

**From:** Committee on Rules 36GL <cor@guamlegislature.org>  
**Sent:** Thursday, August 19, 2021 1:18 PM  
**To:** Clerks; Rennae Meno  
**Cc:** Speaker Therese M. Terlaje  
**Subject:** Messages and Communications for Doc. Nos. 36GL-21-0983 through 36GL-21-0989\*  
**Attachments:** 36GL-21-0983.pdf; 36GL-21-0984.pdf; 36GL-21-0985.pdf; 36GL-21-0986.pdf; 36GL-21-0987.pdf; 36GL-21-0988.pdf; 36GL-21-0989.pdf

Håfa Adai Clerks,

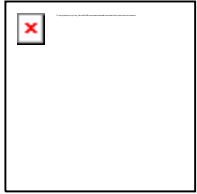
Please see attached M&C Doc. Nos. 36GL-21-0983 through 36GL-21-0989 for processing:

36GL-21-0983	Bill No.117-36 (COR) nka P.L. 36-47: "AN ACT TO AMEND § 403(k) OF CHAPTER 4, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE OFFICIAL NAME OF THE MUNICIPALITY OF "AGAT" TO ITS NAME IN THE CHAMORU LANGUAGE, NAMELY "HĀGAT."*	Office of the Governor of Guam
36GL-21-0984	Bill No.118-36 (COR) nka P.L. 36-48: "AN ACT TO AMEND § 403(j) OF CHAPTER 4, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE OFFICIAL NAME OF THE MUNICIPALITY OF "UMATAC" TO ITS NAME IN THE CHAMORU LANGUAGE, NAMELY "HUMĀTAK."*	Office of the Governor of Guam
36GL-21-0985	Bill No.119-36 (COR) nka P.L. 36-49: "AN ACT TO AMEND § 403(i) OF CHAPTER 4, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE OFFICIAL NAME OF THE MUNICIPALITY OF "MERIZO" TO ITS NAME IN THE CHAMORU LANGUAGE, NAMELY "MALESSO'."*	Office of the Governor of Guam
36GL-21-0986	Bill No.125-36 (COR) nka P.L. 36-50: "AN ACT TO AMEND § 403(l) OF CHAPTER 4, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE OFFICIAL NAME OF THE MUNICIPALITY OF "SANTA RITA" TO ITS NAME IN THE CHAMORU LANGUAGE, NAMELY "SĀNTA RITA -SUMAI."*	Office of the Governor of Guam
36GL-21-0987	Bill No.126-36 (COR) nka P.L. 36-51: "AN ACT TO AMEND § 403(g) OF CHAPTER 4, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE OFFICIAL NAME OF THE MUNICIPALITY OF "TALOFOFO" TO ITS NAME IN THE CHAMORU LANGUAGE, NAMELY "TALO'FO'FO'."*	Office of the Governor of Guam
36GL-21-0988	Bills VETOED 75-36 (COR)- VETO- "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" . <b>Bill No. 75-36 (COR) -VETO- "AN ACT TO AMEND SECTIONS 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."</b>	Office of the Governor of Guam
36GL-21-0989	164-36 (COR)-VETO "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" .*	Office of the Governor of Guam

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Electronic copy received.

*Si Yu'os Ma'äse',*



## COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes  
36th Guam Legislature  
*I Mina'trentai Sais Na Liheslaturan Guáhan*  
163 Chalan Santo Papa Hågatña Guam 96910  
Email: [cor@guamlegislature.org](mailto:cor@guamlegislature.org)

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From: **Speaker Therese M. Terlaje** <[speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)>

Date: Thu, Aug 19, 2021 at 11:54 AM

Subject: Messages and Communications for 36GL-21-0983, 36GL-21-0984, 36GL-21-0985, 36GL-21-0986, 36GL-21-0987, 36GL-21-0988 and 36GL-21-0989

To: Legislative Secretary Amanda Shelton <[officeofsenatorshelton@guamlegislature.org](mailto:officeofsenatorshelton@guamlegislature.org)>, Committee on Rules 36GL <[cor@guamlegislature.org](mailto:cor@guamlegislature.org)>

*Håfa Adai,*

Please see attached M&C Doc. No. 36GL-21-0983, 36GL-21-0984, 36GL-21-0985, 36GL-21-0986, 36GL-21-0987, 36GL-21-0988 and 36GL-21-0989.

