thank you again for being with us this morning.

**Senator Sabrina Salas Matanane:** Thank you, Mr. Chair. If you could clarify at the HDF, is that where all the federal detainees are being housed?

**Mr. Fred Bordallo Jr., DOC Director:** That's correct, Senator. But there are some times where federal detainees, like the women detainees that are federal are up there at Post 8 together with the sentenced female inmates and together with local female detainees. They're all in one place.

**Senator Sabrina Salas Matanane:** Okay, but primarily they're all held in Hagåtña, correct?

**Mr. Fred Bordallo Jr., DOC Director:** Excuse me?

**Senator Sabrina Salas Matanane:** Primarily they're all held in Hagåtña, *primarily they are all held in Hagåtña*, the federal detainees. And just to clarify, it was also asked about the \$5 million that was appropriated a couple of years ago by the previous legislature. Also during the previous legislature, a million dollars was allocated, appropriated for renovations and repairs. You said \$300,000 was spent. Was that any of that in Hagåtña on the HDF?

**Mr. Fred Bordallo Jr., DOC Director:** I believe I can check that some may have been spent for parole services, for their air con systems, I believe. The HVAC was working at Hagåtña at the time. It wasn't broken when that \$1 million was given to us.

**Senator Sabrina Salas Matanane:** I see. It was mentioned that over the last six, seven months, there have been meetings with the U.S. Marshals regarding the conditions and treatment of federal detainees in Hagåtña, correct?

**Mr. Fred Bordallo Jr., DOC Director:** That's correct.

**Senator Sabrina Salas Matanane:** Okay. I guess in the last six, seven months, have any federal detainees been moved out of the HDF off-island?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah. As I can say that for operational security purposes, I can't say the location of where the federal detainees that were moved from Hagåtña detention. And as I said, there's some INS.

**Senator Sabrina Salas Matanane:** That's okay. You don't have to tell me where, but how many?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah. I have to get that number. I think it's somewhere in the about.

**Senator Sabrina Salas Matanane:** Within the last six, seven months, how many? I believe for the federal detainees that have been, from what I can recall, I think there must have been around 20 of them from the U.S. Marshals that were relocated out of Hagåtña detention facility.

**Senator Sabrina Salas Matanane:** 20? 20, *I believe*. Within the last six, seven months?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah. Within the last, I would say a month, I believe, or something.

**Senator Sabrina Salas Matanane:** Why were they moved?

**Mr. Fred Bordallo Jr., DOC Director:** It's the HVAC, just because the HVAC broke down.

**Senator Sabrina Salas Matanane:** Because of the HVAC? So how long has the HVAC been down?

**Mr. Fred Bordallo Jr., DOC Director:** I believe it's just about, I think it broke down about a month ago or something like that. You know, when I went to the federal court, I wasn't summoned, but when I went to the federal court, at that time they indicated that the HVAC broke down. So I think it was about a month or a month and a half or too much, but not nine months. It hasn't been out for nine months.

**Senator Sabrina Salas Matanane:** So within the last month, 20 federal detainees have been moved off island as a result of the conditions of the Hagåtña detention facility.

**Mr. Fred Bordallo Jr., DOC Director:** They've been moved, relocated. I don't want to indicate the location of where they're at right now.

**Senator Sabrina Salas Matanane:** Okay. And how many total currently are at the HDF?

**Mr. Fred Bordallo Jr., DOC Director:** How many?

**Senator Sabrina Salas Matanane:** Federal detainees. You said federal detainees are housed at the HDF. How many currently are housed now at the HDF?

**Mr. Fred Bordallo Jr., DOC Director:** I believe we have eight immigration services inmates there. And their total, there's 18 or actually 18 now for Hagåtña detention facility. You know, that's the total they're supposed to have in terms of federal detainees, I believe. So I think Major Lizama has that information. She can come over here and verify those numbers for me.

**Chairman Shawn Gumataotao:** Director, you can get the information from her. She's not under oath. We hope that you will answer the committee very matter of fact if you can. If she can point it to you, please answer the senator. She's the operational security operations for her. This oversight is on your agency and so we're asking you the question and please support the answer to the senator. Thank you.

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, I believe, I think there's, from the numbers here, there's eight immigration, I believe, that's showing here. And then at the federal detention site and then a total of 18 Hagåtña detention site.

**Senator Sabrina Salas Matanane:** 18, that's when you say Hagåtña detention site, that's local detainees. Right? *Yes.* So almost all of your federal detainees were relocated as a result of the conditions at the Hagåtña detention facility?

**Mr. Fred Bordallo Jr., DOC Director:** Except the INS, except the immigration, they're still there on the same site, the federal site.

**Senator Sabrina Salas Matanane:** Have you gotten any indication that they will be relocated as well?

**Mr. Fred Bordallo Jr., DOC Director:** No, when I talked to, because they're contracted with the U.S. Marshals and according to immigration agent in charge, Sayama, they're satisfied. They didn't make any complaints about their conditions on the detention site, even with the HVAC off. They're not making any complaints to move.

**Senator Sabrina Salas Matanane:** Is there any timeline on when these HVAC units or the HVAC unit is going to be repaired? As I said, the plan is with the emergency procurement, we can possibly look at 90 days.

**Senator Sabrina Salas Matanane:** 90 days. Okay. How much do you, or how is it charged to the U.S. Marshals Service? How do they pay the Department of Corrections? Is it per detainee? How does that work?

**Mr. Fred Bordallo Jr., DOC Director:** They have a per diem rate of 102 per day and then we bill them. From our office, we bill for housing them.

**Senator Sabrina Salas Matanane:** So it's \$102 per day per federal detainee?

**Mr. Fred Bordallo Jr., DOC Director:** That's correct, yeah.

**Senator Sabrina Salas Matanane:** Okay, just so that we're clear. And just for everybody that's watching and just for the committee, just to get just a straightforward yes or no answer. As of today, would you say that the conditions at the Hagåtña Detention Facility where our federal detainees are housed, are held, are they inhumane? Yes or no?

**Mr. Fred Bordallo Jr., DOC Director:** I would say, yeah, they're inhumane.

**Senator Sabrina Salas Matanane:** What about at the Adult Correctional Facility in Mangilao? Are they inhumane?

**Mr. Fred Bordallo Jr., DOC Director:** Where the domes are located at? I said those are inhumane too, having them inside dome tent structures.

**Senator Sabrina Salas Matanane:** Thank you. Thank you, Mr. Bordallo. Thank you, Mr. Chair.

**Chairman Shawn Gumataotao:** Thank you, Senator. At this time, we're going to move on unless I have any, I know Attorney General Moylan, are you going to be able to stick around for a couple more minutes for at least, we're going to segue now to the agreement with the Guam Housing and Urban Renewal Authority?

**AG Douglas Moylan:** Mr. Chairman, if you request it, I'll stay. *Oh, if you could,* I'm sorry, Mr. Chairman, if you request it, I'll stay.

**Chairman Shawn Gumataotao:** Yes, if you could, because I know there's going to be a question on some of these agreements, but I'll go ahead and we'll get to that point. Again, I want to thank Liz Napoli. Thank you for being with us this morning. I know you provided oral testimony. So ma'am, welcome to the People's House and I'll let you proceed.

**Ms. Elizabeth Napoli, GHURA Director:** Good morning, Senators. And if I may read the oral testimony. The Guam Housing and Urban Renewal Authority's involvement with the Department of Corrections is limited to providing professional engineering and technical support when formally requested and authorized. GHURA was initially engaged under an agreement, a Memorandum of Agreement, MOA, related to HVAC repairs at the Mangilao Dome facilities, which was later discontinued by DEPCOR without prior notice to our agency. We subsequently learned that DEPCOR redirected its priorities to address urgent HVAC needs at the Hagåtña detention facility and federal detention. In response, GHURA requested a new agreement to clearly define the revised scope and protect both agencies. The revised MOA now under review reflects GHURA's role strictly as a technical advisor and not as a procuring, construction, or managing agency. Under the proposed MOA, GHURA's responsibility is limited to providing access to a facilities management engineer to prepare and review heating, ventilation, air conditioning, HVAC specifications, offer technical recommendations, and assist during the procurement process. The Department of Corrections retains full responsibility for procurement, contracting, construction, and project funding. Compensation to GHURA is offered at \$7,000 and reflects reimbursement to continue professional and technical services. The GHURA architectural and engineering staff conducted a preliminary inspection of the Hagåtña detention facility to determine the span of this work scope. The work scope is now specific to HVAC replacement at the Hagåtña detention facility and federal detention and is supported by funding appropriate under Public Law 37-125.

