

I Mina'trentai Singko 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
350-35 (COR)	James C. Moylan	AN ACT TO ADD ARTICLE 14 TO DIVISION 1, CHAPTER 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ECONOMIC SUPPORT PROGRAM TO ASSIST THOSE INDIVIDUALS WHOSE EMPLOYMENT WAS IMPACTED DUE TO THE COVID-19 PANDEMIC.	4/29/20 12:44 p.m.						

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

Bill No. 350-35 (COR)

Introduced by:

James C. Moylan 

**AN ACT TO *ADD* ARTICLE 14 TO DIVISION 1,
CHAPTER 1 OF TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING AN ECONOMIC
SUPPORT PROGRAM TO ASSIST THOSE
INDIVIDUALS WHOSE EMPLOYMENT WAS
IMPACTED DUE TO THE COVID-19 PANDEMIC.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 COVID-19 pandemic has created a global public health economic crisis. Even prior
4 to the declaration of a State of Public Health Emergency, the island of Guam was
5 experiencing dwindling tourism figures, a decline in private sector revenue and an
6 increase in furlough's and/or unemployment numbers. Since the declaration was
7 made by Governor Lourdes A. Leon Guerrero on May 16, 2020, the economy took
8 a greater hit, resulting in projections that unemployment could impact as many as
9 20,000 island residents at some point.

10 The federal Coronavirus Aid, Relief, and Economic Security Act (CARES
11 Act) has provided millions of dollars in relief funds for Guam, including monies that
12 the government can use to manage the pandemic, an economic stimulus program for
13 island residents and a Pandemic Unemployment Assistance plan for those whose
14 jobs were adversely impacted during this crisis. Unfortunately the latter two

1 programs have yet to make its way to Guam, leaving thousands of island residents
2 with the struggle in finding means to feed their families or tend to other critical
3 necessities. Therefore it is paramount that the local government provide some
4 interim relief for many island residents until the federal programs reach the accounts
5 of the affected individuals.

6 The CARES Act provided the Government of Guam \$117 million to address
7 necessary expenditures incurred due to the public health emergency. Likewise while
8 the language in the Act stipulates the specifics in what the monies can be expended
9 on, it also states that the monies can be used for economic support to those suffering
10 from employment or business interruptions due to COVID-19 related business
11 closures. Because thousands of island residents have been impacted because either
12 their employer had to shut down their operations, or had to furlough employees
13 because of the COVID-19 pandemic, it is only fitting that an interim program be
14 created to provide these individuals with some Economic Support.

15 While ideally the payment of tax refunds would provide a greater spectrum of
16 support and economic infusion for the community, unfortunately it is not qualified
17 as an approved expenditure from the monies received from the CARES Act. Thus
18 by providing onetime cash payment of \$800, an individual can address their families
19 critical needs until the monies from the Economic Stimulus and/or the Pandemic
20 Unemployment Assistance program make their way to the island.

21 **Section 2.** A new Article 14 is hereby *added* to Division 1, Chapter 1 of Title
22 5, Guam Code Annotated to read as follows:

23 **“ARTICLE 14**

24 **CARES ECONOMIC SUPPORT FUND**

25 **§ 14101. Fund Structure and Administration.**

26 (a) There is hereby established the *CARES Economic Support Fund*
27 (hereinafter *shall be* referred to as the Fund).

1 (b) The purpose of the Fund is to receive deposits pursuant to § 14101(d) of
2 this Article to pay for the program pursuant to § 14101(c) of this Article.

3 (c) *I Maga'Hagan Guåhan* in coordination with the Department of
4 Administration (hereinafter *shall be* referred to as DOA) and the Guam Department
5 of Labor (hereinafter *shall be* referred to as DOL) *shall* establish the *CARES*
6 *Economic Support Program* (hereinafter *shall be* referred to as the Program), which
7 *shall be* administered as follows:

8 (1) All eligible individuals pursuant to § 14101(c)(2) of this Article
9 *shall* receive an unconditional cash payment equal to the sum of eight hundred
10 dollars (\$800), and this *shall be* a onetime payment.

11 (2) For the purposes of this Article, the term "eligible individual"
12 *shall* mean any individual who is unemployed or unable to work because their
13 employer was impacted by the COVID-19 pandemic, and whose employer
14 has submitted their information to the Guam Department of Labor, and who
15 has filed a return for taxable year 2018 or 2019, or has not filed for
16 taxable year 2019, but has received a Wage and Tax Statement (W-2) for
17 2019. An individual who has not received a W-2 for 2019, and was employed
18 at the start of taxable year 2020, and then was unemployed because their
19 employer was impacted by the COVID-19 pandemic, *shall* qualify if they
20 provide DOL with the evidence of their employment.

21 (3) The Department of Labor *shall* provide a listing of eligible names
22 to the Department of Revenue and Taxation. DOL *shall* establish an online
23 application or registry within five (5) days of the enactment of this act, for
24 those eligible individuals whose employers failed to submit their information
25 at the date of the enactment of this Act. No online applications or registry for
26 this Program shall be accepted after May 15, 2020.

1 (4) I Maga'Hagan Guåhan in coordination with DOA and DOL shall
2 establish the rules for the administration of the Program, no more than five (5)
3 days after the enactment of this Act. The adopted Program shall not require
4 any approval from I Liheslaturan Guåhan for further action.

5 (d) I Maga'Hagan Guåhan is hereby authorized to transfer no more than
6 twenty million dollars (\$20,000,000) from the funds received pursuant to U.S. Public
7 Law 116-136, the Coronavirus Aid, Relief, and Economic Security Act (hereinafter
8 referred to as the CARES Act), relative to direct federal assistance to the government
9 of Guam, to address the necessary expenditures incurred due to the public health
10 emergency resulting from the coronavirus pandemic, and shall deposit these funds
11 to the Fund pursuant to § 14101(a) of this Article. If additional funds are required,
12 then I Maga'Hagan Guåhan shall request the approval from I Liheslaturan Guåhan.
13 No funds from the Economic Stimulus Program pursuant to the CARES Act shall
14 be used for this Program.

15 (e) The Department of Administration and the Bureau of Budget Management
16 Research shall submit a report to I Liheslaturan Guåhan and I Maga'Hagan Guåhan
17 on June 10, 2020 on the status of the Fund pursuant to this Article, including the
18 total sum of the payout.

19 (f) The Fund pursuant to this Article shall be exempt from the Governor's
20 transfer authority, and any funds remaining in the program pursuant to § 14101(c)
21 shall be transferred to the General Fund or a Special Fund upon the approval of I
22 Liheslaturan Guåhan.

23 (g) This Act shall sunset on May 31, 2020.

24 (h) Notwithstanding any other provisions of the law, rule, regulation, or
25 executive order, nothing in this Act shall be interpreted, applied, or construed, to
26 affect the provisions of the Pandemic Unemployment Assistance, pursuant to U.S.
27 Public Law 116-136, the Coronavirus Aid, Relief, and Economic Security Act, for

1 payment to covered individuals, or be considered an extended benefit under federal
2 or local law.”

3 **Section 3. 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 4. Effective Date.** The act *shall* become effective immediately upon
9 enactment, and *shall* sunset on May 31, 2020.