

I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
216-36 (COR)	Frank F. Blas, Jr. Christopher M. Dueñas V. Anthony Ada	AN ACT TO <i>AMEND</i> PUBLIC LAW 36-54 TO INCREASE THE GOVERNOR'S TRANSFER AUTHORITY FOR FISCAL YEAR 2022 AND TO DIRECT THIRTY-SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$37,500,000) TO ASSIST GUAM'S BUSINESSES AND EMPLOYEES WHO HAVE BEEN ADVERSELY AFFECTED BY THE MANDATED CLOSURES AND LOSS OF ACTIVITY DUE TO THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC.	10/19/21 10:00 a.m.						

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 216-36 (COR)**

Introduced by:

Frank Blas Jr.  
Christopher M. Duenas  
V. Anthony Ada

**AN ACT TO AMEND PUBLIC LAW 36-54 TO INCREASE  
THE GOVERNOR'S TRANSFER AUTHORITY FOR  
FISCAL YEAR 2022 AND TO DIRECT THIRTY-SEVEN  
MILLION FIVE HUNDRED THOUSAND DOLLARS  
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AFFECTED BY THE MANDATED CLOSURES AND  
LOSS OF ACTIVITY DUE TO THE NOVEL  
CORONAVIRUS (COVID-19) PANDEMIC**

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

2 **Section 1. Short Title.** This Act *shall* be known as the "*Protehi I Lina'Lata*  
3 *Act of 2021.*"

4 **Section 2. Legislative Findings and Intent**

5 On March 14, 2020, *I Maga'Hågan Guåhan* issued Executive Order 2020-03,  
6 Relative to Declaring a State of Emergency to Respond to Novel Coronavirus  
7 (COVID-19). That Order was the first of many subsequent orders that forced  
8 businesses to change how they routinely operated, added costs that they would not  
9 have normally had, and lose revenues that they would have normally relied on.

1 In the year prior to the pandemic, our island's economy primarily relied on  
2 two general activities, continued relations with the federal government and tourism.  
3 The activities surrounding the relations with the federal government included  
4 military buildup construction, the implementation or continuance of projects in  
5 partnership with government of Guam agencies, and grants or fund-matching  
6 opportunities for existing programs.

7 Regarding tourism, Guam was experiencing tourist arrivals and spending that  
8 exceeded the projections for those categories. The industry employed over 30,000  
9 individuals and was anticipating the need for more workers to meet the increasing  
10 demand.

11 In Calendar Year 2018, Guam was visited by 1.52 million tourists. In Calendar  
12 Year 2019, the arrivals increased to over 1.66 million. It was projected that 1.75  
13 million people will visit our island in 2020.

14 As we were anticipating a moderate growth to our economy, plans were being  
15 made and ground was being broken for new and expanded retail and service outlets  
16 to meet the demands of more visitors and military personnel on our island.

17 *I Liheslaturan Guåhan* understands that this pandemic that we have had to  
18 endure is unprecedented and has been fraught with uncertainty. It recognizes that the  
19 decision to mandate businesses to reduce its activities or close its doors temporarily  
20 were made with the belief that the actions will reduce the spread of the virus. *I*  
21 *Liheslatura* wants to believe that these decisions were made with the understanding  
22 of the adverse impact it would have on the island's economy.

23 Since the initial declaration of the state of emergency, the island's businesses  
24 have been subjected to mandates that included temporary closures, service  
25 restrictions, limit in operations, purchasing of hygienic and protective equipment,  
26 and vaccination requirements. The adherence and compliance to many of the  
27 mandates put a strain on the operational capabilities and finances of the companies

1 that many of them had no choice but to either shutter their businesses temporarily or  
2 close permanently.

3 *I Liheslaturan Guåhan* recognizes that one of the hardest hit industries in this  
4 pandemic was tourism. In 2020, Guam only had 328,173 visitors, while in 2019 we  
5 welcomed over 1.66 million, an 81% reduction in tourists. For 2021, the numbers  
6 are even bleaker, with just 48,859 visitors through the month of August. Tourism-  
7 related businesses reported an 80% loss in revenue in 2020 when compared to 2019.  
8 In 2021, the income loss is closer to 100%.

9 While initial projections were that tourism recovery was to begin at the end  
10 of 2020 with full recovery by 2022, the current trend predicts no positive movement  
11 with tourism until April 2022. But preparing the island for the return of tourists is  
12 one thing. Having the ability to entice them to our island and providing them the  
13 service and entertainment they desire is as equally important.

