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Bryan Vows to Fight Any Law Aimed at Controlling How \$540 Million Covid Relief Funds Are Spent, Assails Senate for Failure to Provide Suggestions

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Concerns about the constitutionality of Bill No. 34-0073 — which mandates transparency, accountability, and oversight of federal Covid-19 relief and economic stimulus funds allocated to the territory — has caused a delay in the bill going through all legislative steps. However, Governor Albert Bryan says that he will challenge the legislation in court if lawmakers approve it.

Mr. Bryan, during an interview with the Consortium Monday, was adamant that the Senate cannot legally tell the administration how to spend the funds because it must be disbursed in accordance with regulations already established by the federal government.

The funds in question is some \$540 million currently sitting in the two largest USVI banks, First Bank and Banco Popular, provided to the USVI as part of the \$1.9 trillion coronavirus-aid relief package approved in March 2021 by Congress.

“The Senate can have hearings and ask us what we are doing and we have been totally transparent with them, they can look at the plan and make suggestions, but the bottom line is the federal government is the one that regulates that money coming into the treasury,” Mr. Bryan said while pointing out that only last week Friday the rules for spending the money were made available.

“We've beaten the Senate several times already in court and if they move to control this money that is what we will do,” the governor said. “It just kills me that we have so much money on the table and with the difficulty of getting money spent, they are creating another roadblock. This money needs to get out into the streets and we don't need to spend our time going to the Senate to justify how we're going to spend money,” he argued.

The governor said that unlike Federal Emergency Management Agency funds provided to the territory after the 2017 storms, the American Rescue Plan Act funds, called ARPA, expires in three years whether used or unused. He also assailed lawmakers for not providing any suggestions on how they'd like to see the funds spent, yet they want to control its use. “It is time-consuming to send someone to the Senate to talk about these funds when there aren't any suggestions from the Legislature as to what to fund. If you are so concerned, why don't you submit a list of funding items,” he suggested to the Legislature.

“This is just them wanting to play auditor to us and we already have to deal with the audit of the U.S. Inspector General as well as the divisions of federal agencies from which this money is given to us — and this is a very hard thing to do. I mean, keeping track of all this money is work,” he said.

Explaining the intention of the bill, Senator Donna Frett-Gregory, president of the 34th Legislature and sponsor of the measure, said she did not put the bill on the last agenda during the most recent Senate session because there is overarching concern about its constitutionality.

“What I did is that I asked the Legislature's legal counsel office to provide me with an opinion so I could know how to move forward with the legislation,” she said. “When I submitted that draft in the request, if there were any concerns around constitutionality as it relates to our Revised Organic Act, our legal counsel should have put in a drafter's note indicating the same,” she said while offering a suggestion as to what should have occurred relative to the legislative process.

Ms. Frett-Gregory said when she asked for the information on the Senate floor, legal counsel informed her that she must do some additional research before the information can be provided.

“So, I immediately put in a bill draft requesting an opinion because I would love to move forward with this legislation. But I don't want to move forward in the absence of getting all of the information from our legal counsel office which should have come along with the drafting of the legislation,” said the Senate president who as of Monday had yet to receive the additional information requested.

The intention is for both the administration and lawmakers to work together when it comes to spending the funds on projects that are in the best interest of the territory, despite the regulation from the federal government, Ms. Frett-Gregory said in response to the governor's remarks.

“I did have a conversation with the governor last year when the funds came down... We did agree that we will work together in collaboration to identify what projects we wanted to see. However, I don't like the governor's approach, I want to be straight up with you on that as well. So while I support his initiatives, I don't specifically like his approach on this,” she told the Consortium during an interview Monday.

“He wants us to send up what we are proposing; I believe if we are going to move the territory forward we should do it in a very structured way... we have to sit at a table and talk about what are the things that are important, push, pull and determine what all of the things are going to be included. Not I send you a list of projects,” she said.

“That is not how government should run; I should not send you a list of projects because I may have pet projects. We need to work together to identify what are those important projects. I am not in any way moving away from my original thought process around it, I just need to make sure that from a constitutional or Revised Organic Act perspective, that we are moving in the right direction,” the Senate president added.

[Bill No. 34-0073](#), if it becomes law, would require the governor to submit to the Legislature proposed projects, programs, or other uses for the expenditure of federal funds designated for the territory under the American Rescue Plan Act and the Infrastructure Investment and Jobs Act. It would also require the final allocations of all federal funds to be authorized by the Legislature, and it would require the Office of Management and Budget to submit to the Legislature a full accounting report of all federal relief or economic stimulus funds received, obligated, and disbursed under the American Rescue Plan Act and the Infrastructure Investment and Jobs Act.