


I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
72-38 (COR)	Eulogio Shawn Gumataotao	AN ACT TO <i>AMEND</i> § 65113 OF CHAPTER 65, TITLE 10, GUAM CODE ANNOTATED; TO <i>AMEND</i> § 22402 OF ARTICLE 4, CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED; AND TO APPROPRIATE ONE MILLION DOLLARS (\$1,000,000) FROM THE RAINY DAY FUND, RELATIVE TO ESTABLISHING THE DISASTER RESPONSE-EMERGENCY OPERATIONS FUND.	3/4/25 8:03 a.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 72-38 (COR)

Introduced by:

Eulogio Shawn Gumataotao 

AN ACT TO *AMEND* § 65113 OF CHAPTER 65, TITLE 10, GUAM CODE ANNOTATED; TO *AMEND* § 22402 OF ARTICLE 4, CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED; AND TO APPROPRIATE ONE MILLION DOLLARS (\$1,000,000) FROM THE RAINY DAY FUND, RELATIVE TO ESTABLISHING THE DISASTER RESPONSE-EMERGENCY OPERATIONS FUND.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that of the estimated \$2.7 Billion Dollars in COVID-19 relief funding Guam
4 received from the U.S. Government as of 2023, an estimated \$553 Million Dollars
5 from the American Rescue Plan Act (ARPA) of 2021 was allocated to the
6 Government of Guam to assist with short-term and long-term recovery initiatives.
7 According to the Bureau of Budget and Research, Guam's Coronavirus State and
8 Local Fiscal Recovery Fund (CSLFRF) allocation balance as of November 30, 2024,
9 was \$187,487,041, which included \$32.6 Million Dollars in county allotments, \$23.4
10 Million Dollars in bank interest, and \$9 Million Dollars in allotments for non-
11 entitlement entities.

12 Recognizing that Guam's CSLFRF allocation was not subject to legislative
13 appropriation, *I Mina' Trentai Sais na Liheslaturan Guåhan* (the 36th Guam
14 Legislature) submitted a proposal to *IMaga'hågan Guåhan* for the island's CSLFRF

1 allocation. The 2021 proposal prioritized more than two (2) dozen appropriations to
2 Government of Guam departments and agencies for direct aid to individuals and
3 families, expansion of healthcare services, infrastructure and technology upgrades,
4 workforce training, and costs associated with streamlining and upgrading
5 Government services. Although certain CSLFRF expenditures to date mirror the
6 priorities pursued by *I Mina'trentai Sais na Liheslaturan Guåhan* (the 36th Guam
7 Legislature), the question of whether the Guam Legislature should be responsible
8 for appropriating federal funds, particularly resources that are provided to the island
9 pursuant to a state of emergency declaration by the Governor of Guam or a major
10 disaster declaration by the President, remains mostly unsettled.

11 *I Liheslaturan Guåhan* acknowledges that although the Organic Act of Guam
12 empowers the Governor with general supervision and control of all the departments,
13 bureaus, agencies, and other instrumentalities of the Executive Branch of the
14 Government of Guam, the use of federal emergency or disaster related funds must
15 align with the local government's broader spending plan inclusive of the General
16 Fund and special revenue accounts. *I Liheslatura* further finds and declares that
17 because federal emergency and disaster funds are paid for by federal taxpayers,
18 Guam has an obligation to prioritize these resources through a transparent and
19 deliberative appropriation process.

20 It is, therefore, the intent of *I Liheslaturan Guåhan* to establish the Disaster
21 Response-Emergency Operations Fund to be administered by the Office of Civil
22 Defense. If passed, this Act provides the legal mechanism for the appropriation of
23 emergency or disaster assistance provided to the Government of Guam by the U.S.
24 Government and appropriations authorized by *I Liheslatura* for emergency response
25 and recovery expenditures. Accordingly, this Act establishes the Disaster Response-
26 Emergency Operations Fund to receive such funds and further provides an initial

1 appropriation of One Million Dollars (\$1,000,000) to said Fund from the Rainy Day
2 Fund in Fiscal Year 2025.

3 **Section 2.** § 65113 is *amended* and a new § 65113.1 of Chapter 65, Title 10,
4 Guam Code Annotated, is hereby *added* to read:

5 **“§ 65113. Disaster Response-Emergency Operations Fund.**

6 (a) Creation. There is hereby created, separate and apart from other
7 funds of the Government of Guam, a reserve fund known as the Disaster
8 Response-Emergency Operations Fund (Fund). The Fund shall not be
9 commingled with the General Fund or any other fund of the Government of
10 Guam. The Fund shall be administered by the Office of Civil Defense and
11 maintained in a separate bank account. All funds including appropriations by
12 *I Liheslaturan Guåhan*, and funds received by the Government of Guam from
13 the U.S. Government pursuant to a major disaster declaration by the President
14 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance
15 Act, shall be deposited in the Fund for use in accordance with this Section.
16 Notwithstanding any other provision of law, the sum of not less than One
17 Million Dollars (\$1,000,000) shall be appropriated annually from the Rainy
18 Day Fund to the Disaster Response-Emergency Operations Fund. The Fund
19 shall not be subject to *I Maga'håga 's/Maga'låhi 's* transfer authority and funds
20 herein shall remain available until fully expended.

