

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
164-36 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended on the Floor.	Therese M. Terlaje James C. Moylan Joe S. San Agustin	AN ACT RELATIVE TO AMENDING THE RECOVERY INCOME SUPPORT AND EMPOWERMENT (RISE) ACT OF 2020 TO REMOVE IMPEDIMENTS TO THE ISSUANCE OF PAYMENTS TO ELIGIBLE GUAM RESIDENTS DURING THE STATE OF PUBLIC HEALTH EMERGENCY DUE TO THE CORONAVIRUS DISEASE (COVID-19) PANDEMIC."	7/22/21 8:00 a.m.	7/22/21 4:27 p.m.	Committee on General Government Operations, Appropriations, and Housing	7/29/21 9:00 a.m.	8/6/21 11:13 a.m.	Request: 7/23/21 8/3/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	VETOED	NOTES		
	8/2/21	AN ACT TO AMEND SECTIONS 4, 5, 6, AND 7, AND ADD A NEW SECTION 8, AND TO REPEAL "EXHIBIT A," ALL OF PUBLIC LAW 35-136 THE RECOVERY INCOME SUPPORT AND EMPOWERMENT (RISE) ACT OF 2020, RELATIVE TO REMOVING IMPEDIMENTS TO THE ISSUANCE OF PAYMENTS TO ELIGIBLE GUAM RESIDENTS DURING THE STATE OF PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC.	8/6/21	8/7/21	8/19/21	8/16/21	Received: 8/19/21 Mess and Comm. Doc. No. 36GL-21-0989		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

36GL-21-0988

Doc Type: 36GL-21-0989
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

August 16, 2021

HONORABLE THERESE M. TERLAJE
Speaker, I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

~~08~~ 19 2021

Time: 12:00pm
Received: [Signature]

RE: BILL NO. 75-36 (COR) "AN ACT TO AMEND SECTION 2(c), 2(d)(1), 3, 4, 5, AND 6, AND REPEAL SECTION 2(d)(2) OF PUBLIC LAW 35-136; AND AMEND SECTIONS 1(d), 4, 5, 6 and 8 OF "EXHIBIT A" OF PUBLIC LAW 35-136, RELATIVE TO AMENDING PROVISIONS OF THE RECOVERY INCOME SUPPORT AND EMPOWERMENT (RISE) ACT OF 2020, TO INCLUDE INCREASING THE AMOUNT OF THE PAYMENT, REMOVING CERTAIN ELIGIBILITY REQUIREMENTS, AMENDING THE AUTHORIZED BUDGET, AND EXTENDING THE DEADLINE FOR THE PAYOUT BY SIX (6) MONTHS"

RE: BILL NO. 164-36 (COR) "AN ACT TO AMEND SECTIONS 4,5,6 AND 7, AND ADD A NEW SECTION 8, AND TO REPEAL "EXHIBIT A," ALL OF PUBLIC LAW 35-136 THE RECOVERY INCOME SUPPORT AND EMPOWERMENT (RISE) ACT OF 2020, RELATIVE TO REMOVING IMPEDIMENTS TO THE ISSUANCE OF PAYMENTS TO ELIGIBLE GUAM RESIDENTS DURING THE STATE OF PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC"

Buenas yan Hafa Adai Madame Speaker:

The RISE Act, which lapsed into law as Public Law No. 35-136, on December 29, 2020, was passed to offer direct aid to a limited class of Guam residents under a particular income threshold. From the onset, the RISE Act was problematic. It purported to appropriate federal funds as the first possible source of payments, though the Legislature had no authority to appropriate such funds. At the time of its enactment, federal funding under the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, had already been largely disbursed to our community or designated for use in numerous programs intended to help our people weather the effects of the pandemic. No CARES Act funds were available to pay the RISE Act's \$30M appropriation.

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COMMITTEE ON RULES

// RECEIVED:
August 19, 2021
3:45 P.M.

RICARDO J. BORDALLO GOVERNOR'S COMPLEX
513 W. Marine Corps Drive Hagåtña, Guam 96910
governor.guam.gov | (671) 472-8931
Doc. No. 36GL-21-0989.*



UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

On March 11, 2021, the United States Congress passed the American Rescue Plan (“ARP”), which provides direct financial assistance to states and territories to support urgent pandemic response efforts to decrease the spread of the virus, replace lost revenue for governments to strengthen support for vital public services and help retain jobs, support immediate economic stabilization for households and businesses, and address systemic public health and economic challenges that have resulted to some communities suffering more severely from the pandemic impacts than others. The Legislature continues to lack authority to appropriate federal funds, and the prohibition extends to ARP funds as it did to CARES Act funds.