14 For Guam to be competitive in the tourism market, it has to be able to provide  
15 entertainment and amenities unrivaled by other destinations. The businesses that  
16 seek financial assistance through this legislation can fulfill these needs. They  
17 represent attractions, indoor and outdoor activities, retail outlets, restaurants, hotels,  
18 transportation services, concierges, and tour packaging.

19 Throughout the pandemic, displaced workers and those with drastically  
20 reduced hours were able to receive financial assistance through the Pandemic  
21 Unemployment Assistance (PUA) program, the Supplemental Nutrition Assistance  
22 Program (SNAP), and the All Rise Act. Businesses received temporary assistance  
23 through the Small Business Administration's Payroll Protection Plan (PPP), and the  
24 Guam Economic Development Authority's Small Business Pandemic Assistance  
25 and Rental Assistance programs. However, these programs provided only short-term  
26 aid that would have been sufficient had the tourists been allowed to travel and visit

1 the island and the businesses been permitted to open without restriction for both  
2 employees and patrons.

3 *I Liheslaturan Guåhan* understands that while Guam is part of the United  
4 States of America, our economic drivers and conditions are different from that of the  
5 U.S. mainland. This has made it difficult to request and justify exemptions or  
6 considerations for financial assistance from the federal government to further help  
7 our businesses survive.

8 On August 31, 2021, *I Liheslatura* passed Bill 55-36, which is the government  
9 of Guam’s budget act for Fiscal Year 2022. *I Maga’Hågan Guåhan* allowed the bill  
10 to lapse, and as such, is now known as Public Law 36-54. The law provided over  
11 Eight-Hundred Million Dollars (\$800,000,000) for the operations and obligations  
12 for the Executive Branch of the government.

13 In an August 10, 2021 news report, *I Maga’Hågan Guåhan* was reported to  
14 have stated that she was ready to supplement agencies’ budgets using funding from  
15 the American Rescue Plan Act of 2021. She was further quoted as saying, “I am  
16 prepared to fund whatever is necessary for our agencies to get the best possible  
17 public service for the people.”

18 In recognition of her belief and statement that she was ready to supplement  
19 agency budgets with ARPA funds, *I Liheslaturan Guåhan* intends to provide  
20 assistance to *I Maga’Hågan Guåhan* by increasing her transfer authority in the Fiscal  
21 Year 2022 budget for the Executive Branch appropriations so that funding can be  
22 directed to assist those businesses that are hurting and on the brink of closing  
23 permanently. It is the hope of *I Liheslatura* that *I Maga’Hågan Guåhan* matches the  
24 amount utilizing ARPA and the other federal government-provided pandemic aid  
25 funds she has at her discretion as provided in Executive Order 2021-25.

26 **Section 3. Section 8 of Chapter 13 Part II, Public Law 36-54 is hereby**  
27 **amended to read:**

1 Section 8. General Fund Transfer Authority of *I Maga'Hågan Guåhan*.  
2 Unless otherwise restricted or specifically allowed by this Act for Fiscal Year 2022,  
3 *I Maga'Hågan Guåhan* is authorized to transfer up to ~~five percent (5%)~~ ten percent  
4 (10%) between Fiscal Year 2022 General Fund Executive Branch appropriations as  
5 directed in this Section to include the purpose of providing at least Thirty Seven  
6 Million Five Hundred Thousand Dollars (\$37,500,000) for the Local Employers'  
7 Assistance Program (LEAP), as established by Executive Order 2021-25, or as  
8 amended thereafter. No transfer shall be authorized unless the Appropriation  
9 Allocation Report required in Section 12 of Part II of this Chapter is submitted to  
10 that Section. Any transfer between object categories and object groups or agencies  
11 after the submission of the Appropriation Allocation Report in Section 12 of Part II  
12 of this Chapter shall be required to be reported to the Speaker of *I Liheslaturan*  
13 *Guåhan* and the Office of Finance and Budget no later than five (5) working days  
14 after the transfer is made. Failure to submit any reports by the required deadline in  
15 this Section shall result in a Two Hundred Fifty Dollar (\$250) fine per missed  
16 deadline for the Director of the Bureau of Budget and Management Research, which  
17 shall be deposited in the GDOE Interscholastic Sports Fund.

18 Notwithstanding any other provision of law, no funds shall be transferred out  
19 of the Guam Department of Education Operations Fund, *I Liheslaturan Guåhan*, the  
20 Office of Finance and Budget, the Mayors Council of Guam, the Public Defender  
21 Service Corporation, the Guam Ancestral Lands Commission, the *Chamorro* Land  
22 Trust Commission, the Office of the Attorney General, the Guam Election  
23 Commission, and the Office of Public Accountability.

24 **Section 4. Effective Date.** This Act shall be effective immediately upon  
25 enactment.