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<td>336-35 (COR)</td>
<td>Therese M. Terlaje</td>
<td>AN ACT TO DIRECT THE EXPEDITED PROCUREMENT OF CRITICAL MEDICAL SUPPLIES TO SAVE LIVES ON GUAM DURING THE COVID-19 PANDEMIC THROUGH THE AMENDMENT OF §19803 OF CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED.</td>
<td>4/6/20 12:37 p.m.</td>
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AN ACT TO DIRECT THE EXPEDITED PROCUREMENT OF CRITICAL MEDICAL SUPPLIES TO SAVE LIVES ON GUAM DURING THE COVID-19 PANDEMIC THROUGH THE AMENDMENT OF §19803 OF CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §19803 of Chapter 19, Title 10, Guam Code Annotated, is hereby amended to read:

“§ 19803. Financing and Expenses.

(a) Transfer of Funds. I Maga’låhen Guahån [The Governor] may transfer from the General Fund up to One Hundred Thousand Dollars ($100,000.00) monthly as an emergency appropriation upon the declaration of a public health emergency, and upon notification to the United States Centers for Disease Control (CDC), to address, mitigate or abate any catastrophic disease control situations relating to the spread or outbreak of communicable diseases, or for any biological threats to mankind. I Maga’låhen Guåhan [The Governor] is allowed to utilize this emergency appropriation up to three (3) consecutive months per emergency notification to the CDC, and at such time shall be subject to I Lihesluran Guåhan’s appropriation. Notice of any transfer shall be
delivered to the Speaker and to the Committee of Ways and Means of [The Guam Legislature] by I Maga’lahen Guåhan [The Governor] within ten (10) days after such transfer.

(b) Conditions. A transfer of funds by I Maga’lahen Guåhan [The Governor] under the provisions of this Section may be made only when one (1) or more of the following conditions exist:

(1) no appropriation or other authorization is available to meet the public health emergency;
(2) an appropriation is insufficient to meet the public health emergency; or
(3) Federal monies available for such a public health emergency require the use of local or other public monies.

(c) Expenses. All expenses incurred by the government of Guam during a state of public health emergency shall be subject to the following limitations:

(1) no expense shall be incurred against the monies authorized under this Section, without the general approval of I Maga’lahen Guåhan [The Governor]; and
(2) the aggregate amount of all expenses incurred pursuant to this Section shall not exceed Six Hundred Thousand Dollars ($600,000.00) for any fiscal year. Any amounts in excess is subject to [The Guam Legislature’s] appropriation.

(d) Additional Authorization for COVID-19 Response. In response to the COVID-19 pandemic and notwithstanding any other law, the Governor may transfer up to Four Million Dollars ($4,000,000.00) from FY2020 appropriations, in addition to the amounts authorized in subsections (a) and (b), to immediately purchase ventilators, personal protective
equipment (PPE), medicines, COVID-19 test kits and other essential medical equipment and supplies. The Governor shall use her best efforts to obtain these items immediately, and in bulk or at best value for use of the entire island’s public health emergency response. A portion of this amount may be used to expedite shipping, delivery, or distribution to medical facilities. Pursuant to the Emergency Health Powers Act, these supplies shall be directed to public or private medical facilities as part of the coordinated response authorized by this Act. Notwithstanding any other law, and in light of the extreme risk to the lives of the people of Guam without these items, these critical items may be purchased immediately from any sources without compliance with any other provision of the procurement law.”

Section 2. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.