GHURA's continued assistance is contingent upon formal execution of the MOA and compliance with federal funding accountability requirements and I just want to say, Senator Gumataotao, I know when we met, at the time that we met, we did let you know that we had an MOA and we were just waiting for payment of the invoice for services rendered before we could proceed with the HVAC repairs that were needed at the four dome facilities. And it was, I don't know if it was week after, that I learned that it was no longer going to be HVAC repairs at the domes because the domes are going to be taken down for the building of the new prison facility. And so when I found that out, that's when I said to DEPCOR, I said, well, that changes things because we were waiting to proceed with helping with getting the procurement process going for the domes. But now that you're changing it to the Hagåtña detention center, which we already actually had, our engineering staff had already assessed the domes and the Hagåtña detention, as well as the women's area at the Department of Corrections for what the needs were regarding the HVAC system. So that's where we're at. My legal counsel is taking a look at the new MOA and as soon as that's done, then it goes back to them. But we do need to get, receive payment for services already rendered and the amount of I think \$7,500 before we can go further because none of this is federally funded under HUD. We are just assisting another agency with expertise that we have in-house. So that's where we're at with it.

**Chairman Shawn Gumataotao:** Thank you so much, Liz, for your testimony. And then let me just ask again. So you would have a, practically speaking, you would have some kind of interagency agreement to provide that service.

**Ms. Elizabeth Napoli, GHURA Director:** Yes, it's a memorandum of agreement because our staff is, we're 100% federally funded *right* and they have to account for the hours they spend *of course*, on a local project that's not funded by HUD. So that's where we're at.

**Chairman Shawn Gumataotao:** And then you've already billed the Department of Corrections for the \$7,500.

**Ms. Elizabeth Napoli, GHURA Director:** Yes, we already did.

**Chairman Shawn Gumataotao:** Okay, if I can, I'm just going to turn it because he's here. Attorney General Moylan, I know that I'm not going to go into the details of the MOU, but in terms of interagency memorandum of agreements, those are common in government. They can be useful in cases like when there's no support of maybe technical people. Would you agree or disagree?

**AG Douglas Moylan:** Mr. Chairman, why isn't the governor down here? You got all her people that are keystone cops right now. What is GHURA getting involved with fixing an air condition? I was down there. Air conditions are compressor lines and a few motors inside of it. And I was there as that thing was hot and women were being, you had an air condition area where women were in there and then you had a non-air condition area where there was about maybe 30 local women that were in another part of it. And I just said, take those women and put them in the air condition area. And I don't care if you have a federal detainee being mixed in with a local detainee. Your question deals with an MOU. Why isn't DPW handling this with their techs? This is an HVAC, everybody that has an air condition on Guam, call up the tech, find out what parts are wrong, replace them. It's not like you're redesigning the whole darn system. Those domes that they're talking about, I saw those domes. They're one unit that's just shooting out cold air. If the compressor is down and that's the most important part of that unit, call the governor if you need the emergency power, declare the emergency, get that compressor flown in from the states or use your budget to fly in the compressor. HVAC, HVAC, HVAC. Nobody can live in those facilities without some air condition because they're closed. In the women's facility, there was some corrections officer that was literally standing in front of the door. I looked at him and they had air fans blowing into a closed area. Open that door and it had bars in front of it so the air blew through. That's, that photo that made the PDN.

**Chairman Shawn Gumataotao:** Again, let me just go backwards. I understand.

**AG Douglas Moylan:** I'm talking about the MOU. The MOU deals with DPW that doesn't need to pay \$7,000 of taxpayer money that when you've got a facilities experts at DPW, get your tech down there, get that open purchase order that you have and fix it. We are so low on our conversation here dealing with darn air conditioners when people's lives are in jeopardy.

**Chairman Shawn Gumataotao:** No, but I understand. My question was, is it a common thing that we have these interagency?

**AG Douglas Moylan:** Of course, it's a common thing. But the point is, the governor, this is, this is, it shocks the conscience to be listening to this because we're talking about things that you are not paying a \$150,000 supervisor to have to think about. We're paying \$7,000 and we're not even getting the service. Then somebody's changing the facility area. What is GHURA involved here for? That's my question. Why is GHURA involved here? You got the governor, her chief of staff and those people that are running this cabinet. Get them down, fix it and let's move on to get the butler building constructed. We've got a bigger problem of facing this government and by the way, we're talking about a few detainees. The receivership I'm talking about isn't going to be triggered by the detainees. It's going to be triggered by the constitutional rights for our detainees. If I may ask the chair, how many detainees are they handling right now? Federal detainees.

**Chairman Shawn Gumataotao:** As of December 15th, 2025 at 0044 hours, the Hagåtña detention facility has a grand total of eight.

**AG Douglas Moylan:** Eight.

**Chairman Shawn Gumataotao:** Inmates.

**AG Douglas Moylan:** So eight out of... *Federal detention inmates*. Eight out of 886. The lawsuits are going to come from the 886. I'm not worried necessarily about the little detainee numbers. The facility, if it's true, that it's overcrowded, and I'm not going to make any admissions on that, you need a larger facility. You need more space for these people. So, you know, yes, MOUs are commonly used in the government, but there's a common sense of who you make the MOU with.

**Chairman Shawn Gumataotao:** That's right, and I agree.

**AG Douglas Moylan:** And that's where somebody needs to step back from this photo, this situation, and realize we are in a different universe right now.

**Chairman Shawn Gumataotao:** All right. Thank you for your input. Let me ask DOC, what portion, and on the record, what portion of the \$1 million authorization from DOC's FY 2025 appropriation of \$5 million for a new prison has been expended pursuant to Public Law 37-144 enacted on December 28th, 2024 for the renovation, maintenance, and repairs of the DOC adult correction facility and the Hagåtña detention facility and the procurement of security system materials, property vehicles, and equipment for these two facilities? It was the question that was posed by Senator San Agustin earlier. Again, what portion of that \$1 million authorization has been expended?

**Mr. Fred Bordallo Jr., DOC Director:** I believe we spent \$300,000 of it. And if you go to Post 8, where the woman, where he said, we have to open the doors, now they have all, they've been cooled down with air con systems that have been all installed for the Post 8.

**Chairman Shawn Gumataotao:** Can you please provide to the committee the copy of that expenditure in terms of what you spent?

**Mr. Fred Bordallo Jr., DOC Director:** Yes, yes.

**Chairman Shawn Gumataotao:** Okay, now with respect to the list of urgent repairs that was included in the public hearing record for Bill 368, which was enacted as Public Law 37-144, including but not limited to generator repairs at Post 9, Post 16, Post 25, and Post 30, plumbing and electrical, and fire safety equipment, smoke detectors, emergency lights, fire extinguishers for all posts, what portion of these facility issues have been addressed through GHURA and DOC's collaboration to date?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, in terms of GHURA, they helped us and assessed with the women's, the Post 8, of course, as...

**Chairman Shawn Gumataotao:** So when we look at all those projects, what portion? Give me a percentage, 1%, 2%, 0%, 25%, 100%.

**Mr. Fred Bordallo Jr., DOC Director:** I'd say over 60% of the, that we had the assistance from GHURA was for the...

**Chairman Shawn Gumataotao:** So 60% of the urgent repairs have been completed at Post 9, Post 16, *no post 8*, Post 25.

**Mr. Fred Bordallo Jr., DOC Director:** No, Post 8, I'm just saying one of those posts, Post 8, you know, they have all the air cons installed there, I believe, or something.

**Chairman Shawn Gumataotao:** Director, that's what I'm asking. What is percentage based on this? How much has been done?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, well, I'll just say that the majority of it, and this is the way I can answer you there, Senator. GHURA, you know, of course, that's what she said, the original was the domes, right? And they...

**Chairman Shawn Gumataotao:** On the record, she just said that she's providing only technical support. They are not building it. So my question to you is, what portion of the urgent repairs? It's not a trick question. All I'm asking you is that it's...

**Mr. Fred Bordallo Jr., DOC Director:** But Senator, if you can bear with me, I can give an explanation why.

**Chairman Shawn Gumataotao:** No, the other senators are gonna ask you that, but we're just trying to get this down to what has been done. *Yeah*. So how much has been done to date on the urgent list of repairs on the record? *Well I, I...* Because I know there were some guys that were here. I wasn't here.

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, I believe they've done an... As she said, they've done an assessment of the Hagåtña Detention Facility. She said that in her testimony, right?

