

I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 333-35 (COR)

As substituted on the Floor.

Introduced by:

Therese M. Terlaje
Sabina Flores Perez
James Camacho Moylan

**AN ACT RELATIVE TO THE RAPID AND
TRANSPARENT IMPLEMENTATION OF FEDERAL
AND LOCAL ASSISTANCE PROGRAMS RELATED TO
COVID-19.**

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds on March 27, 2020, President Trump
4 signed into law H.R. 748, the Coronavirus Aid, Relief, and Economic Security Act
5 (CARES Act) as U.S. Public Law 116-136, which provides an estimated \$2 trillion
6 stimulus package to states and territories to address the health and economic impacts
7 of the COVID-19 pandemic.

8 *I Liheslaturan Guåhan* finds that the COVID-19 pandemic on Guam
9 has crippled numerous private sector businesses and employees amid the necessary
10 islandwide quarantine of the residents of Guam.

11 *I Liheslaturan Guåhan* further finds that the government of Guam must
12 act swiftly to bring much needed economic relief to the people of Guam and access
13 the federal assistance opportunities of Public Law 116-136.

14 **Section 2.** *I Maga'hågan Guåhan* may hire temporary employees or
15 temporarily re-direct existing employees to implement and expedite federal and local

1 programs related to H.R. 748, and to process tax refunds on an expedited basis. *I*
2 *Maga'hågan Guåhan* shall report to *I Liheslaturan Guåhan* on July 1, 2020 and
3 monthly thereafter, the number of temporary employees hired pursuant to this
4 Section, the positions filled, the length of employment, the cost of said hiring, the
5 source of funding, and the nature of the critical need that was filled.

6 **Section 3.** Within five (5) business days after enactment of this Act, the
7 Government of Guam shall sign all necessary MOUs and MOAs, and shall establish
8 all necessary programs, to effectuate the provisions of H.R. 748, now Public Law
9 116-136, between the United States Federal Government and the Territory of
10 Guam. *I Maga'hågan Guåhan* and every Director or Agency head shall submit to *I*
11 *Liheslaturan Guåhan* a copy of any agreement signed on behalf of the agency or the
12 government of Guam within 24 hours of signing on behalf of Guam, and shall submit
13 a copy of the fully executed agreement within 24 hours of receipt.

14 **Section 4.** The Department of Revenue and Taxation is authorized to
15 implement any procedures necessary to implement the federal Economic Impact
16 Payments or cash assistance program. In implementing the cash assistance
17 procedures for the federal tax rebate program, the Department of Revenue and
18 Taxation shall not allow any abatement, attachment, or garnishment of the Economic
19 Impact Payment except for child support.

20 **Section 5.** *I Maga'hågan Guåhan* through Executive Order 2020-07,
21 required employers which reduced their workforce through employee terminations,
22 layoffs, furloughs or reduction in hours since January 1, 2020 and through the
23 duration of the COVID-19 public health emergency, or extension thereof, to report
24 such reductions to the Department of Labor in a form prescribed by its Director in
25 preparation for the implementation of federal Pandemic Unemployment Insurance
26 program. To assist the Department of Labor in collecting the required information
27 detailed in E.O. 2020-07, the Department of Revenue and Taxation may deny

1 renewal of business licenses in 2020 and 2021 for any employer certified by DOL
2 to be noncompliant with this reporting requirement.

3 Notwithstanding the Administrative Adjudication Act, the Department of
4 Labor *shall* utilize any existing program or create separate rules for the
5 implementation of the unemployment insurance program authorized in H.R. 748,
6 now U.S. Public Law 116-136. Said rules shall be posted on the DOL website, and
7 shall be transmitted to the Speaker of *I Liheslaturan Guåhan* within 15 days of
8 enactment of this Act.

9 **Section 6.** Notwithstanding any other provision of law, any funds that may
10 be subject to legislative authorization or appropriation for expenditure pursuant to
11 Section 5001, Title V of H.R. 748 *shall not* be expended without the express consent
12 of *I Liheslaturan Guåhan* and are not subject to transfer.

13 **Section 7.** *I Maga'hågan Guåhan* shall keep a full account of all COVID-
14 19 expenses incurred by *I Maga'håga* funded with either local or federal funds, and
15 shall report such to *I Liheslaturan Guåhan* within 20 days of the close of each
16 calendar month. Reports shall include a clear description of the source of funds,
17 such as transferred funds, lapsed funds, local appropriations, federal funds, or any
18 other discernable fund type.

19 **Section 8.** The OPA shall conduct semi-annual audits of all expenditures
20 on Guam associated with H.R. 748, now U.S. Public Law 116-136 for compliance
21 with all applicable local and federal laws and may require from agencies or the
22 Governor information required to complete the audits. The Governor may allocate
23 funds provided from the federal government to the OPA for the purposes of this
24 Section.

25 **Section 9. Severability.** If any provision of this Act or its application to any
26 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
27 *not* affect other provisions or applications of this Act that can be given effect without

1 the invalid provision or application, and to this end the provisions of this Act are
2 severable.