

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

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

VIA ELECTRONIC MAIL: [officeofsenatormoylan@guamlegislature.org](mailto:officeofsenatormoylan@guamlegislature.org)

December 10, 2021

Senator James Moylan  
DNA Bldg. Ste. 407  
238 Archbishop FC Flores St.  
Hagåtña, Guam 96910

RE: Freedom of Information Act (FOIA)

*Hafa Adai* Senator Moylan:

This office is in receipt of your request for documents under the provisions of the Sunshine Reform Act of 1999 dated December 5, 2021 as follows:

- "All documents associated with the established Rules and Regulations of the Local Employers Assistance Program (LEAP), enacted pursuant to Executive Order 2021-25 which was signed on October 15, 2021.
- "All documents associated with the amount of grants issued or paid out under the LEAP (enacted pursuant to E.O. 2021-25 on October 15, 2021), which have been funded by the American Rescue Plan, as of date"
- "All documents associated with the transfer of the \$25 million from the American Rescue Plan to the fund where the LEAP (enacted pursuant to E.O. 2021-25 on October 15, 2021) grant proceeds shall be issued from."

Pursuant to the Sunshine Reform Act of 1999, please find the enclosed documents as requested.

*Senseramente,*

A handwritten signature in black ink, appearing to read "L. Muna".

Lynette O. Muna, Director  
Executive Management Office

Enclosure(s)



*Office of Senator James C. Moylan*

I MINA'TRENTAI SAIS NA LIHESLATURAN GUAHAN | 36TH GUAM LEGISLATURE

DECEMBER 5, 2021

**JON JUNIOR CALVO**

*CHIEF OF STAFF, OFFICE OF THE GOVERNOR*

RICARDO J. BORDALLO, GOVERNOR'S COMPLEX  
HAGATNA, GUAM 96910

**RE: FREEDOM OF INFORMATION ACT - ADVERTISING EXPENSES**

Hafa Adai Chief of Staff Calvo;

Pursuant to *Chapter 10, Title 5, Guam Code Annotated*, the *Freedom of Information Act*, I would like to request for documentation associated with the following:

- All documents associated with advertising by the government of Guam in Fiscal Year 2022, where General Funds, Special Funds, and/or Federal Funds were used to fund the advertisement. Please break it down by respective fund, which was utilized, and how much has been expended as of date.
- All documents associated with the type of promotion which was being advertised (rental relief program, etc.).
- All documents associated with the amount per advertisement purchased.

If the information is not available with your respective office, please advise which agency or entity we may reach out to obtain the documents. Thank you and Happy Holidays to you and your family.

Respectfully;

**Jim C. Moylan**

*Senator, 36<sup>th</sup> Guam Legislature*

**SENATOR JAMES C. MOYLAN |**

Suite 407 DNA Building • 238 Archbishop Flores St. Hagåtña, Guam 96910 | (671) 922.MORE | (671) 979.MORE | [senatormoylan@guamlegislature.org](mailto:senatormoylan@guamlegislature.org)



*Like and follow jamescmoylan*



*Office of Senator James C. Moylan*

I MINA'TRENTAI SAIS NA LIHESLATURAN GUAHAN | 36TH GUAM LEGISLATURE

DECEMBER 5, 2021

**JON JUNIOR CALVO**

*CHIEF OF STAFF, OFFICE OF THE GOVERNOR*

RICARDO J. BORDALLO, GOVERNOR'S COMPLEX

HAGATNA, GUAM 96910

**RE: FREEDOM OF INFORMATION ACT- HIRING FOR THE POST COMMISSION**

Hafa Adai Chief of Staff Calvo;

Pursuant to *Chapter 10, Title 5, Guam Code Annotated*, the *Freedom of Information Act*, I would like to request for documentation associated with the following:

- All documents associated with the hiring of a Program Specialist for the POST Commission, pursuant to Public Law 36-54, which would assist the POST Commission in establishing a *Law Enforcement General Force Leadership Structure and Pay Scale Plan*.
- Please include the advertisement which announces the job opening.

If the information is not available with your respective office, please advise which agency or entity we may reach out to obtain the documents. Thank you and Happy Holidays to you and your family.