Further, as with the CARES Act funds, use of ARP funds is governed by rules issued by the Department of Treasury. As of present time, the Department of Treasury has yet to issue final guidance regarding use of ARP funds. However, on May 10, 2021, the Department of Treasury issued its Interim Final Rule (“Interim Rule”), which established eligibility criteria for the use of ARP funds. The Interim Rule provides that ARP funds are eligible for use to provide assistance to households or populations facing negative economic impacts due to COVID-19. Notably, the RISE Act did not include such eligibility requirements.

The RISE Act was further plagued by eligibility requirements that rendered it onerous to implement. Specifically, the RISE Act required applicants to submit a mayor’s verification to ensure residency. However, this requirement unnecessarily overwhelmed our mayor’s offices with requests despite the fact that residency could be easily and efficiently ascertained by referring to filed tax returns. The RISE Act further required that applicants submit an “employment certification,” which is not defined in the Act or in any other Guam statute.

In recognition of the operational flaws of the RISE Act, the Legislature has presented me with two additional bills, Bills No. 75-36 and 164-36, “Hail Mary” efforts to cure the problems with the original Act. However, the bills contain conflicting amounts for payments, and if both were signed into law, would be impossible to reconcile, operationalize, and implement. Though some among the Legislature have attempted to pass off the conflict as a deliberate strategy to “give [me] options,” the Legislature is not in the general practice of presenting a governor with options in the form of conflicting bills. It is clear that the authors of these bills did not even attempt to reconcile their positions and present a unified bill, a disappointing but sure sign of a failure of leadership and bold attempts to claim credit for rescuing a floundering program.

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LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Perhaps most problematic is that, in an attempt to push through bills that simplistically remove eligibility impediments, the Legislature has, again, overlooked the forest for the trees. We cannot indiscriminately disburse ARP funds to individuals. Treasury guidance requires that jurisdictions consider whether and the extent to which the affected population experienced economic harm as a result of the pandemic. Neither bill before me addresses this critical oversight. And ultimately, these bills still purport to appropriate federal funds, authority the Legislature did not have when it passed the RISE Act, and authority it certainly does not have now.

Providing aid to individuals and families adversely affected economically by the COVID-19 pandemic is important to me and Lt. Governor Josh Tenorio, as evidenced by the multitude of programs we have implemented to provide support for our communities during the public health emergency. We intend to continue these efforts, beginning with direct aid to individuals and families through the ALL RISE Program, which I re-established in Executive Order No. 2021-18, issued on August 12, 2021. The ALL RISE Program not only streamlines processes for providing direct aid to the members of our community who need it the most as expeditiously and efficiently as possible, it expands eligibility to include those the Legislature arbitrarily excluded from the RISE Act, including our government workers and retirees.

Though the intent behind the RISE Act was laudable, our people should not have to wait for the Legislature to piecemeal correct the issues with its attempt at a direct aid program until it finally gets it right. Our community needs relief now, and our administration will get it to them, just as we have done time and again during the entire pandemic relief effort.

For all these reasons, I veto Bills No. 75-36 and 164-36.

Senseremente,

A handwritten signature in blue ink that reads "Lourdes A. Leon Guerrero".

LOURDES A. LEON GUERRERO
Maga'hāgan Guāhan
Governor of Guam

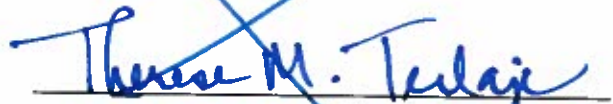
Enclosure(s): BILL NO. 75-36 (COR)-VETO; BILL NO. 164-36 (COR)- VETO

cc: *Honorable Joshua F. Tenorio, Sigundo Maga'lāhen Guāhan*
Compiler of Laws

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


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 164-36(COR)**, "AN ACT TO *AMEND SECTIONS 4, 5, 6, AND 7, AND ADD A NEW SECTION 8, AND TO REPEAL "EXHIBIT A," ALL OF PUBLIC LAW 35-136 THE RECOVERY INCOME SUPPORT AND EMPOWERMENT (RISE) ACT OF 2020, RELATIVE TO REMOVING IMPEDIMENTS TO THE ISSUANCE OF PAYMENTS TO ELIGIBLE GUAM RESIDENTS DURING THE STATE OF PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC,*" was on the 6th day of August 2021, duly and regularly passed.




Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 7th day of August,
2021, at 4:30 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

2021-14301
OFFICE OF THE GOVERNOR
CENTRAL FILES
Elaine Tajalle
RECEIVED BY
TIME 4:30 pm
AUG 07 2021

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

Bill No. 164-36 (COR)

As amended by the Committee on General Government Operations,
Appropriations, and Housing; and further amended on the Floor.