**Chairman Shawn Gumataotao:** So the answer would be zero. The answer is zero.

**Mr. Fred Bordallo Jr., DOC Director:** She's done... I mean, that was valuable for us to get the assessment.

**Chairman Shawn Gumataotao:** No, no, I appreciate the assessment. Yeah. But the actual repairs being completed, the answer is zero. Yeah, we haven't had any stuff for GHURA. Thank you. To what extent, and you mentioned earlier, have Typhoon Mawar-related or other non-general fund or special fund resources have been secured to cover any of the facility repairs that have been identified through the consulting of GHURA and your work at DOC?

**Mr. Fred Bordallo Jr., DOC Director:** Yes, they've identified through their assessment what's needed at the Hagåtña Detention Facility and also at the...

**Chairman Shawn Gumataotao:** No, any other resources, we're able to secure resources from Mawar-related projects.

**Mr. Fred Bordallo Jr., DOC Director:** From Mawar you're saying?

**Chairman Shawn Gumataotao:** Yes, I am asking.

**Mr. Fred Bordallo Jr., DOC Director:** I can't hear you. I can't hear you. Are you saying Mawar from Typhoon?

**Chairman Shawn Gumataotao:** To what extent have Typhoon Mawar-related or other non-general fund or special fund resources been secured to cover any of the facility repairs that have been identified by DOC?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, I believe there has been some work from the recovery office that we've used some of that 300,000 for that we may be getting reimbursed for.

**Chairman Shawn Gumataotao:** So you have received no support for Typhoon Mawar-related projects at the DOC?

**Mr. Fred Bordallo Jr., DOC Director:** Well, FEMA did approve and I think from the recovery office, there's a matching and I believe we did some work that I think Doris Quichocho is on leave, but if she was here, she'd be able to provide.

**Chairman Shawn Gumataotao:** Director, how much money have you received?

**Mr. Fred Bordallo Jr., DOC Director:** I would have to get back to the committee and trying to...

**Chairman Shawn Gumataotao:** Sir, with all due respect, you knew we were going to talk about the facility here.

**Mr. Fred Bordallo Jr., DOC Director:** Yeah.

**Chairman Shawn Gumataotao:** We've never talked about FEMA before or any related with Mawar. *That's correct.* So in coming into this, I'm hoping that you and your office can provide back to the committee.

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, we'll give you feedback on that because Doris Quichocho has a lot of that information.

**Chairman Shawn Gumataotao:** That's perfectly fine. Now, in the November 7, 2024 public hearing on Bill 368-37, you, Director Bordallo, testified that the measure, this is Bill 368-37, the measure would, "expend the revenues with the current funding for the new prison toward necessary work projects to improve and strengthen significant facility infrastructure and investment in security system resources." If necessary, was in your testimony. If you want to improve and strengthen a facility as Senator Sabrina Salas Matanane mentioned, and I think my colleagues might have mentioned, why have you not acted more quickly? And we wouldn't have an oversight hearing like this to further understand that you are not anywhere closer to addressing these projects today than you were on November 7, 2024.

**Mr. Fred Bordallo Jr., DOC Director:** And I beg to differ there, Senator, that we've made some progress spending \$300,000 in renovations, repair and security systems. I can provide the committee more in-depth details of those expenditures, but that's a significant investment. And I thank the Senators for ensuring that we got that \$1 million for renovations because as we can see, even with the situation with the HVAC breaking over there at Hagåtña, which has happened in the past, Major Aguon said this is the second time, every 10 years or something, 10 years ago, that HVAC at Hagåtña broke down. And that's not a new facility there. That's an aging facility that I got your attention, right? *I got it.* There's a lot of miracle, I mean, magic that I wish I could pull a rabbit out of hat, but if it wasn't for my finance staff and my logistics people helping out, together with GHURA and DPW, we wouldn't be able to achieve what we have right now.

**Chairman Shawn Gumataotao:** Understood. Okay, I'd like to turn over to the Senators now. Senator and Vice Chair of this committee, Senator and Vice Speaker Tony Ada, you're recognized, you have five minutes.

**Vice Chairman/Vice Speaker Tony Ada:** Thank you, Mr. Chair. Director Bordallo, why is there still \$700,000 remaining in that \$1 million appropriation, and here we are one year later since it's been enacted into law? How come we weren't able to expend the entire million dollars on upgrades or facility maintenance?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, I believe when we got that, remember, I believe that was in 2024, around December, as the fiscal year was coming down to, you know, as the fiscal year was sort of like, you know, from October to December, and then we had, we had to, you know, really take a look at some of the changes we were doing, especially with the prison, a lot of the discussions, the prison master plan, right, and how some of that changes would have impacted what we're going to spend on, and a lot of the focus at the time-

**Vice Chairman/Vice Speaker Tony Ada:** But this didn't impact the master plan, this was specifically used for renovation, maintenance, repairs, and the procurement of security system materials, property vehicles, so why do we still have \$700,000 remaining of this \$1 million appropriation a year later?

**Mr. Fred Bordallo Jr., DOC Director:** All I can say is what we were doing the best in terms of getting as much of this, you know, requisitions out, and the Department of Administration, GSA, works the best that they can, even with some of the turnovers that they have to support us, right, and we sometimes even, it gets into that thing about procurement and how sometimes that sometimes can delay the process, and sometimes, sometimes there were some, I'll just tell you this, there were some back and forth that we've had with GSA and stuff, with some of the stuff that we submitted. We even went to a transition of a new ASO that we have, Administrative Service Officer, Roma Okada, and she's doing the best she can as a new Administrative Service Officer.

**Vice Chairman/Vice Speaker Tony Ada:** At any point in time, was it ever mentioned to you or your ASO that this \$700,000 is not available for expenditure?

**Mr. Fred Bordallo Jr., DOC Director:** I believe we're in that discussions right now about anything that regards to lapse funding, not only the \$700,000.

**Vice Chairman/Vice Speaker Tony Ada:** No, this ain't lapse funding. This is a separate appropriation.

**Mr. Fred Bordallo Jr., DOC Director:** A separate appropriation, yeah. There's some discussions of that we're having with BBMR and with Department of Administration.

**Vice Chairman/Vice Speaker Tony Ada:** So they're saying that this \$700,000 is no longer available.

**Mr. Fred Bordallo Jr., DOC Director:** That's some of the communications that's happening right now.

**Vice Chairman/Vice Speaker Tony Ada:** So how is it that we make a separate appropriation for \$1 million and now you're being told that \$700,000 is no longer available for emergency repairs to the Department of Corrections?

**Mr. Fred Bordallo Jr., DOC Director:** You know, Senator, I think our discussions are still continuing with Department of Administration, Director, I believe he's out, flying, and I'm gonna, I had a discussion with the Deputy Director on that yesterday and I believe that we're reviewing our current FY 26 budget, what it says about continuing appropriations.

**Vice Chairman/Vice Speaker Tony Ada:** But we're not looking, we're not looking, Director Bordallo, we're not looking at FY 26 appropriations. This was a separate appropriation from the \$5 million to the Department of Corrections to utilize. So how is it that this money is no longer available?

**Mr. Fred Bordallo Jr., DOC Director:** And that's a discussion, Senator, I'm gonna continue to have with Department of Administration, Director.

**Vice Chairman/Vice Speaker Tony Ada:** When was the last communication you had with DOA about the remaining \$700,000?

**Mr. Fred Bordallo Jr., DOC Director:** Yesterday with the Deputy Director, the Director's off island.

**Vice Chairman/Vice Speaker Tony Ada:** And the Deputy Director's communication to you, what was said?

**Mr. Fred Bordallo Jr., DOC Director:** What was said is she's gonna continue to talk to Director Birns in regards to my concerns about the \$700,000 okay.

**Vice Chairman/Vice Speaker Tony Ada:** Mr. Chair, I'll go ahead and yield the rest of my time.

**Chairman Shawn Gumataotao:** Thank you, Vice Speaker. Senator San Agustin, you're recognized, you have five minutes.

**Senator Joe San Agustin:** All right. Thank you, Mr. Chairman. It just kind of bothers me. You spent \$300,000 but you can't pay \$7,000 to GHURA. That's kind of bothers me. Okay. Have they paid you the \$7,000, GHURA?

**Ms. Elizabeth Napoli, GHURA Director:** I'm sorry, can you say that again?

**Senator Joe San Agustin:** Have they paid GHURA the \$7,000?

**Ms. Elizabeth Napoli, GHURA Director:** No, not yet.

**Senator Joe San Agustin:** Okay. And that's what my statement was. You spent \$300,000, Director, but you can't pay \$7,000. It just kind of bothers me. Now, going back to, gosh, I don't even know which public law to ask you, but Public Law 37-144, they mentioned the \$1 million. How many RFPs have come out from that? Because I heard \$300,000. How many RFPs have come out to spend money?

