

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

First Regular Session, 2021

H. B. 22-33

A BILL FOR AN ACT

To require Legislative Appropriation for all Coronavirus State Fiscal Recovery Fund monies allocated for the Commonwealth of the Northern Mariana Islands by the U.S. Congress pursuant to Title VI of the Social Security Act (42 U.S.C. 801 et seq.) as amended by [the American Rescue Plan]; and for other purposes.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Legislative Findings.** President Biden's economic stimulus
2 package will possibly include a windfall of almost half a billion dollars to the
3 Commonwealth of the Northern Mariana Islands for government operations. The
4 Legislature finds that legislation should be enacted that mandates that any
5 expenditure of such funding from the federal government be approved by the
6 legislature. The Legislature finds that current reconciliation language requires the
7 receiving states and territories to provide certain guarantees and certifications
8 concerning the use of these funds. For instance, in order to receive a payment a
9 State, territory, or Tribal government shall provide the Secretary with a certification
10 signed by the authorized officer that the funds shall be spent to:

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- 1 • (A) respond to or mitigate the public health emergency with respect
2 to the Coronavirus Disease 2019 (COVID-19) or its negative
3 economic impacts, including assistance to households, small
4 businesses and nonprofits, or aid to impacted industries such as
5 tourism, travel, and hospitality;
- 6 • (B) respond to workers performing essential work during the
7 COVID-19 public health emergency by providing premium pay to
8 eligible workers of the State, territory, or Tribal government that
9 are performing such essential work, or by providing grants to
10 eligible employers that have eligible workers who perform
11 essential work;
- 12 • (C) for the provision of government services to the extent of the
13 reduction in revenue of such State, territory, or Tribal government
14 due to the COVID-19 public health emergency relative to revenues
15 collected in the most recent full fiscal year of the State, territory, or
16 Tribal government prior to the emergency; or
- 17 • (D) to make necessary investments in water, sewer, or broadband
18 infrastructure.

19 Based on the foregoing, the Legislature finds that prior to submitting any
20 certification of use for Coronavirus State Fiscal Recovery Fund monies

1 appropriated for the Commonwealth of the Northern Mariana Islands by the U.S.
2 Congress pursuant to Title VI of the Social Security Act (42 U.S.C. 801 et seq.) as
3 amended by [the American Rescue Plan], the Governor shall be required to request
4 the approval of such certification by joint resolution of the Northern Mariana
5 Islands Legislature.

6 Further, this Act shall also mandate that the expenditure of the Coronavirus
7 State Fiscal Recovery Fund monies shall be subject to appropriation by the
8 Legislature. Lastly, the Public Auditor shall establish a taskforce to monitor
9 expenditure of all Coronavirus State Fiscal Recovery Fund monies for compliance
10 with the terms of certification and shall report on the taskforce's findings quarterly
11 to the Legislature.

12 **Section 2. Short Title.** This Act may be cited as the “Legislative
13 Appropriations of Fiscal Recovery Funds Act.”

14 **Section 3. Enactment.** Subject to codification by the CNMI Law Revision
15 Commission, the following is hereby enacted into law:

16 **101.** Prior to submitting any certification of use for
17 Coronavirus State Fiscal Recovery Fund monies appropriated for
18 the Commonwealth of the Northern Mariana Islands by the U.S.
19 Congress pursuant to Title VI of the Social Security Act (42 U.S.C.
20 801 et seq.) as amended by [the American Rescue Plan], the

1 Governor shall submit a proposed certification to the CNMI House
2 of Representatives and the CNMI Senate. Said proposal shall be
3 timely submitted for review, revision, and approval by joint
4 resolution of the Northern Mariana Islands Legislature.

5 **102.** Neither the Governor nor any other officer of the
6 Commonwealth of the Northern Mariana Islands is authorized nor
7 shall provide to the Secretary of the Treasury the certification
8 required in Sec. 602(d) of Title VI of the Social Security Act (42
9 U.S.C. 801 et seq.), as amended by the [American Rescue Plan], that
10 the Commonwealth requires payment of Coronavirus State Fiscal
11 Recovery Funds for the purposes specified in Sec. 602(c) of the Act
12 without first receiving approval of such certification by joint
13 resolution of the Legislature.

14 **103.** Notwithstanding any Commonwealth law to the
15 contrary, the expenditure of the Coronavirus State Fiscal Recovery
16 Fund monies shall be subject to appropriation by the
17 Commonwealth Legislature.

18 **104.** The Public Auditor shall establish a taskforce to
19 monitor expenditure of all Coronavirus State Fiscal Recovery Fund
20 monies for compliance with the terms of the certification mandated

1 by this Act and shall report on the taskforce's findings quarterly to
2 the Legislature.”

3 **Section 4. Severability.** If any provisions of this Act or the
4 application of any such provision to any person or circumstance
5 should be held invalid by a court of competent jurisdiction, the
6 remainder of this Act or the application of its provisions to persons
7 or circumstances other than those to which it is held invalid shall not
8 be affected thereby.

9 **Section 5. Savings Clause.** This Act and any repealer contained herein shall
10 not be construed as affecting any existing right acquired under contract or acquired
11 under statutes repealed or under any rule, regulation, or order adopted under the
12 statutes. Repealers contained in this Act shall not affect any proceeding instituted
13 under or pursuant to prior law. The enactment of the Act shall not have the effect
14 of terminating, or in any way modifying, any liability, civil or criminal, which shall
15 already be in existence on the date this Act becomes effective.

16 **Section 6. Effective Date.** This Act shall take effect upon its approval by
17 the Governor, or its becoming law without such approval.


Prefiled: 3/11/2021

Date: 3/10/21

Introduced by:

Rep. Donald M. Manglona

Reviewed for Legal Sufficiency by:


House Legal Counsel