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*Si Yu'os Ma'åse',*

Maria Abante  
Legislative Assistant

## Office of Speaker Therese M. Terlaje Committee on Health, Land, Justice and Culture

*I Mina'trentai Sais na Liheslaturan Guåhan*

36th Guam Legislature

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

----- Forwarded message -----

From: **Brianne LG Dunstan** <[brianne.dunstan@guam.gov](mailto:brianne.dunstan@guam.gov)>

Date: Thu, Aug 19, 2021 at 10:33 AM

Subject: Copies of 5 bills signed into law; 2 Vetoes bills

To: Speaker Therese M. Terlaje <[speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)>

Cc: Governor Lourdes A. Leon Guerrero <[governor@guam.gov](mailto:governor@guam.gov)>, Lt. Governor Joshua F. Tenorio

<[joshua.tenorio@guam.gov](mailto:joshua.tenorio@guam.gov)>, Geraldine A. Cepeda (Compiler) <[gcepeda@guamcourts.org](mailto:gcepeda@guamcourts.org)>, Guam Compiler of Laws

<[guamcompiler@gmail.com](mailto:guamcompiler@gmail.com)>, Lisa Ibanez (Compiler Asst.) <[libanez@guamsupremecourt.com](mailto:libanez@guamsupremecourt.com)>, Jon Junior M Calvo

<[jon.calvo@guam.gov](mailto:jon.calvo@guam.gov)>, Alice Taijeron <[alice.taijeron@guam.gov](mailto:alice.taijeron@guam.gov)>, Stephanie G. Flores <[stephanie.flores@guam.gov](mailto:stephanie.flores@guam.gov)>,

Eliza G. Dames (Chamber) <[eliza.dames@guam.gov](mailto:eliza.dames@guam.gov)>, Shamra L.A. Chargualaf (Chamber)

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<[josephine.cepada@guam.gov](mailto:josephine.cepada@guam.gov)>, Kathleen C. Cepeda (DCOS) <[kathleen.cepada@guam.gov](mailto:kathleen.cepada@guam.gov)>, Rhea Chang

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<[elaine.tajalle@guam.gov](mailto:elaine.tajalle@guam.gov)>

*Hafa Adai* Madame Speaker:

Please find attached copies of five (5) bills that were passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on August 6, 2021 and **signed into law by the Honorable Lourdes A. Leon Guerrero, I Maga'hågan Guåhan.** Also included are two (2) bills that have been VETOED by I Maga'hagan Guahan.

The original bills will be delivered to your office.

### **Bills Signed into Law**

- **Bill No.117-36 (COR) nka P.L. 36-47:** "AN ACT TO *AMEND* § 403(k) OF CHAPTER 4, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO CHANGING THE OFFICIAL NAME OF THE MUNICIPALITY OF "AGAT" TO ITS NAME IN THE *CHAMORU* LANGUAGE, NAMELY "HĀGAT."
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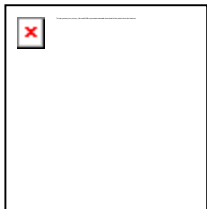
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Thank you.

Respectfully,

--



**Brianne LG Dunstan**

Unisifan I Maga'hågan Guåhan

Office of the Governor of Guam

*Office of Legal Counsel*

513 West Marine Corps Drive

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.473.1118

[brianne.dunstan@guam.gov](mailto:brianne.dunstan@guam.gov)



Speaker Therese M. Terlaje <speaker@guamlegislature.org>

## Copies of 5 bills signed into law; 2 Vetoed bills

Brianne LG Dunstan <brianne.dunstan@guam.gov>

Thu, Aug 19, 2021 at 10:33 AM

To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Cc: "Governor Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Governor Joshua F. Tenorio" <joshua.tenorio@guam.gov>, "Geraldine A. Cepeda (Compiler)" <gceda@guamcourts.org>, Guam Compiler of Laws <guamcompiler@gmail.com>, "Lisa Ibanez (Compiler Asst.)" <libanez@guamsupremecourt.com>, Jon Junior M Calvo <jon.calvo@guam.gov>, Alice Tajeron <alice.tajeron@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, "Eliza G. Dames (Chamber)" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf (Chamber)" <shamra.chargualaf@guam.gov>, Dorothy Blas <dorothy.blas@guam.gov>, "Josephine C. Cepeda (Chamber)" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda (DCOS)" <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, "SSD (Legal)" <sophia.diaz@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, "June M.C. Borja" <june.borja@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, BERTHA <bertha.duenas@guam.gov>, "Michael D. Weakley" <michael.weakley@guam.gov>, Lester Carlson <lester.carlson@bbmr.guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, "Jessica Cruz (CF)" <jessica.cruz@guam.gov>, Elaine Tajalle <elaine.tajalle@guam.gov>