**Mr. Fred Bordallo Jr., DOC Director:** I'll check, but I haven't heard of any RFPs out from that yet.

**Senator Joe San Agustin:** So after you spend the \$300,000, it's been dormant.

**Mr. Fred Bordallo Jr., DOC Director:** Again, I have to look at, you know, because I have to look at what, and do the breakdown of expenditures we've had and some of the proposals to use. Because we had big ideas to use. I mean, we had plans to use, of course, what I had set here before the legislature with the \$1 million to get as it was budgeted for. And there's some things that have been purchased, and there are things that have been put in place with the \$300,000 that we spent on that. I'll get a breakdown on that.

**Senator Joe San Agustin:** Okay, only because, Director Bordallo, I'm just concerned that the clock is ticking and it's not in your favor. And it's not in the favor of the Department of Correction. That's what my concern is. Every day that's gone by, there's no RFP, there's no butler building, there's no money for GHURA. Mr. Chairman, I'm looking at your agenda, and I'm like, Public Works, I hate to even ask him a question because I know if he's given a request, he just acts on it. And then the same thing with GEDA, if there was a request, because several years back when we first introduced Bill of Public Law 36, let's see what number that was, 57, 5 million would have gotten 70 million for DOC. It's probably reduced now, that 70 is probably 30 or 40 million. But there's no movement, Mr. Chairman. If there's no movement, hocog GHURA expertise, DPW will be doing what they tried their best, and they're still pursuing it for Simon Sanchez. DOC will be asking the Attorney General to represent us at the receivership defense. That's what we're going to end up being. And that's what worries me more. That's what worries me more because it'll reach the point where my colleague Senator Duenas will be like, okay, we have to shift money now because the receiver is going to tell us how much to spend at DOC. Like they did with, was that Waterworks? Or was it DPW? I mean, hocog. There's got to be more proactive movement. The oversight is great, but I'm trying to find a question to ask that's going to have an impact because it's, like I said, I want to know how many RFPs, where are we at with the Marwar Typhoon, find FEMA matching and all that stuff. That's great, Director Bordallo, but we need to remind ourselves, FEMA money doesn't come in a year, sometimes two, three years out. For the folks that are in government of Guam, they're familiar with that. It doesn't happen overnight. FEMA may say, we're going to match it. Matching, that's what it is. You end up just waiting forever for that money to come. Government of Guam has to foot it first. Pay for it, process it, and pray the money will finally come in. And I wouldn't be surprised if DPW is still waiting for FEMA money from when he first got into office. Mr. Arriola, I don't know, you want to comment to that, but Mr. Chairman, I'll reserve questions until we need to because I like to see movement at DOC. I like to see not only the prisoners protected, but the staff. When I pursued the bill back in 21, it was to help the government of Guam and the people of Guam, protect us, protect the staff, protect the prisoners, avoid receivership, but we're not moving anywhere. And like the Vice Speaker mentioned, there's 700,000 sitting. I know that if DPW or somebody else has 700,000, it's gone. It'd be gone so fast, it's almost like, can you give us another million? And I know that's what Vince likes to say. Another million, fan Joe? Okay. Thank you, Mr. Chairman. I'll just wait until we figure out where we're going.

**Chairman Shawn Gumataotao:** Thank you, Senator San Agustin. Senator Duenas, you're recognized. You have five minutes.

**Senator Chris Duenas:** Excuse me, Mr. Chair, and I have to say that I share the frustration of the retiring speaker. And I know that I'm going to arrive at the same conclusion once again that I just said on the first round, and that is you don't have a finance problem. You have an execution problem. So, GHURA, thank you for being here, Ms. Napoli. There's really only one operative question for GHURA that we have, and thank you for the Q&A that you provided. It's simply this. Why is GHURA involved at all? The answer is DEPCOR does not have an in-house facilities project engineer while GHURA does. The MOA allows DEPCOR to access technical expertise without transfer authority. Ms. Napoli, is that your statement? And do you currently have an active MOU to do this?

**Ms. Elizabeth Napoli, GHURA Director:** The MOA that we had with them was for the four domes, the HVAC at the four domes. So right now, we're trying to finalize the MOA for the Hagåtña Detention Center because we found out that priorities shifted to that. But on top of that, I have reminded DEPCOR that they need to pay the \$7,500 invoice for the services already rendered by our A&E division. You know, we do have, and GHURA's involvement in this is, we were asked because we do have various, or engineers that are certified in various areas, like we have a structural engineer, civil engineer, and HVAC certified engineer. And you know, when we are asked to assist with technical expertise, and we're able to, we say we can do it, but we have to have an MOA, and our MOA will specify exactly what we're providing. So you know, if we're asked, then of course we'd like to help the other agencies. We'd like to help DEPCOR. And that's why we're involved. It's not something we volunteer to do. It's... We try to assist other agencies if we can. And we of course make sure that we get the Delegation of Procurement Authority from DPW before we proceed with that.

**Senator Chris Duenas:** Mr. Chair, I also sympathize with the statements from our Attorney General. The reality is that this is the buck stops at the top. We don't have that in front of us here right now. Fred, I don't even know how you proceed to procurement when GHURA says you haven't commenced your agreement on payment of the original 7,000. I don't even know how you can get a technical advice to execute what you need for the amended MOU for DOC and Hagåtña when you wouldn't even know what to be going to procurement for. And I'm going to tell you, Fred, right now, and you need to write a letter demanding that 700,000. As far as the Director and myself from Office of Finance and Budget and my committee, that \$700,000 is your money. Like the Vice Speaker said, this is a standalone appropriation. I'm sure the former Chair will agree with me as well. Senator San Agustin, this does not expire. These are your funds. They came from the fund that was actually allocated for your facilities. That fund is supposed to be there regardless. In fact, in discussions with investigative committee from Legal Counsel of Attorney General, it looks like that \$40 million that was appropriated to GMH was actually the \$35 million for GMH that was appropriated in the 2022 budget, in 2022 year, as well as the \$5,000 from DOC. So that money's been appropriated. All these people that accused of funny money, there was never funny money. That \$40 million was appropriated because there was appropriation authority that already existed since 2022. So Fred, there is not a money problem. And I encourage you when you leave here today and use my name as the Office of Finance and Budget Chair to write and demand Department of Administration and BBMR to tell you why that money doesn't exist. That money exists. That money is there and you should be able to go to procurement. But Fred, the problem here is not the money. The problem is without, as being discussed here, unless you can tell me that you didn't need that MOU, that you need the technical expertise from GHURA, the issue here is simple. That without that agreement, without that technical expertise, without the ability to do that, you don't even have the ability to go to procurement. I don't even know what DPW's are gonna do for you. Because you don't have an MOA with them, I don't believe either, unless Vince will say today that they can handle your technical specs and whatever else, well, then you don't need GHURA. Mr. Chair, I have a previous commitment, but I just wanted to say thank you for having this oversight, Chair. Hearing it's clear that it was necessary and it's clear what exists here,

unfortunately, and everyone on this panel are people I have high regard for. This is not, you know, a bash session. This is an issue where the government is just not operating effectively here, and there are high consequences for it. And so, Mr. Chair, I'm just gonna excuse myself, but say thank you for this oversight hearing. I don't know that we're gonna get any answers today that are gonna get us any closer to this procurement. Absent what I have said from the beginning, you need a declaration of emergency, you need to blow everything out of the water in order to do this, and like the Attorney General said, you need the highest level of attention on this, and that's the Chief Executive of the Government of Guam. Si Yu'os ma'ase', Mr. Chair.

**Chairman Shawn Gumataotao:** Thank you, Senator Duenas. Senator Chris Barnett, you're now recognized. You have five minutes, and I thank you for being here today.

**Senator Chris Barnett:** Si Yu'os ma'ase', Mr. Chair, if you would indulge me. I would like to read into the record the email response from DOA Director Ed Birn relative to the issue that we're talking about now, the 700,000. Lapsed funds refer to uncommitted funds that remain in appropriation account at the end of fiscal year, which are then returned to the fund from which they were originally appropriated or allocated. These funds are no longer available for new obligations or expenditures, and this was sent December 11th. So I know that the committee has asked you to write a letter to Mr. Birn. Do you intend on doing that?

**Mr. Fred Bordallo Jr., DOC Director:** Well, I'm continuing to have discussions with BBMR and Department of Administration, especially yesterday with Deputy Director of DOA, and one of the topics, as Senator Chris Duenas, came up as standalone legislation. *Correct*. So that was discussed.

