

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

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

Via Hand Delivery
and E-mail: speaker@guamlegislature.org

March 18, 2022

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: EXECUTIVE ORDER NO. 2022-07

Hafa Adai Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2022-07: RELATIVE TO
LAUNCHING PRUGRAMAN I PINILAN I FAMAGU'ON
GUÅHAN**

Thank you.

Senseremente,


JEFFREY A. MOOTS
Legal Counsel

Enclosure: Executive Order No. 2022-07

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. F. Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGATNA, GUAM 96932
U.S.A.

EXECUTIVE ORDER NO. 2022-07

**RELATIVE TO LAUNCHING
PRUGRĀMAN I PINILAN I FAMAGU'ON GUĀHAN**

WHEREAS, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided by the Organic Act of Guam and the laws of Guam, declared a public health emergency on the island of Guam due to dangers posed by the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, child care support services serve a critical role in stabilizing our workforce and, ultimately, our economy, which have suffered severe destabilization as a result of the COVID-19 pandemic; and

WHEREAS, in addition to funds Guam receives annually to administer the Child Care and Development Block Grant Program ("CCDBG"), our island also received one-time supplemental federal funding, made available under the American Rescue Plan Act ("ARPA") to help improve, expand, and sustain child care programs in Guam; and

WHEREAS, recognizing the need for a comprehensive plan to manage these federal grant funds earmarked to improve, protect, and sustain child care programs in Guam, in Executive Order No. 2021-26, I ordered the establishment of the Division of Children's Wellness ("DCW") within the Department of Public Health and Social Services ("DPHSS"), to oversee all federal grant programs related to child care and their corresponding funding; and

WHEREAS, I further ordered the establishment within the DCW of the Bureau of Child Care Services ("BCCS"), to oversee the general administration of federally funded child care programs or grant funds received from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Care; expand income eligibility requirements so that more families may qualify for child care assistance; expand child care supply in Guam, including increasing in-home and relative child care providers; develop an operating plan to expeditiously release funds to sustain the child care market; and collaborate with related after-school programs; and

WHEREAS, in Executive Order No. 2021-28, I ordered the launch of the Guam Child Care Provider Assistance Program ("GCCPAP"), for the purpose of administering ARPA grant funds to licensed child care providers; and

WHEREAS, recognizing the need for expeditious administration of these critical federal child care industry grants while the DCW operationalizes and develops the capacity to ultimately administer such programs, I ordered that the Guam Economic Development Authority ("GEDA") serve as the administrator for the GCCPAP; and

WHEREAS, as the administrator of the GCCPAP, GEDA was tasked with creating the GCCPAP operating procedures; distributing up to \$20 million in grant funds; receiving and reviewing applications; and fulfilling reporting requirements; and



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WHEREAS, in 2021, GEDA disbursed a total of \$17.2 million in GCCPAP funds for the stabilization of eligible facilities and providers; and

WHEREAS, the current child care capacity on Guam available to the community does not adequately meet child care needs of our island residents, with licensed child care center capacity filling less than six percent (6%) of our community needs; and

WHEREAS, other child care providers, such as before and after school care programs, relative care programs, and extracurricular child care providers, were not eligible to apply for the GCCPAP; and

WHEREAS, assistance from relatives is a common practice on our island in providing stable child care; and increasing the supply of in-home and relative child care providers as valid childcare alternatives is essential to supporting our workforce as we undertake the work of stabilizing our economy; and

WHEREAS, allowing more families the access and choice to obtain license-exempt child care provider status and to receive child care block grant subsidy payments notwithstanding the absence of such licensure will expand and strengthen the child care supply in Guam; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act (“CARES”), ARPA, CCDBG, and the Coronavirus Response and Relief Supplemental Appropriations Act (“CRRSA”) have collectively made available additional funding for the purpose of stabilizing the nationwide child care industry through programs that would allow for parents to reenter the workforce with assurances that their children would be properly cared for; and

WHEREAS, it is appropriate, in light of the reality of how child care services are provided on our island, to expand eligibility for assistance to these other child care providers to tailor childcare assistance programs to meet the specific needs of our community, and ensure continuity of these critical services; and

WHEREAS, notwithstanding the prior availability of grants to licensed child care providers under the GCCPAP, it is necessary to establish a new program that broadly captures the whole of our child care service providers; and

WHEREAS, GEDA remains an appropriate and competent agency to quickly and equitably administer these resources to the island’s child care providers and, accordingly, serve as an intermediary for the BCCS to administer the initiatives of the expanded program.

NOW THEREFORE, I, LOURDES A. LEON GUERRERO, I Maga’hagan Guahan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws Guam, do order as follows:



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1. **THE PRUGRĀMAN I PINILAN I FAMAGU'ON GUĀHAN.** The DPHSS and GEDA shall launch the Prugrāman i Pinilan i Famagu'on Guāhan (“Prugrāman Pinilan”), for the purpose of administering federal ARPA, CARES, CRRSA, CCDBG funds to the island’s child care providers, in addition to funds previously administered through the Guam Child Care Provider Assistance Program. GEDA shall serve as an intermediary for the program, and collaborate with DPHSS to create the program, including application development, promotion and marketing, processing, development of operating procedures, monitoring and compliance, and transmission of payment instructions to the Department of Administration.

The GEDA shall additionally undertake the following responsibilities:

- a. Developing broad eligibility criteria for grant recipients under the program, including, but not limited to, before and after school care programs, relative care programs, and extracurricular child care providers, employer child care assistance programs, and community care programs. Grant recipients must include providers caring for vulnerable children, including children experiencing homelessness or who are in immediate danger of homelessness, children in foster care, and children with developmental, emotional, or physical disabilities.
- b. Distributing \$81.5 million in funds as authorized by the ARPA, CARES, CRRSA, CCDBG for the purpose of Prugrāman Pinilan, including any associated administrative costs incurred between March 15, 2022, and September 30, 2022, or until funds are expended;
- c. Receiving and reviewing applications in a timely manner and periodically reporting a payment schedule to the Department of Administration for check issuance to eligible child care providers;
- d. Accepting applications until such time the \$81.5 million authorized herein is exhausted as set forth, in accordance with applicable federal guidance;
- e. Transmitting and receiving payment for invoices from regularly budgeted items associated with implementation and administration of the program. GEDA shall comply with all federal and local requirements as to the usage of such funding; and
- f. Maintaining a schedule of reimbursement to GEDA for the cost of administering Prugrāman Pinilan, not to exceed three percent (3%) of the total grant program funding.

The DPHSS shall additionally undertake the following responsibilities:

- a. Consolidating DPHSS and GEDA data, and preparing and submitting financial and program reports to the Administration for Children and



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Families, Office of Child Care. GEDA will provide DPHSS auditable certification to ensure accountability;

- b. Determining eligibility, issuing child care certificates and paying monthly subsidies to approved child care providers; and
 - c. Ensuring grant and fiscal requirements are aligned with grant objectives and regulations through monitoring and compliance.
2. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 18th day of March 2022.

LOURDES A. LEON GUERRERO
Maga'hâgan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'lâhen Guåhan
Lieutenant Governor of Guam