*Hafa Adai* Madame Speaker:

Please find attached copies of five (5) bills that were passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on August 6, 2021 and **signed into law by the Honorable Lourdes A. Leon Guerrero, I Maga'hågan Guåhan**. Also included are two (2) bills that have been VETOED by I Maga'hågan Guåhan.

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Thank you.

Respectfully,



**Brianne LG Dunstan**  
Unisifan I Maga'hågan Guåhan  
Office of the Governor of Guam  
*Office of Legal Counsel*  
513 West Marine Corps Drive  
Ricardo J. Bordallo Governor's Complex  
Hagåtña, Guam 96910  
Office: 671.473.1118  
brianne.dunstan@guam.gov

36GL-21-0983, 36GL-21-0984  
36GL-21-0985, 36GL-21-0986  
36GL-21-0987, 36GL-21-0988

+ 36GL-21-0989  
**OFFICE OF THE SPEAKER**  
**THERESE M. TERLAJE**

~~08~~ 19 2021

Time: 10:33am  
Received:

7 attachments

- 21.0818 Bill No. 119-36 nka P.L. 36-49 Municipality of Malesso.pdf  
126K
- 21.0818 Bill No. 125-36 (COR) nka P.L. 36-50 Municipality of Santa Rita-Sumai.pdf  
142K
- 21.0818 Bill No. 117-36 (COR) nka P.L. 36-47 Municipality of Hagat.pdf  
136K
- 21.0818 Bill No. 126-36 (COR) nka P.L. 36-51 Municipality of Talo'fo'fo.pdf  
142K
- 21.0818 Bill No. 118-36 (COR) nka P.L. 36-48 Municipality of Humatak.pdf  
147K
- 21.0818 Bill No. 75-36 (COR)-VETOED.pdf  
314K
- 21.0818 Bill No. 164-36 (COR)-VETOED.pdf  
259K

COMMITTEE ON RULES  
RECEIVED:

August 19, 2021  
11:54 A.M.

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HAGAN GUÅHAN  
OFFICE OF THE GOVERNOR OF GUAM

August 16, 2021

**HONORABLE THERESE M. TERLAJE**

*Speaker, I Mina'trentai Sais Na Liheslaturan Guåhan*  
36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**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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**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.

//

//

//

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, appearing to read "Lourdes A. Leon Guerrero".

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

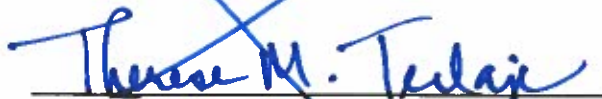
Enclosure(s): BILL NO. 75-36 (COR)-VETO; BILL NO. 164-36 (COR)- VETO

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 6<sup>th</sup> 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 7<sup>th</sup> 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 “Pedro” 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 *Liheslaturan 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.

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

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

August 16, 2021

**HONORABLE THERESE M. TERLAJE**

*Speaker, I Mina'trentai Sais Na Liheslaturan Guåhan*  
36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

Doc Type:

OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

~~08~~ 19 2021

Time:

Received:

**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.

//  
**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.\*

Page 1 of 3



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.

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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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**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.

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

*Senseremente,*

A handwritten signature in blue ink, reading "Lourdes A. Leon Guerrero".

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

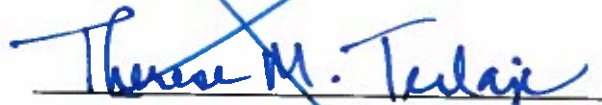
Enclosure(s): BILL NO. 75-36 (COR)-VETO; BILL NO. 164-36 (COR)- VETO

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 6<sup>th</sup> 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 7<sup>th</sup> 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 “Pedro” 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 *Liheslaturan 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.