**Senator Chris Barnett:** So that should always be there, but we did in the last few budgets secure your lapses for your operations and all that stuff. So that should have rolled over. But yeah, obviously the 700,000 belongs to the Department of Corrections, and I think as the Director, you have a responsibility to track that down. I want to ask, because much is being made about the timeline, November 24 to December 2025, and the implication that nothing has been done. So with that \$700,000, were you able to make any effort to expend it? Was any of it tied up in procurement purgatory, or was it just sitting in the account?

**Mr. Fred Bordallo Jr., DOC Director:** No, I believe my finance team, and again, I credit Major Aguon and then our new Administrative Service Officer, Roma Okada and the finance team working together. They have real good working relationships with DOA. And sometimes there's been hiccups, but they're trying their best to work together to get as much of that. We want to spend the whole \$1 million. That's the ultimate goal for all the renovations and keeping with the intent of the legislation, senator.

**Senator Chris Barnett:** Yeah, thank you. And I mean, we're hearing a lot of things this morning, but the real solution is the construction of a new prison. And that's why I was very happy that we're able to get you the \$5 million during the budget process. I mean, even over the objections of the Chair of the Committee. So I got to ask the 7,500 though, do you have that? Can you pay GHURA? And how soon can that be done?

**Mr. Fred Bordallo Jr., DOC Director:** 7,500, yeah. I believe we're, again, that's coordination with BBMR and DOA to release that funding for GHURA as we solidify the new MOU with them for the detention facility. And then this is Director Napoli, if that 7,500 is paid and you guys are empas already, how would we move forward then with this collaboration?

**Ms. Elizabeth Napoli, GHURA Director:** So all the assessments have been done for all those facilities and reports were issued to DEPCOR. And so I think the next step is to assist them with whatever technical advice they need regarding procurement and proceeding with the procurement process.

**Senator Chris Barnett:** Thank you for that. I think it's clear here, not just in this hearing, but in hearings that we've had in the past, because we've had every DOC Director in here and we've asked them the same question. Is it an emergency? Are you going to declare a state of emergency? Does the Governor know it's an emergency? And really, unfortunately, without the support of all the branches of government and the legislature, I think has consistently shown that we support the operations and providing resources that we can to the Department of Corrections. But unless that support is coming from the top, what we're gonna see is what we're hearing in this hearing this morning. And that's really unfortunate. And I hope that the administration's listening and I hope you don't have to write a letter. I hope that they can make you whole and restore that \$700,000 that we duly appropriated that was yanked out from under your department. It's really an insult to the hardworking employees of the Department of Corrections who continue to face risks working in the conditions that they do, not to mention the risks and the conditions for the inmates and the detainees. So thank you, Mr. Chair, for the opportunity to speak. And thank you, Director Bordallo and Director Napoli.

**Chairman Shawn Gumataotao:** And thank you, Senator Barnett. Senator Salas Matanane, you're recognized. You have five minutes, ma'am.

**Senator Sabrina Salas Matanane:** When did you first hear about the \$700,000 not being available?

**Mr. Fred Bordallo Jr., DOC Director:** This is about a week ago, several weeks ago or something, several weeks ago. I got to look at the time it was sent to me on the discussions that Major Aguon and Sarah Nededog had at Department of Administration with the Deputy Director.

**Senator Sabrina Salas Matanane:** And as of yesterday, you've just been kind of talking about it. Are you fighting for it or just accepting it?

**Mr. Fred Bordallo Jr., DOC Director:** That's why I went down to the Department of Administration yesterday to talk to the Deputy Director to see also the Director, but he's off island, to get into face-to-face discussion with him about the funding for \$700,000, the lapse fund.

**Senator Sabrina Salas Matanane:** Have you thought about maybe taking it to the Governor or Lieutenant Governor?

**Mr. Fred Bordallo Jr., DOC Director:** We're, again, it's in discussion because even the Chief of Staff of the Governor, he wants action to be taken in terms of the emergency procurement for the Hagåtña detention to get that place taken care of, especially with the U.S. Marshalls.

**Senator Sabrina Salas Matanane:** I'm sorry, did you say you spoke with the Chief of Staff?

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, Chief of Staff has an interest in this.

**Senator Sabrina Salas Matanane:** And was he supportive of the \$700,000 remaining with the Department of Corrections?

**Mr. Fred Bordallo Jr., DOC Director:** I believe he's aware of that because I shared the committee.

**Senator Sabrina Salas Matanane:** Aware or is he in support, yes or no?

**Mr. Fred Bordallo Jr., DOC Director:** Well, I have to talk to him and continue the discussions with him, but he supports us.

**Senator Sabrina Salas Matanane:** When's the last time you spoke to him?

**Mr. Fred Bordallo Jr., DOC Director:** I believe the Chief of Staff supports us, okay?

**Senator Sabrina Salas Matanane:** So yes, you do believe, you do believe that.

**Mr. Fred Bordallo Jr., DOC Director:** Yeah, and the Governor and the Lieutenant Governor and the Chair of the-

**Senator Sabrina Salas Matanane:** What about the \$4 million? Do you still have the \$4 million?

**Mr. Fred Bordallo Jr., DOC Director:** We're looking at that too because we see in our account the \$5 million, right? That was-

**Senator Sabrina Salas Matanane:** For FY 2026, but what about the \$4 million from the 37th?

**Mr. Fred Bordallo Jr., DOC Director:** We're looking for \$4 million.

**Senator Sabrina Salas Matanane:** Were you told that you don't have the \$4 million?

**Mr. Fred Bordallo Jr., DOC Director:** On the communications that Senator Barnett had indicated, that to me, translates that we don't have \$4,700,000. And our ASO had mentioned that to me, Administrative Service Officer Roma Okada. That's why I was having discussions with the Deputy Director yesterday.

**Senator Sabrina Salas Matanane:** Okay, because I was only, you know, I only heard about the \$700,000, so now you're confirming \$4 million now.

**Mr. Fred Bordallo Jr., DOC Director:** \$4 million under the Modernization Act, yep.

**Senator Sabrina Salas Matanane:** Let me just ask you, how would you rate your performance as the Director of the Department of Corrections? On a scale of one to 10, how would you rate your performance? 10 being great.

**Mr. Fred Bordallo Jr., DOC Director:** Senator, you know what? For rating, you know, I leave that, I serve at the pleasure of the Governor, right? And I leave it at her to rate my performance since coming on board in August 2023.

**Senator Sabrina Salas Matanane:** Maybe it's not stop thinking about the Governor, start thinking about the people and the officers that you serve. So on a scale of one to 10, I didn't hear that?

**Mr. Fred Bordallo Jr., DOC Director:** I'm sorry, I just say, Senator, that I think the men and women in the Department of Corrections, we can do a climate survey and we can probably provide you the results of any rating.

**Senator Sabrina Salas Matanane:** I don't need to hear from the officers. I'm just asking you, how do you think you are performing?

**Mr. Fred Bordallo Jr., DOC Director:** I'm sorry, I wouldn't want to rate myself. You know, with all the organizations I work with.

**Senator Sabrina Salas Matanane:** Thank you. Thank you, Mr. Bordallo. Thank you, Mr. Chair. Thank you, Senator.

**Chairman Shawn Gumataotao:** We're now going to move to the next item on the agenda, which is the development of a new DOC facility pursuant to Guam law. Senator, do you need to leave or are you okay? Yes, you can. You're excused. Thank you, Attorney General, for being with us today.

**AG Douglas Moylan:** Thank you, Mr. Chairman and Senators. Appreciate you. Merry Christmas.

**Chairman Shawn Gumataotao:** If I can have GEDA come up, if you could. And Merry Christmas there, A.G. Moylan and your team. I know that the Sergeant of Arms has always sworn you in, right, Tina? So you can go and have a seat in the front. And again, we appreciate GEDA being here. On this issue, does anybody have any testimony they want to present before this? I'm sorry.

**Ms. Elizabeth Napoli, GHURA Director:** If I may, may I request that GHURA be excused because we actually have no participation in the prison task force. We don't have funding or anything like that.

**Chairman Shawn Gumataotao:** No problem. Yeah, you are excused. Thank you very much. Thank you for being with us this morning. Of course. *Thank you.* Thank you. So does anybody have any testimony on this issue? Because if not, I can just jump into my questions. We can jump in. Okay. So if I can, and I'll start with maybe because Vince is here, but what is the status of the new RFP for the design for a new DOC facility, which we understand based on the committee received from DPW was submitted to the A.G.'s office on October 17th, 2025. For DPW from, let me start with that one. Can you give us the status on the RFP if you have it?