Respectfully;

**Jim C. Moylan**

*Senator, 36<sup>th</sup> Guam Legislature*



*Office of Senator James C. Moylan*

I MINA'TRENTAI SAIS NA LIHESLATURAN GUAHAN | 36TH GUAM LEGISLATURE

DECEMBER 5, 2021

**JON JUNIOR CALVO**

*CHIEF OF STAFF, OFFICE OF THE GOVERNOR*

RICARDO J. BORDALLO, GOVERNOR'S COMPLEX  
HAGATNA, GUAM 96910

**RE: FREEDOM OF INFORMATION ACT- LOCAL EMPLOYERS ASSISTANCE  
PROGRAM (LEAP)**

Hafa Adai Chief of Staff Calvo;

Pursuant to *Chapter 10, Title 5, Guam Code Annotated*, the *Freedom of Information Act*, I would like to request for documentation associated with the following:

- All documents associated with the established Rules and Regulations of the Local Employers Assistance Program (LEAP), enacted pursuant to Executive Order 2021-25, which was signed on October 15, 2021
- All documents associated with the amount of grants issued or paid out under the LEAP (enacted pursuant to E.O. 2021-25 on October 15, 2021), which have been funded by the American Rescue Plan, as of date
- All documents associated with the transfer of the \$25 million from the American Rescue Plan to the fund where the LEAP (enacted pursuant to E.O. 2021-25 on October 15, 2021) grant proceeds shall be issued from.

If the information is not available with your respective office, please advise which agency or entity we may reach out to obtain the documents. Thank you and Happy Holidays to you and your family.

Respectfully;

**Jim C. Moylan**

*Senator, 36<sup>th</sup> Guam Legislature*

**SENATOR JAMES C. MOYLAN |**

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# LOCAL EMPLOYERS' ASSISTANCE PROGRAM

## *LEAP Loan*

590 S. Marine Corps, Dr. Suite 511 ITC Building  
Tamuning, GUAM 96913

T 671.647.4332 F 671.649.4146  
[www.investguam.com](http://www.investguam.com)



# BACKGROUND

- Since the onset of the COVID-19 pandemic, over \$21 million in direct financial assistance has been provided to over 2,300 local small businesses.
- The newest grant program, the Guam Small Business Pandemic Assistance Grant 2021 (PAG2021) is in the process of providing over \$12 million to over 1,000 eligible businesses as of October 14, 2021.
- Nevertheless, economic conditions warrant providing additional assistance to small businesses.
  - A review of applicants to the various GEDA grant programs shows that some businesses have experienced much greater interruption than others (over 50%);
  - Tourism, Guam's main economic driver and largest overall employer, has seen an over 90% drop in visitor arrivals;
  - The expiration of the Pandemic Unemployment Assistance program, coupled with the still dormant tourism industry has resulted with individuals without employment;
  - Providing additional assistance will allow the government to help temporarily fill the gaps based on current economic conditions, which will allow businesses to continue to make investments in human resources that will maintain a strong, well trained workforce.

# PROGRAM DESCRIPTION

- Program established by Executive Order 2021-25
- Program Objectives
  - Maintain current employment levels and reduce unemployment
  - Aid businesses most affected by the pandemic
- Short term loan program to aid pandemic affected small businesses
- Total loan amount able to be forgiven if payroll minimums are met
- Guam Small Business Pandemic Assistance Grant 2021 awardees that meet loan qualification criteria may receive a prequalification notice
- Program to be funded with both American Rescue Plan Funds and Legislative appropriation (Bill 214-36)

# STAKEHOLDER MEETINGS

- As per EO 2021-25, GEDA conducted three stakeholder meetings via Zoom
  - October 22 at 10:00 AM: 18 participants
  - October 22 at 2:00 PM: 9 participants
  - October 28 at 10:00 AM: 12 participants
- Attendees
  - Guam Chamber of Commerce
  - Guam Hotel and Restaurant Association
  - Restaurant operators
  - Small and large businesses
  - Guam Women's Chamber of Commerce
  - Korean Chamber of Commerce
  - Tour companies
- Key takeaways from stakeholder meetings:
  - Need for continued assistance is urgent; tourism delays create economic uncertainty
  - Focusing on business interruption is crucial; allows to see which businesses need most help
  - Program should allow as much flexibility as possible to help both large and small business
  - Focusing on employment is right approach; however allow some flexibility for other business expenses