Introduced by:

Therese M. Terlaje
James C. Moylan
Joe S. San Agustin
Telo T. Taitague
Telena Cruz Nelson
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
Tina Rose Muña Barnes
Sabina Flores Perez
Clynton E. Ridgell
Amanda L. Shelton
Jose "Pedo" Terlaje
Mary Camacho Torres

**AN ACT TO AMEND SECTIONS 4, 5, 6, AND 7, AND ADD
A NEW SECTION 8, AND REPEAL "EXHIBIT A," ALL OF
PUBLIC LAW 35-136 THE RECOVERY INCOME
SUPPORT AND EMPOWERMENT (RISE) ACT OF 2020,
RELATIVE TO REMOVING IMPEDIMENTS TO THE
ISSUANCE OF PAYMENTS TO ELIGIBLE GUAM
RESIDENTS DURING THE STATE OF PUBLIC HEALTH
EMERGENCY DUE TO THE COVID-19 PANDEMIC.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 4 of Public Law 35-136 is *amended* to read:

"Section 4. Delivery of Payments. Notwithstanding any other
provision of law, or rule or regulation, the Director may certify and disburse

1 payments pursuant to this Act. No payment shall be made or allowed under
2 this Act after December 31, 2023.”

3 **Section 2.** Section 5 of Public Law 35-136 is *amended* to read:

4 “**Section 5. Funding.** Notwithstanding any other provision of law, or
5 rule or regulation, *I Maga'hågan Guåhan* is authorized to transfer any amount
6 needed to fund the payments required by this Act, and for administrative costs,
7 to the Department of Revenue and Taxation, for the purposes of this Act, as
8 may be available from the following:

9 (a) Fiscal Year 2021 General Fund appropriations; and

10 (b) any federal appropriations that can be used for the
11 purposes of this Act.

12 No local funds may be used for this Program as long as federal funds
13 that can be used for the purposes of this Act are available to encumber,
14 obligate, or expend. Any funds transferred pursuant to this Act shall only be
15 used for the purposes of this Act. Payments under this Act shall be required
16 only if payments can be funded under a federal coronavirus relief package or
17 such other federal funds as are appropriate and lawful.”

18 **Section 3.** Section 6 of Public Law 35-136 is *amended* to read:

19 “**Section 6. Reporting.** The Department of Revenue and Taxation and
20 the Department of Administration shall submit a report to the Speaker of *I*
21 *Lihselaturan Guåhan*, which shall include the cumulative amount of
22 payments made under the Recovery Income Support and Empowerment
23 (RISE) Program, the total administrative costs to facilitate this Act, and the
24 authorized amounts transferred by *I Maga'hågan Guåhan* under Section 5 of
25 this Act.”

26 **Section 4.** Section 7 of Public Law 35-136 is *amended* to read:

27 “**Section 7. Rules and Regulations.**

1 Notwithstanding any provision of the Guam Administrative
2 Adjudication Law, the Director of the Department of Revenue and Taxation
3 may, if necessary, promulgate additional rules and regulations not stipulated
4 in this Act to implement the Recovery Income Support and Empowerment
5 (RISE) Program, and shall transmit such rules and regulations to the Speaker
6 of *I Liheslaturan Guåhan*.”

7 **Section 5.** A new Section 8 is *added* to Public Law 35-136 to read:

8 **“Section 8. Required Documents.** The following documentation
9 must be submitted in such form as prescribed by the Director to qualify for
10 payment under the RISE Program. Additional documentation may be
11 required, as deemed necessary, upon verification of the documentation listed
12 in this Section. These documents shall be subject to review and verification.
13 Applications will be processed on a first-in, first-out basis, only when they are
14 completed, including all required documents.

15 (a) Completed Form 8821, *Tax Information Authorization*, to
16 authorize the Department of Revenue and Taxation to inspect and
17 receive Guam Form 1040 Individual Income Tax Return and return
18 information for tax years 2020 and 2019 submitted by individuals, for
19 the purpose of administering the RISE Program;

20 (b) Copy of Form SSA-1099 or Form RRB-1099, *Social*
21 *Security Benefit Statement*, for calendar year 2020, if an individual is
22 an SSB recipient who is not required to file a tax return for tax years
23 2020 or 2019;

24 (c) Social security card number(s) for individuals;

25 (d) Application for the RISE Program; and

26 (e) any additional documents required, as deemed necessary
27 by the Director of the Department of Revenue and Taxation.”

1 **Section 6.** “Exhibit A” Rules and Regulations of Public Law 35-136 is
2 hereby *repealed*.

3 **Section 7. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall
5 not affect other provisions or applications of this Act that can be given effect without
6 the invalid provision or application, and to this end the provisions of this Act are
7 severable.

8 **Section 8. Effective Date.** This Act *shall* be effective upon enactment.