**Mr. Vince Arriola, DPW Director:** Yes. Thank you very much, Senator. Vince Arriola from DPW. *Yes.* We, based on our meetings with the task force, with DOC and the powers that be that we've been discussing, you know, we put together this RFP and we've been working with the attorney general's office pursuant to procurement rules and stuff like that. So the RFP is being reviewed right now by the A.G. It's an RFP to design a prison facility, an additional prison facility for DOC. In our discussions with the task force, there was talk about putting it, putting the facility at the same place where the domes are at. There was discussions about putting it in front of the domes so that individuals would, inmates will still stay at the domes while that construction is going on. I think the issue with that, though, was that if we were to construct it in front of the domes, which is, as I understand it, it's a clear, open piece of property within the facility. There's a fairly decent slope there. So there would have to be some, a fair amount of civil work done during construction. But if that's where we were going to put the design, we'll handle that. There would probably have to be some geotechnical studies to make sure that a building of that size would be able to be erected on that site. I think we were looking at, correct me if I'm wrong, Fred, Director Fred. I think we were looking at a unit that would house 400 inmates. That's the number I've kind of been looking at. And four, if not five stories high, we were going to go vertical. And so, you know, a lot of it was just, the RFP, the way it's written is, we give them the basics of what our needs are, i.e. we need a facility to house 400 inmates. We need some of the jail cells would house single. Some would house double. I'm not sure if we had multiple in there also. And things of that nature. But this was my understanding. And in our discussions, similar to the discussion here, the DOC's priority is jail cells, prison cells. Nothing fancy, nothing for mental health facilities, nothing for clinics, whatever. Just pure, 100% jail cells. So that's the RFP that's going out that we put the scope out. And so the funding for that, I understand we have five million funding for that. And so once we, I'm not sure if that's going to be enough for the design, but we'll put it out and we'll see what we can get. It might be right at the tail end

enough, but we'll put that out in the public as soon as we get the okay from the AGs. We might have one more pass at it, based on our discussions here. And if there's additional funding, one more tweak at it before we let it out to the public.

**Chairman Shawn Gumataotao:** So Vince, let me just ask this. So we had four meetings about this with the committee. So are you saying that this effort that you just described is a bit different from our last discussion here at the Guam Legislature? No one was here. They can only ask us here, but is this another, I guess, the same one? This is, yes.

**Mr. Vince Arriola, DPW Director:** Yes, sir. Strictly for the design.

**Chairman Shawn Gumataotao:** This is why I was going to ask, because my next question was, when you think of this RFP, what would be the amount of time that will be needed to complete the work from start to finish on the RFP? *For design? From your experience.* Yeah, the whole design part of it. For the RFP or for the design? Okay, let's start with the RFP first.

**Mr. Vince Arriola, DPW Director:** Okay, the RFP. So the RFP comes in from the attorney generals. Let's just say it comes in by the end of the month, right? Because they've had it since October. I'm pretty sure. *Okay, got it.* Let's call it the end of the month. We get all the okays. We advertise it within the next 30 days. We're probably going to give them a 90-day turnaround time to put the RFP together. We're into, probably March, April. We're into April on a receipt of an RFP. We rate it for another 30 to 45 days. Make a decision on who the selection is for the proposer. And we award it within the next 30 to 45 days.

**Chairman Shawn Gumataotao:** And the design process takes about 18 months to two years?

**Mr. Vince Arriola, DPW Director:** Probably about 12 months.

**Chairman Shawn Gumataotao:** 12 months. Okay, got it. Okay, thank you for clearing that up. Okay, so based on your testimony, this is everything that's been on track since our discussion started this year, okay? Yes, sir. Okay, so now I was going to ask about that \$5 million, but I mean, I think we're all befuddled. But that's not, that's out of your -

**Mr. Vince Arriola, DPW Director:** That's not in my lane. But I do have to note to the committee, we can't go out to any type of bidding type of RFP unless we have an account number and there's money in the bank. *Yes.* I think at the very least \$5 million will get us a decent design. And depending on the meetings that we have, the preliminary meetings or the pre-proposal meetings that we have, you know, if the contractors come up and they say, if this is what you're looking to build, this is what you're looking to design, \$5 million ain't going to get it to you, then we'll come back -*Okay, thank you so much* we'll cross that bridge when we get there.

**Chairman Shawn Gumataotao:** Yeah, thank you for that. I know that DLM is not here, but just for the committee members that are here, prior to the start of the current RFP process that Vince is mentioning, to do the design, there was no drawings of the current prison. So DLM was able to provide this summer a copy of that map to support that, *right*, particular bid. Because I think in the initial RFP that was canceled earlier this year, they used the actual 1.2, whatever that amount was, the million dollar plus master plan from the U.S. Department of Interior that was signed off by the governor of Guam. So they went back, and this is for the people's edification, because this was also appropriated. So they used the plan as the design that was canceled. Now they have a map to be able to start the A&E work that was much more necessary for this process. Well, thank you again, Vince, for working with DLM. And I know he's not here, but I wanna publicly thank Joe Borja for his effort to get that. If I can move now to Tina, good morning and welcome to the people's house. I was just gonna ask for GEDA, if you could share with

committee any proposal. I know we had talked offline many different times about what your agency is working on for the new prison in the event, right, in the event that an A&E is complete, that could help move a new prison project forward. And I know you discussed with me, and I'll just say publicly, there could be annual appropriations for a certain term that might seem reasonable. Can you share maybe some insight into that? And I'll ask later if you could share the language for perhaps a public one.

**Ms. Tina Garcia, CEO/Administrator, GEDA:** Thank you again, Tina Garcia, GEDA, CEO and administrator. Our team has been working with DOC, with the legislative committee, and we have been providing information on the financing under the current law, the appropriation of five million. And with the recent cut in interest rates earlier last week, we could yield probably about 74 million in a project fund. But with that, we also, we've been talking about the different designs, but because the initial master plan did have that initial cost of 180 million. And so for the full design that they need. And so taking the step of going with an A&E to kind of work with what we have, then we would be better positioned to talk about what we can do for the financing. I also wanna state that, and bring it up to the committee, that the current law states that GEDA will issue the procurement for the developer. Recently, we've changed that, and DPW has issued procurement. So maybe that's something that we think about going forward. I mean, they've already have the expertise. But again, sorry, Vince, I didn't mean to catch you off guard. But they have the expertise, and we will support wherever we can. But that's the one thing we would add.

**Chairman Shawn Gumataotao:** And thank you for that, and it sounds like GEDA can assist the committee in crafting perhaps legislation to look at a funding source moving forward, and finance it, and help us build a new prison?

**Ms. Tina Garcia, CEO/Administrator, GEDA:** Right, the funding source in the current law is the general fund.

**Chairman Shawn Gumataotao:** Yes, of course.

**Ms. Tina Garcia, CEO/Administrator, GEDA:** So it depends on what funds are available to fund the project. Right now, the five million is being reserved today. And so as always, whenever you wanna increase, we gotta look at who's gonna get the cut, right? So we'll work with you definitely on this.

**Chairman Shawn Gumataotao:** All right, thank you so much for that, Tina. I'm gonna go ahead now and move it over to our committee. I'll go to the vice chair of our committee, Senator and Vice Speaker Tony Ada. You're recognized, five minutes.

**Vice Chairman Tony Ada:** Thank you, Mr. Chair. And I just have to, I don't think there's any other questions that we can ask because of the fact that there's no funding. And I think that perhaps maybe what needs to happen, Mr. Chair, is that we recess this committee, this oversight hearing until we can get Department of Administration in here as well to answer where the funding is for Department of Correction. Because we can have all the RFPs or RFQs or whatever it may be, but if there's no funding behind it to go out and do these repairs for the Department of Correction, it's all for naught. So I think that perhaps after this today the director go back and pen out some letters, find out what's going on and we reconvene this oversight and not adjourn it, just recess it for a time specific to get the questions answered that we have. Thank you, Mr. Chair.

**Chairman Shawn Gumataotao:** Yes, I appreciate your input on that. Again, we're gonna continue, but yeah, I do appreciate that today. I think it was a very fascinating discussion. Senator San Agustin, you're recognized. You have five minutes.

**Senator Joe San Agustin:** Thank you, Mr. Chairman. Vince, Director Arriola, you mentioned the possible A&E for a 400 and how many inmates?

**Mr. Vince Arriola, DPW Director:** Like a 400 inmate capacity.

**Senator Joe San Agustin:** 400 inmate capacity. Did you ever take a look at what was proposed back in 21 when they first came out with what they're proposing? I think it was a thousand man inmate capacity, correct?