# SUGGESTED ELIGIBILITY CRITERIA

Business must demonstrate the following:

Category	Requirement
Business interruption (business loss between 2019 and 2020 on monthly average revenue)	Cat. A: $\geq 60\%$ Cat. B: $\geq 50\%$ or covered establishment
Minimum employee count (FTE as of 9/30/2021)	Cat. A: 1 - 4 Cat. B: 5 or more
Minimum annual gross revenue (2020 or 2019)	\$10,000
Meet US SBA size standards (based on NAICS code)	Variable

# ELIGIBILITY COUNT PROJECTIONS

Based on analysis of PAG2021 applications received

Employee Counts greater than or equal two	Amount
1	1,525
2	983
5	632
10	381

Business interruption greater than or equal to	Amount
10%	1,361
15%	1,324
25%	1,238
35%	1,072
50%	863
70%	547

# LOAN CALCULATION SCENARIOS

Scenario A: Based on business interruption	
2019 average monthly revenue	\$100,000
2020 average monthly revenue	\$60,000
Interruption amount (percentage: \$40,000 / \$100,000)	\$40,000 (40%)
Loan Calculation:	
A.Interruption amount multiplied by 3	$\$40,000 \times 3 = \$120,000$
<b>B.LOAN AMOUNT</b>	<b>\$120,000</b>
C.Forgiveness Threshold	$\geq \$72,000$
Scenario B: Based on payroll costs	
2019 gross revenue	\$1,200,000
2020 gross revenue	\$720,000
Interruption amount (percentage: \$480,000 / \$1,200,000)	\$480,000 (40%)
Verified payroll costs in 2019	\$420,000
Loan Calculation:	
A.2019 payroll costs multiplied by business interruption percentage	$\$420,000 \times 40\% = \$168,000$
<b>B.LOAN AMOUNT</b>	<b>\$168,000</b>
C.Forgiveness Threshold	$\geq \$100,800$

# SUGGESTED LOAN TERMS

Terms	Category A (1-4 FTE)	Category B (5 or more FTE)
Maximum loan amount (Cap)	\$40,000 - \$50,000	\$400,000
Loan term •Maximum term •First payment deferral	Grant	Twenty four (24) months? Twelve (12) months?
Interest rate	N/A	One percent (1%)?
Loan amount offsets	N/A	RRF, SVOG, PAG2021
Loan Forgiveness: •Eligible payroll cost period •Minimum percentage towards payroll •Portion of loan forgiven if minimum met •Supporting documentation	N/A, grantee must keep receipts and not commingle funds	No earlier than 6 months prior to loan issuance Sixty percent (60%)? 100% of utilized funds SW-2
Use of funds •Eligible expenses •Timeline •Unused funds	Current business expenses	Current expenses (no reimbursement) 12 months from issuance Unused funds not forgiven; becomes loan

# SUGGESTED ELIGIBLE EXPENSES

Loan proceeds may be used for the following:

- Employee payroll and benefits;
- Rent;
- Utilities;
- Insurance;
- Maintenance Expenses; and
- Other operating costs (subject to approval).

# SUGGESTED INELIGIBLE BUSINESSES

Business that meets any of the following:

- Does not meet minimum business interruption percentage;
- Does not meet minimum employee count;
- Does not meet minimum annual gross revenue;
- Exceeds US SBA small business size standards;
- Is one of the following business types:
  - Government or private hospitals;
  - Non profit organizations;
  - Commercial landlords;
  - Passive investment holdings;
  - National/International businesses that are wholly owned by said business (excludes franchise or license agreement)

# TENTATIVE DEPLOYMENT TIMELINE

## **October 2021**

Governor signed Executive Order establishing program  
GEDA to prepare SOPs, forms and guidance for approval

## **November 2021**

SOPs and forms approved;  
Program marketing begins;

## **December 2021**

Application period opens;  
Prequalification notices sent;  
Award loans;  
Finalize loan payment processes

## **January 2022**

Award loans;  
Program oversight and reporting

# GOVERNMENT STAKEHOLDERS

- Office of the Governor
  - Establish program and authorize ARPA funding
  - Communications Office to assist in program marketing
- *I Liheslaturan Guåhan*
  - Appropriate local funding towards program
- Guam Economic Development Authority
  - Serve as program processor
- Department of Administration
  - Payment distribution



*Si Yu'us Ma'åse* and Thank You  
for joining us for this presentation.