21 (b) Purpose. The Disaster Response-Emergency Operations Fund shall
22 be used by the Office of Civil Defense:

23 (1) for response and recovery expenses associated with a
24 major disaster declaration by the President pursuant to the Robert T.
25 Stafford Disaster Relief and Emergency Assistance Act or a state of
26 emergency declaration by the Governor of Guam;

1 (2) for individual assistance programs to include, but are not
2 limited to, the provision of emergency food, water, and medical
3 services, temporary housing, and restoration of critical public
4 infrastructure;

5 (3) to support emergency response and recovery efforts in
6 Guam in accordance with mutual aid agreements established between
7 the Government of Guam and national, regional, or international
8 governments or non-government organizations; and,

9 (4) to meet any matching requirements imposed as a condition
10 of receiving public assistance programs from the U.S. Government.

11 (c) Expenditures; Financial Statement. Except as provided for in §
12 22402 of Article 4, Chapter 22, Title 5, Guam Code Annotated, expenditures
13 from the Fund shall only be authorized through an appropriation by *I*
14 *Liheslaturan Guåhan*. The Disaster Response-Emergency Operations Fund
15 shall be included in the Government of Guam’s annual Basic Financial
16 Statements and Single Audit Report.

17 (d) Penalties. Any person who violates any of the provisions of this
18 Section or who refuses or willfully neglects to obey any of the provisions or
19 administrative regulations promulgated or issued pursuant to this Section,
20 shall be guilty of a misdemeanor and, upon conviction thereof, shall be
21 punishable by a fine of not to exceed \$1,000 or by imprisonment for a period
22 not to exceed six months or by both such fine and imprisonment.

23 **§ 65113.1. § ~~65113~~Same: To Request and Receive Aid.**

24 (1) Whenever the federal government or any agency or officer
25 thereof shall offer to the gGovernment of Guam or the gGovernment of Guam
26 shall request services, equipment, supplies, materials or funds by way of gifts,
27 grant or loan, for purposes of civil defense, the gGovernment of Guam, acting

1 through I Maga'håga/Maga'låhi ~~the Governor~~, may accept such offer and
2 upon such acceptance or upon approval of any such government of Guam
3 request, I Maga'håga/Maga'låhi ~~the Governor~~ may authorize any officer of
4 the gGovernment of Guam to receive such services, equipment, supplies,
5 materials or funds on behalf of the gGovernment of Guam and subject to the
6 terms of the offer and the rules and regulations, if any, of the agency making
7 the offer.

8 (2) Whenever any person, firm or corporation shall offer to the
9 gGovernment of Guam services, equipment, supplies, materials or funds by
10 way of gift, grant or loan, for purposes of civil defense, the gGovernment of
11 Guam, acting through I Maga'håga/Maga'låhi, may accept such offer and
12 upon such acceptance I Maga'håga/Maga'låhi, may authorize any officer of
13 the gGovernment of Guam to receive such services, equipment, supplies,
14 materials or funds on behalf of the gGovernment of Guam and subject to the
15 terms of the offer.”

16 **Section 3.** § 22402 of Article 4, Chapter 22, Title 5, Guam Code Annotated,
17 is amended to read:

18 **“§ 22402. Emergency Expenses.**

19 *I Maga'låhen Guåhan* is authorized to utilize no more than Two
20 Hundred Fifty Thousand Dollars (\$250,000.00) from ~~General Fund~~
21 ~~appropriations for the Executive Branch~~ Disaster Response-Emergency
22 Operations Fund for expenses resulting from civil defense, public safety, or
23 healthcare emergencies. Whenever this authorization is used, I
24 Maga'hågan/Maga'låhen Guåhan shall provide a written report of the
25 expenditures of such funds and its source to *I Liheslaturan Guåhan* and the
26 Public Auditor within five (5) days of such transactions. Any reimbursement
27 by the U.S. Government as a result of expenditures allowed pursuant to this

1 Section shall be immediately deposited in the Disaster Response-Emergency
2 Operations Fund upon receipt by *I Maga'håga/Maga'låhi*, the Department of
3 Administration or any other instrumentality of the Government of Guam, and
4 shall not be subject to *I Maga'håga's /Maga'låhi's* transfer authority.”

5 **Section 4. Fiscal Year 2025 Appropriation.** Notwithstanding any other
6 provision of law, One Million Dollars (\$1,000,000) is appropriated from the Rainy
7 Day Fund established pursuant to Article 9 of Chapter 22, Title 5, Guam Code
8 Annotated, to the Disaster Response-Emergency Operations Fund in Fiscal Year
9 2025.

10 **Section 5. Effective Date.** This Act shall be effective upon enactment,
11 except that the annual appropriation from the Rainy Day Fund to the Disaster
12 Response-Emergency Operations Fund as required in Section 2 of this Act shall
13 begin in Fiscal Year 2026.