**Mr. Vince Arriola, DPW Director:** Yeah, that was part of their master plan.

**Senator Joe San Agustin:** It also met the requirements to cover the clinic and all the other amenities that are needed in a prison. You don't need a box. Because the way you're saying it, we're gonna put a box building together, four walls and that's it. You go in, you go out, no place for you to eat, no place for you to worship, no place for you to get any medical assistance. Kind of not like the kind of facility we're looking for. And I understand that Tina brought up from GEDA that back then when it was first proposed, because I was the author of the bill, we started with five million a year. And if they're saying they can get 70 million, then if you double it, maybe you don't need the 180 million. Maybe you need only like 120 and you can meet all the requirements to include the Hagåtña facility, fix, package everything into one. Because at the end of the day, we just need to take a look at everything. Because like they mentioned, the five minutes available, once DOC goes to GEDA and they start asking for it, then it starts rolling. Because you're looking for an account. You can't get into account until DOC secures it going through GEDA to open that account so that you know where to draw the money. Do you know what I mean?

**Mr. Vince Arriola, DPW Director:** Yeah, Senator, we can, as you all know, we can only design, we can only construct based on what we have available.

**Senator Joe San Agustin:** That's correct.

**Mr. Vince Arriola, DPW Director:** Right. And right now, at least in the meetings that I've attended and we've been in together, the priority seems to be housing for inmates because they're six to a cell. There's eight to a cell. There's co-mingling with all kinds of...

**Senator Joe San Agustin:** Overcrowded.

**Mr. Vince Arriola, DPW Director:** Right. It's just overcrowded. So these individuals need cells. Now, that's not to say that within that certain design that's in the RFP, that they don't have, because there's requirements for prisons as well. You have to have certain things accompany prisons. So, you know, when I was speaking that it was strictly cells, you know, it might've been off the cuff, but it's really just cells. No administrative building, no playrooms, nothing. No TV rooms, no big screen, stuff like this is strictly a prison. And whatever else, ancillary rooms or facilities are needed within that prison, the designers know what the standards are.

**Senator Joe San Agustin:** Understood. But see, my understanding is that when you ask for a 400 inmate facility, they're going to give you a 400 inmate facility. Because if you don't tell them what you want, they're not going to put it in. I mean, that's very simple.

**Mr. Vince Arriola, DPW Director:** Understand. Okay. I Understand.

**Senator Joe San Agustin:** And at the same token, my concern is that it's almost no different than what's going on with Simon Sanchez. When you're going to build a facility for DOC, you got to have temporary

housing. When construction starts, at any time, there's an influx of population made up or down. You got to have a place to put people.

**Mr. Vince Arriola, DPW Director:** Right. And Senator, yeah. And you're exactly correct because we've discussed that. You know, if a geo report comes back or the designers take a look at the property and they do some assessment, they say, very dangerous to put a building in that spot, even for DOC safety reasons or logistical reasons with the land and they say the only spot that we could really put it is where those domes are at. You're going to have to kick out how many people in the domes? 200?

**Mr. Fred Bordallo, Jr., DOC Director:** 180 to 200 people.

**Mr. Vince Arriola, DPW Director:** So we need to take those individuals out of the domes, put them in maybe some other domes. I don't know.

**Senator Joe San Agustin:** Maybe in a butler building.

**Mr. Vince Arriola, DPW Director:** Something.

**Senator Joe San Agustin:** And that's what I'm getting at is that, you know, that as we're discussing building, we need to look at temporary facilities. And, you know, the math has got to fall in place.

**Mr. Vince Arriola, DPW Director:** OK, so I know the designer should take care of that, though. Yeah.

**Senator Joe San Agustin:** But see, if it's not stated, it doesn't just take care of it. You know what I'm saying. And that's what worries me. We can talk about everything about where we want to go, but we're not even talking about how we need to get there and the timeline. We always have to plan this out. And with that, Mr. Chairman, I'm good until you come up with another hearing and then we'll discuss further and see where we're really going. Because I like to see the number of RFPs coming out. I'd like to see a lot of progress. Four or five years ago, I was very hopeful that we were going to build a prison. I'm still hoping. And even Tina was there. We got to build them. Just like we need to build a high school. We need to take care of the house buildings and it's all going to be falling on your shoulders, Vince. And may God bless you. Thank you. Merry Christmas, Vince. Thank you, Mr. Chairman.

**Chairman Shawn Gumataotao:** Thank you, Senator Agustin. Senator Barnett, you're recognized. You have five minutes, sir.

**Senator Chris Barnett:** Si Yu'os ma'åse', Mr. Chair, Christmas is a time of hope, I guess. And as we're talking about the master plan, Director Bordallo, I just wanted to ask you, in what ways have you deviated from this master plan? Because I know that you've really been pushing the concept of a jail over here in Hagåtña. I don't know if that's included in the master plan. But just if you could state for the record, in what ways have you deviated from this plan?

**Mr. Fred Bordallo, Jr., DOC Director:** In what ways should we deviate? As I said in my earlier testimony, how to reduce cost. You know, to be cost efficient, you know, is that the first, even before the first phase of the master plan, the previous master plan, it estimated \$20 million. And that was to tear down a post five, that's a disciplinary housing unit and post 24, which is a minimum amount. And then there was no information on what do you do with those special housing inmates. When you tear down a housing unit like post five, they can't be given to where the post 17 and the general population, they're disciplined. The minimum amount that they discussed that they would be put over at our set. And that would close down the residential substance and treatment program. And that no one, there was no communications of behavioral health. And then at the same time, procure three houses outside the fence

was part of that previous, that, you know, the purchase them for, and it would accumulate the 20 million. That's off the table. You know, there's even a person from Mangilao who came up to me, are you going to take our houses? And, you know, that's off the plan. So we deviated from not taking that off the table and just concentrating where the domes are at, which is the most vulnerable area attempted escape. So all kinds of stuff happens at those domes that were supposed to be temporarily fixed. And I would say the capacity, Vince at 400? the capacity we're looking at is four pods of 168, which brings it to a total of 512 capacity holding, basically cells.

**Senator Chris Barnett:** And that's kind of what concerns me is, you know, the, there's a lot of, there's a lot of good in this master plan. And the more we deviate from it, and now we're talking about a facility for 400 inmates when, you know, the latest count of population, including the detainees is up near a thousand. *Yeah.* So, you know, we see this all the time in the government of Guam.

We come out with these plans that are supposed to guide us. And then we, you know, what's that, taya plan leche flan. We throw the plan out the window because, you know, the director of the month wants to move in a different direction. And that's really for me in my short time here have been an issue with Department of Corrections is consistency in the leadership. And, you know, if you don't have consistency in leadership, you're not going to be consistent in trying to move forward. So with that being said, do you plan on leaving the Department of Corrections in April?

**Mr. Fred Bordallo, Jr., DOC Director:** I, my focus is going to be on Department of Corrections at the present moment. That's what I want to focus on what I can do to help out the situation of having a new person fix up what's over there at the Hagåtña Detention. I'll just tell you, Senator, that...

**Senator Chris Barnett:** I guess we're consistently inconsistent then.

**Mr. Fred Bordallo, Jr., DOC Director:** I have the best staff, right? And employees that are all dedicated, right? And doing their best with the challenges that we have, right? They manage even with having to have those temporary domes that were 21 years old already that should have been, you know, that area is the most vulnerable, right? I think the majority of the uniformed staff are all in support and asking their political leadership from the governor to the legislature. Let's take care of what we did with the prison planning task force and take care of it and build it right there where the domes, just like Post 16 was built several years back during, I think, the Gutierrez-Bordallo administration. But that was two pods. But this one is going to be four pods of 512 capacity.

**Senator Chris Barnett:** So just to kind of clarify on the \$5 million. So the \$5 million that was initially appropriated as part of Senator Agustin's law, this was the \$5 million pot of money that we took the \$1 million out of, correct?

**Mr. Fred Bordallo, Jr., DOC Director:** That's correct.

**Senator Chris Barnett:** And so you spent of that \$1 million \$300,000. And now Ed Byrne is saying, ti siña you cannot touch the \$700,000. And so what's with the balance of the \$4 million?

**Mr. Fred Bordallo, Jr., DOC Director:** Okay. Ed Byrne's communication, I believe was communications about there are no lapse funds.

**Senator Chris Barnett:** Right. So is he applying the same flawed logic to the \$4.3 million?

**Mr. Fred Bordallo, Jr., DOC Director:** The which one?

**Senator Chris Barnett:** The one that initially been set aside.

**Mr. Fred Bordallo, Jr., DOC Director:** The one that was set aside.

**Senator Chris Barnett:** Yeah, initially, I'm not talking about the new \$5 million that we appropriated in the budget which I am going to ask about.

**Mr. Fred Bordallo, Jr., DOC Director:** We would have had a balance of \$4,700,000.

**Senator Chris Barnett:** Okay. So that's gone. What about the \$5 million?

**Mr. Fred Bordallo, Jr., DOC Director:** We're in discussions with, like I had a discussion with the Department of Administration, Deputy Director.