We value your input! Please send any and all comments and input to  
[mel.mendiola@investguam.com](mailto:mel.mendiola@investguam.com).

**Address:**

590 South Marine Corps Drive  
ITC Building, Suite 511  
Tamuning, Guam 96913

**Business Hours:**

8:00 AM – 5:00 PM Monday through Friday,  
excluding government of Guam holidays.

**TEL:** (671) 647-4332  
**FAX:** (671) 649-4146  
**WEB:** [www.investguam.com](http://www.investguam.com)

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GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

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

October 15, 2021

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*

*36<sup>th</sup> Guam Legislature*

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: BILL NO. 111-36 (COR) – “AN ACT TO AMEND § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS”**

Dear Madame Speaker,

Existing Guam law requires that a person convicted of criminal sexual conduct submit to testing for sexually transmitted diseases, including HIV. While this law affords victims of sex crimes access to information that may affect their health, it requires them to await a conviction to receive it, a process that could take years. Bill No. 111-36, now known as *Public Law No. 36-58*, aims to provide victims of sex crimes more timely access to a critical portion of this information by requiring HIV testing for individuals charged with criminal sexual conduct. To preserve a defendant's due process rights, the bill provides that such testing may be ordered upon the filing of a petition at a victim's request and a court finding of probable cause that the conduct underlying the allegations would pose a risk of transmission of HIV. Results would then be furnished only to the defendant and the victim or the victim's parents, in the event the victim is a minor. This amendment to existing Guam law, which is consistent with the laws in many other jurisdictions around the country, balances the physical and emotional well-being of our victims with the rights and privacy of individuals accused of crime, and ultimately allows victims of sex crimes to seek services and begin the process of healing.

*Senseremente,*

A handwritten signature in black ink, appearing to read "Lourdes A. Leon Guerrero".

**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Enclosure: Bill No. 111-36 (COR) *nka P.L. No. 36-58*

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*  
Compiler of Laws

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN***

This is to certify that **Bill No. 111-36 (COR)**, “AN ACT TO *AMEND* § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS,” was on the 4<sup>th</sup> day of October 2021, duly and regularly passed.



**Therese M. Terlaje**  
**Speaker**

Attested:



**Amanda L. Shelton**  
**Legislative Secretary**

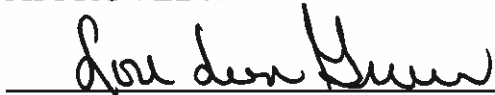
.....

This Act was received by *I Maga'hågan Guåhan* this 5<sup>th</sup> day of October,  
2021, at 5:13 o'clock P.M.



**Assistant Staff Officer**  
***Maga'håga's Office***

APPROVED:



**Lourdes A. Leon Guerrero**  
***I Maga'hågan Guåhan***

Date: 10/15/2021

Public Law No. 36-58

2021-14789

RCVD AT CENTRAL FILES  
OCT 5 '21 PM5:13

**Elaine Tajalle**

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 111-36 (COR)**

As amended by the Committee Health,  
Land, Justice and Culture.

Introduced by:

Amanda L. Shelton  
Mary Camacho Torres  
Tina Rose Muña Barnes  
Telena Cruz Nelson  
Therese M. Terlaje  
V. Anthony Ada  
Frank Blas Jr.  
Joanne Brown  
Christopher M. Dueñas  
James C. Moylan  
Sabina Flores Perez  
Clynton E. Ridgell  
Joe S. San Agustin  
Telo T. Taitague  
Jose “Pedro” Terlaje

**AN ACT TO *AMEND* § 120.60 OF ARTICLE 1, CHAPTER 120, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV) OF THOSE CHARGED WITH CRIMINAL SEXUAL ABUSE OR CONDUCT AT THE REQUEST OF VICTIMS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that a victim of a criminal offense that involves the transmission of body fluids, or involves certain sexual offenses in which the victim is a minor, disabled adult, or

1 elderly person, is entitled to know at the earliest possible opportunity whether the  
2 person charged with the offense has tested positive for human immunodeficiency  
3 virus (HIV) infection.

