

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 56-33 (COR)

Introduced by:

FRANK B. AGUON, JR. 

**AN ACT TO AMEND §2101.1(f) AND §2101.3 OF
CHAPTER 2, TITLE 5 OF THE GUAM CODE
ANNOTATED RELATIVE TO RECOGNIZING THE
INDEPENDENCE OF THE JUDICIARY OF GUAM
RELATIVE TO THE RECEIPT OF FEDERAL FUNDS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 hereby extends the recognition of judicial independence to the application, receipt
4 and administration of federal funds.

5 **Section 2.** Item (f) of §2101.1 of Chapter 2 of Title 5 of the Guam Code
6 Annotated is hereby *amended* to read:

7 “(f) With the exception of the Judiciary of Guam, the Guam
8 Community College, the University of Guam, and the Guam
9 Department of Education, and notwithstanding any other
10 provision of law to the contrary, no application for any Federal
11 aid programs, grants, loans, contracts, contributions, advances,
12 direct Federal development, or other Federal funding shall be
13 submitted or deemed approved on behalf of the government of
14 Guam or any agency, division, office, department or

1 instrumentality thereof, or any public corporation, without the
2 final approval of the Director of the Guam State Clearinghouse.”

3 **Section 3.** §2101.3 of Chapter 2 of Title 5 of the Guam Code Annotated is
4 hereby *amended* to read:

5 “**§2101.3. Judiciary of Guam, UOG, GCC and DOE Exemptions.**

6 The Judiciary of Guam, the University of Guam, the Guam
7 Community College, and the Department of Education shall be
8 exempted from the provisions prescribed in Title 5 GCA §§ 2101,
9 2101.1 and 2101.2. However, the Administrator of the Courts, the
10 Presidents of the University of Guam and the Guam Community
11 College, and the Superintendent of the Department of Education shall
12 separately perform the following duties and responsibilities:

13 (a) administer the initiation, coordination and review process of
14 all activities within the institution involving Federal financial
15 assistance;

16 (b) ensure that grant proposals for Federal assistance are in
17 accordance with plans, policies, programs, objectives and
18 procedures of the government of Guam;

19 (c) ensure that proposed projects for which Federal financial
20 assistance is sought are fiscally and environmentally sound and
21 are in compliance with all applicable Federal laws;

22 (d) ensure that the institution complies with all applicable
23 Federal laws relating to Federal financial assistance, and that
24 there exists sound tracking, management, and financial
25 accountability for all Federal Programs awarded to the
26 institution;

1 (e) perform cost analysis on all Federal aid programs, grants,
2 loans, contracts, contributions, advances, direct Federal
3 development, or other Federal funding that the institution is
4 applying for, for the financial impact on the institution and the
5 government of Guam's General Fund or special funds used to
6 fund the local matching requirement as prescribed by Federal
7 law; and the financial impact on the institution and the
8 government of Guam for the continuation of the Federal
9 program should the Federal funding expire and require the
10 government of Guam to financially assume the program's
11 operation one hundred percent (100%); and
12 (f) the Administrator of the Courts, the Presidents of the
13 University of Guam and the Guam Community College, and the
14 Superintendent of the Department of Education may delegate
15 any of the foregoing duties and responsibilities to any officers
16 or employees of their respective institution."

17 **Section 4. Effective Date.** This Act *shall* take effect upon enactment.