**Senator Chris Barnett:** More better you put it on paper, Director Bordallo. *Yeah. Great.* So we can see the chain of the discussion. *Okay.* So with the \$5 million that we appropriated in the budget session, what's the status of that? Who has that \$5 million? And is it all there?

**Mr. Fred Bordallo, Jr., DOC Director:** It's in our account, right? For the new prison. *Right.* Like what Vince Ariola, they'll use that for.

**Senator Chris Barnett:** Okay. So I'm just making sure that's there. And I'm not sure, Mr. Chair, if we need to moving forward, start tacking on language on our appropriations bills that say the appropriation shall not lapse until fully expended, which I thought was already the case.

But obviously there's some, as my colleague from Tamuning likes to say, some shenanigans ongoing. So nobody wants shenanigans for Christmas, especially not our hardworking DOC family. Okay. So thank you. Thank you. Thank you, Mr. Chair.

**Chairman Shawn Gumataotao:** Thank you so much, Senator Barnett. And again, thank you everyone for participating in today's oversight hearing. And today's discussion really was, if I could be very honest and bold, is to say it was an absolute necessary step in our broader effort to improve the health and safety conditions at the Department of Corrections. I want to thank the officers and the support staff of DOC for their work and for continuing to do their very best with the resource limitations of your department. Today's discussion is meant to help turn talk into action, policies into new facilities and programs and fear and uncertainty into a safe and properly functioning prison, allowing for secure working and living conditions. The committee will review the information provided through this oversight hearing as we plan for the next steps policy-wise. Let me just say this. It is one thing to resist public policy, but when those in authority lobby this branch effectively and then do not have the discipline to follow through, always comes back to why pursue changes in law in the very first place. I would like to see a policy that is executed. Then the work to put them in place was not by accident. Deliberate action from two branches. Please execute. This oversight hearing was not designed for policymakers to generate social media soundbites and political gotcha moments. I think you saw and you got to experience very genuine responses to very serious issues facing the Department of Corrections. The discussion today was intended to provide all of us with a real opportunity to get responses from relevant stakeholders which are necessary in our decision-making process here as we consider drafting new bills or amendments to existing statute, which I think we got to today, as we consider again this in this particular case to help the Department of Corrections to meet its local and its federal mandates. There is much more work to do and we need all of you to do that work for the benefit of all the people of Guam. And I want to thank you all for being with us today. With that said, the Committee on Public Safety, Emergency Management and your Guam National Guard appreciates the attendance and participation of all senators, our elected

Attorney General that was here and the department heads who participated in this oversight hearing regarding DOC facilities. The committee looks forward to continuing our review of the information that was presented during today's discussion and the ones that we will be receiving relative to this issue as we consider additions or amendments to Guam law to help address DOC's immediate and long-term facility needs. With that said, today's oversight hearing has concluded and the committee will stand in recess until 2 p.m. today when we return for the second public hearing on bill number 184-38 COR including draft committee amendments. The time is now 10:58 a.m. Thank you all for being with us this morning.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Public Safety, Emergency Management, and Guam National Guard (Committee) finds that DOC's mission is to protect the public from the destructive action of law offenders through control and rehabilitation. The general management of the prisoner population of both inmates and detainees is the overall responsibility of the DOC Director's Office.

Among DOC's legal responsibilities pursuant to 9 GCA Chapter 90 include the establishment and operation of correctional institutions, and other places of confinement, for prisoners serving sentences of imprisonment imposed by the Courts of Guam and other authorized prisoners, and other persons placed in the custody of the Director, pursuant to the laws of Guam.

According to DOC, the *Hagåtña* Detention Facility is under the purview of the Warden. It houses Local Pre-Trial Detainees, Immigration, and U.S. Federal Marshal Detainees. The facility is also used to house inmates that cannot be housed at Adult Correctional Facility. The Women's Facility is located in Mangilao outside the Adult Correctional Facility and is Guam's only holding facility for women. The Facility houses female offender's adjudicated, pre-trial status, federal and immigration.

On June 24, 2025, the Committee visited the Adult Correctional Facility (ACF) in Mangilao where members discussed with department leadership the status of DOC's 2021 Facility Master Plan and DOC's ongoing efforts to address immediate facility repairs at both the ACF and the *Hagåtña* Detention Facility.

Following its June 2025 visit to the ACF, and prior to the December 17, 2025, Oversight Hearing, the Committee met several times with representatives from DOC, Department of Land Management, Department of Public Works, and the Guam Economic Development Authority between the months of July and October to help move things forward on a new prison. Through these discussions, the Committee focused on specific issues concerning an approved survey map to start architecture and design work, financing options based on legislative appropriations, and a Request for Proposal for the A&E which was cancelled by DOC earlier this year and then resubmitted by DPW to the Office of the Attorney General in October 2025.

Based on external reports the Committee received claiming the recent transfer of federal detainees from DOC facilities to non-DOC facilities, the Committee engaged DOC through the December 17, 2025, Oversight Hearing. The Oversight Hearing covered the Government of Guam-U.S. Marshals Service Agreement for the Management of Federal Prisoners and ongoing efforts to develop a new DOC facility pursuant to public law and legislative appropriations.

Through the December 17, 2025, Oversight Hearing, the Committee addressed the status of \$5 million which the Guam Legislature appropriated in the General Appropriations Act of 2025, P.L. 37-125, to DOC for the development of a new prison pursuant to P.L. 36-57. Section 1(n) of Chapter V, P.L. 37-125, which was amended by P.L. 37-144 in December 2024, authorizes DOC to utilize \$1 million from its FY 2025 funding intended for a new prison to address urgent facility maintenance and repairs.

The Committee found based on the DOC Director's presentation that only \$300k of the \$1 million allocation for immediate facility repairs had been spent. The DOC Director also appeared to suggest that the remaining balance of \$700k might no longer be available to DOC for the purposes outlined in P.L. 37-144. The DOC Director also alluded to the possibility that the \$700k allocation is not covered by a continuing appropriation authority provided in the General Appropriations Act of 2026, P.L. 38-60.

The Committee finds that contrary to the DOC Director's understanding, Section 1(n)(7) of Chapter V, P.L. 38-60 provides that the appropriated but unexpended balance from Fiscal Year 2025 and prior fiscal years for the Department of Corrections shall not lapse and shall continue to be available in Fiscal Year 2026 for the purposes described in (n) [General Fund and Special Fund Appropriations to DOC] of Chapter V, Public Law 37-125, and shall not be subject to the transfer authority of *I Maga'hågan Guåhan*.

Based on the foregoing information, the Committee on December 19, 2025, requested the assistance of the Office of Public Accountability (OPA) in auditing all expenditures by DOC involving the use of public funds appropriated to the department through P.L. 37-125, P.L. 37-144, and P.L. 38-60. The Committee's request to the OPA is confined to expenditures which are related to facility repairs and the development of a new prison. The OPA's findings and recommendations will be critical to the Committee's final report to the full legislature in anticipation of the Fiscal Year 2027 Budget Session.

The Committee further recommends additional oversight hearings during Fiscal Year 2026 regarding DOC facilities in order to confirm forward movement on the development of a new prison pursuant to public law and legislative appropriations. The Committee is particularly interested in obtaining accurate and useful information from DOC and relevant government agencies regarding 1) the status of legislative appropriations authorized during Fiscal Year 2025 and Fiscal Year 2026, 2) the status of interagency agreements between DOC and the Guam Housing and Urban Renewal Authority for the repair of existing facilities, and 3) the impact to DOC's operations and finances of any decision by the federal judiciary to transfer federal detainees from DOC facilities to non-DOC facilities.

On December 22, 2025, the Committee received from the Attorney General of Guam a copy of Chief Judge Frances Tydingco-Gatewood's Order dated December 19, 2025, relative to Criminal Case No. 11-00058, which memorialized the DOC Director's earlier acknowledgement that conditions continue to be inhumane at the *Hagåtña* Detention Facility. In response to the inability of DOC to address facility related concerns in an expeditious fashion, the U.S. District Court of Guam noted that the U.S. Marshals transferred fourteen (14) federal detainees who were

detained in the *Hagåtña* Detention Center on November 21, 2025. The U.S. District Court of Guam was informed as of December 19, 2025, that there were no federal criminal detainees in the *Hagåtña* Detention Center.

The Committee's recommendations herein recognize the urgency of ensuring the safety of Guam's residents through responsive and effective leadership in support of DOC's 245+ employees, as they work hard every day to manage more than 800 inmates and detainees entrusted to their care.