4 *I Liheslatura* further finds that to deny victims access to HIV test results  
5 causes unnecessary mental anguish in persons who have already suffered trauma;  
6 and, because medical science now recognizes that early diagnosis is a critical factor  
7 in the treatment of hepatitis and HIV infection, both the victim and the person  
8 charged with or alleged by petition for delinquency to have committed the offense  
9 benefit from prompt disclosure of hepatitis and HIV test results. HIV testing is  
10 beneficial to the parties involved, but it also serves to protect the health, safety, and  
11 welfare of the community in general.

12 *I Liheslatura* further finds that the Bureau of Women's Affairs and the Federal  
13 Programs Office recently received a Nine Hundred Thousand Dollar (\$900,000)  
14 grant from the Office on Violence Against Women to employ six (6) more nurses  
15 trained to administer forensic sexual assault exams under the Improving Criminal  
16 Justice Responses (ICJR) to Domestic Violence, Dating Violence, Sexual Assault,  
17 and Stalking Grant Program. A condition of this grant is that the jurisdiction must  
18 meet the requirements under 34 U.S.C. § 10461(d) concerning HIV testing of  
19 individuals charged with sexual assault; and, if requirements are not met, five  
20 percent (5%) of grant funds will be withheld.

21 It is, therefore, the intent of *I Liheslaturan Guåhan* to further the care and  
22 treatment of victims of sexual assault by providing them with critical medical  
23 information about their assailants through the provision of an additional statutory  
24 mechanism whereby a court may order HIV testing of individuals who are charged  
25 with committing certain sexual offenses.

26 **Section 2.** § 120.60 of Article 1, Chapter 120, Title 8, Guam Code  
27 Annotated, is hereby *amended* to read:

1           **“§ 120.60. Medical Examinations of Those Convicted of Criminal**  
2           **Sexual Abuse and Services to Victims of Criminal Sexual Conduct.**

3           (a) Any person convicted of criminal sexual conduct shall submit to  
4           the necessary medical examinations for determining whether such convicted  
5           person is infected with the human immunodeficiency virus (HIV) or with any  
6           other sexually transmitted disease such as, but not limited to, the examination  
7           of such convicted person’s blood, urine, genital discharge, or lesions. The  
8           Department of Public Health and Social Services shall administer and analyze  
9           such necessary medical examinations in accordance with standard medical  
10          procedures and HIPAA confidentiality and privacy laws and regulations.

11          The court shall furnish the results of such examinations to the victim,  
12          or parent of a minor victim, or guardian of the victim of such conduct, and to  
13          the convicted person, and comply with HIPAA confidentiality and privacy  
14          laws and regulations as required within the criminal justice system.

15          (b) Upon the victim’s request, the prosecutor shall petition for an  
16          order requiring the person charged with an offense of criminal sexual conduct  
17          under Chapter 25 of Title 9, Guam Code Annotated, to submit to a medical  
18          examination for human immunodeficiency virus (HIV). Upon a finding that  
19          there is probable cause that the alleged sexual contact or sexual penetration  
20          involved in the offense would pose a risk of transmission of HIV, the court  
21          shall order the defendant to submit to the necessary medical examinations for  
22          determining whether such person is infected with the HIV. An examination  
23          for HIV of a defendant’s blood, urine, genital discharge, or lesions shall be  
24          administered no later than forty-eight (48) hours after the date on which the  
25          formal indictment is presented and the defendant is in custody or has been  
26          served with the indictment. The Department of Public Health and Social  
27          Services shall administer and analyze medical examinations, including

1 follow-up testing, in accordance with standard medical procedures, and  
2 HIPAA confidentiality and privacy laws and regulations.

3 Upon reasonable request, the court may authorize testing at a private  
4 clinic. Any and all costs of such testing at a private clinic shall be borne by  
5 the defendant. The test results from the private clinic must be provided to the  
6 court as well as to the defendant.

7 The court shall furnish the results of such examinations to the victim,  
8 or parent of the minor victim, or guardian of the victim, and to the defendant,  
9 and comply with HIPAA confidentiality and privacy laws and regulations as  
10 required within the criminal justice system.

11 (c) The Department of Public Health and Social Services with the  
12 assistance of the Sexual Abuse and Rape Crisis Center shall provide services  
13 to victims of criminal sexual conduct. Such services to the victim shall be free  
14 of charge, and shall include, but are not limited to:

15 (1) pre and post-HIV testing, counseling on HIV prevention  
16 and other sexually transmitted diseases (STD), and ensuring that the  
17 victim understands the implications of HIV and STD testing, their  
18 benefits and results of the test(s); HIV or any other sexually transmitted  
19 disease testing in accordance with standard medical procedures and  
20 applicable law; and

21 (2) providing referrals for appropriate health care and support  
22 services.

23 Such treatment shall not be construed to interfere with or diminish any  
24 medical support already provided by any health insurer, agency or office; nor  
25 shall provision of the services or treatment required by this Section relieve  
26 any health insurer of its duty to provide coverage.”

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](mailto:speaker@guamlegislature.org)**

October 15, 2021

**HONORABLE THERESE M. TERLAJE**  
*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
*36<sup>th</sup> Guam Legislature*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**RE: Executive Order No. 2021-25**

*Hafa Adai* Madame Speaker:

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

**EXECUTIVE ORDER NO. 2021-25:**  
**RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS' ASSISTANCE**  
**PROGRAM ("LEAP")**

Thank you.

*Senseremente,*

A handwritten signature in blue ink, appearing to read "Sophia Santos Diaz".

**SOPHIA SANTOS DIAZ**  
*Legal Counsel*

Enclosure: Executive Order No. 2021-25

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

**RICARDO J. BORDALLO GOVERNOR'S COMPLEX**  
513 W. Marine Corps Drive Hagåtña, Guam 96910  
governor.guam.gov | (671) 472-8931





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

**EXECUTIVE ORDER NO. 2021-25**

**RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS'  
ASSISTANCE PROGRAM ("LEAP")**

**WHEREAS**, Guam has been in a state of public health emergency in response to the COVID-19 pandemic since March 14, 2020; and

**WHEREAS**, in order to promote general public health and safety, Guam remains in Pandemic Condition of Readiness 3 ("PCOR 3"); and

**WHEREAS**, the COVID-19 pandemic has caused many Guam businesses to suffer business interruption; and

**WHEREAS**, the Guam Economic Development Authority ("GEDA") has implemented four small business grant assistance programs over the last year, namely the Guam Small Business Pandemic Assistance Grant Program (Executive Order No. 2020-18), the Healthcare System Stabilization Grant Program (Executive Order No. 2020-35) the Guam Small Business Rent Assistance Grant Program (Executive Order No. 2020-40) and the Guam Small Business Pandemic Assistance Grant Program 2021 (Executive Order No. 2021-22); and

**WHEREAS**, the programs mentioned above have been instrumental in providing essential financial assistance to a broad spectrum of local businesses and has allowed them to cover crucial business costs such as payroll, rent, utilities, inventory, and others; and

**WHEREAS**, certain sectors of Guam's economy, most especially those that were directly or indirectly linked to Guam's tourism industry, suffered even higher levels of business interruption; and

**WHEREAS**, the federal Paycheck Protection Program ("PPP"), administered by the United States Small Business Administration ("US SBA") provided monetary assistance to businesses seeking to retain employees which suffered adverse financial impacts as result of the COVID-19 global pandemic; and

**WHEREAS**, several Guam businesses were able to avail of the assistance offered by the PPP, but have continued to suffer; and

//

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

**WHEREAS**, based on the most recent unemployment report, the current unemployment rate in Guam is 11.4%, which is still significantly higher than the pre-pandemic unemployment rate of 6.1%; and

**WHEREAS**, a significant portion of newly unemployed individuals in Guam come from businesses that are either directly or indirectly tied to tourism, with these businesses suffering more significant levels of pandemic-related business interruption on average; and

**WHEREAS**, implementing efforts to maintain and potentially increase levels of employment will not only ensure that the people of Guam remain gainfully employed but will also create a significant economic multiplier effect; and

**WHEREAS**, implementing a program that will allow businesses to retain already skilled and trained employees will ensure that Guam's economic recovery will be as swift as possible and will guarantee that businesses will be ready to serve customers and clients when the return to pre-pandemic levels of business activity occurs; and

**WHEREAS**, due to the unforeseen prolonged extent of the COVID-19 pandemic, it is prudent that the government of Guam implement an additional economic support program to provide short-term assistance to businesses suffering pandemic impacts; and

**WHEREAS**, although many local businesses have tried to avail themselves of as many local and federal assistance programs as possible, there have been barriers towards receiving assistance, such as the U.S. Small Business Administration's Restaurant Revitalization Fund ("RRF"), which was only able to provide funding for 79 of the 287 applications submitted by Guam businesses; and

**WHEREAS**, the government of Guam has explored options to aid in the retention and expansion of private-sector employment during the COVID-19 pandemic and has determined that the establishment of a business loan program to be a meaningful strategy for such endeavors; and

**WHEREAS**, on March 11, 2021, President Joseph R. Biden signed the American Rescue Plan Act of 2021 ("ARPA") into law which provides Guam with emergency federal funding to combat the public health and economic impacts of COVID-19; and

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

**WHEREAS**, ARPA funding may be used to provide small businesses with loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example, by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utility costs, and other operating costs.

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

1. **LOCAL EMPLOYERS' ASSISTANCE PROGRAM.** There is hereby established the **LOCAL EMPLOYERS' ASSISTANCE PROGRAM** ("LEAP" or the "Program") to provide direct financial assistance to local small businesses to aid in economic recovery.
  - a. A total of twenty-five million dollars (\$25,000,000) is allocated from ARPA funding for LEAP.
  - b. GEDA is hereby delegated the role as LEAP processor in Guam, subject to continued monitoring and oversight by the Office of the Governor. The Administrator of GEDA shall serve as the official responsible for overseeing GEDA's fulfillment of the LEAP, which includes the following items:
    - i. Implementing the Program, inclusive of creating the application, standard operating procedures ("SOP"), and other relevant documentation. All SOPs, program information, and other relevant documentation is subject to approval by the Office of the Governor. Such SOP shall include a provision requiring that any amounts received under this Program be offset by amounts received Shuttered Venue Operators Grant ("SVOG") and Restaurant Revitalization Fund ("RRF") assistance.
    - ii. Ensuring that the final Program, while open to a broad spectrum of businesses, prioritizes businesses that have experienced extreme levels of pandemic caused business interruption.
    - iii. Ensuring that certain amounts of loan proceeds that are used for employee wages and benefits are forgivable, akin to the parameters found in the US SBA's Paycheck Protection Program.



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**HAGĀTÑA, GUAM 96932**  
**U.S.A.**

- iv. Receiving and reviewing applications and submitting payment requests to the Department of Administration for disbursement to eligible borrowers.
  - v. Instituting a system of reporting and record retention, to include auditable certification to ensure accountability.
- c. GEDA shall allow for a reasonable application period. Loans under the Program shall be made until such time that the budget allocated for the Program is exhausted, but no later than ninety (90) days after GEDA closes the application period.
- d. GEDA shall, prior to implementing the program, conduct outreach efforts with relevant stakeholders and the public.
- e. The Department of Administration shall be responsible for issuing all payments under this program and shall prepare regular status updates to, as requested, regarding the Program budget and finances.
- f. A total of Five Hundred Thousand Dollars (\$500,000) is allocated to GEDA for costs excluded from regularly budgeted items associated with the implementation and administration of the programs above. GEDA shall maintain a schedule of costs incurred and paid for under this funding, and shall comply with all federal and local requirements as to the usage of such funding.

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

2. **ADDITIONAL PAYMENTS UNDER THE ALL RISE PROGRAM.** Additional authorization is hereby granted to the Departments of Administration and Revenue and Taxation for payment of amounts under the All Rise Program, as re-established in Executive Order No. 2021-18. Such payment authorization is limited to completed applications filed by eligible applicants and received by the Department of Revenue and Taxation prior to the deadline for application submission. All payments due under the All Rise Program shall be paid by June 30, 2022.

**SIGNED AND PROMULGATED** at Hagåtña, Guam this 15th day of October, 2021.

A handwritten signature in black ink, reading "Lourdes A. Leon Guerrero".

**LOURDES A. LEON GUERRERO**  
*Maga'hågan Guåhan*  
*Governor of Guam*

Attested by:

A handwritten signature in blue ink, reading "Joshua F. Tenorio".

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



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](mailto:speaker@guamlegislature.org)**

October 15, 2021

**HONORABLE THERESE M. TERLAJE**  
*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
*36<sup>th</sup> Guam Legislature*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**RE: Executive Order No. 2021-25**

*Hafa Adai* Madame Speaker:

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

**EXECUTIVE ORDER NO. 2021-25:**  
**RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS' ASSISTANCE**  
**PROGRAM ("LEAP")**

Thank you.

*Senseremente,*

A handwritten signature in blue ink, appearing to read "Sophia Santos Diaz".

**SOPHIA SANTOS DIAZ**  
*Legal Counsel*

Enclosure: Executive Order No. 2021-25

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

**RICARDO J. BORDALLO GOVERNOR'S COMPLEX**  
513 W. Marine Corps Drive Hagåtña, Guam 96910  
governor.guam.gov | (671) 472-8931



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

**EXECUTIVE ORDER NO. 2021-25**

**RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS'  
ASSISTANCE PROGRAM ("LEAP")**

**WHEREAS**, Guam has been in a state of public health emergency in response to the COVID-19 pandemic since March 14, 2020; and

**WHEREAS**, in order to promote general public health and safety, Guam remains in Pandemic Condition of Readiness 3 ("PCOR 3"); and

**WHEREAS**, the COVID-19 pandemic has caused many Guam businesses to suffer business interruption; and

**WHEREAS**, the Guam Economic Development Authority ("GEDA") has implemented four small business grant assistance programs over the last year, namely the Guam Small Business Pandemic Assistance Grant Program (Executive Order No. 2020-18), the Healthcare System Stabilization Grant Program (Executive Order No. 2020-35) the Guam Small Business Rent Assistance Grant Program (Executive Order No. 2020-40) and the Guam Small Business Pandemic Assistance Grant Program 2021 (Executive Order No. 2021-22); and

**WHEREAS**, the programs mentioned above have been instrumental in providing essential financial assistance to a broad spectrum of local businesses and has allowed them to cover crucial business costs such as payroll, rent, utilities, inventory, and others; and

**WHEREAS**, certain sectors of Guam's economy, most especially those that were directly or indirectly linked to Guam's tourism industry, suffered even higher levels of business interruption; and

**WHEREAS**, the federal Paycheck Protection Program ("PPP"), administered by the United States Small Business Administration ("US SBA") provided monetary assistance to businesses seeking to retain employees which suffered adverse financial impacts as result of the COVID-19 global pandemic; and

**WHEREAS**, several Guam businesses were able to avail of the assistance offered by the PPP, but have continued to suffer; and

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HAGĀTÑA, GUAM 96932  
U.S.A.

**WHEREAS**, based on the most recent unemployment report, the current unemployment rate in Guam is 11.4%, which is still significantly higher than the pre-pandemic unemployment rate of 6.1%; and

**WHEREAS**, a significant portion of newly unemployed individuals in Guam come from businesses that are either directly or indirectly tied to tourism, with these businesses suffering more significant levels of pandemic-related business interruption on average; and

**WHEREAS**, implementing efforts to maintain and potentially increase levels of employment will not only ensure that the people of Guam remain gainfully employed but will also create a significant economic multiplier effect; and

**WHEREAS**, implementing a program that will allow businesses to retain already skilled and trained employees will ensure that Guam's economic recovery will be as swift as possible and will guarantee that businesses will be ready to serve customers and clients when the return to pre-pandemic levels of business activity occurs; and

**WHEREAS**, due to the unforeseen prolonged extent of the COVID-19 pandemic, it is prudent that the government of Guam implement an additional economic support program to provide short-term assistance to businesses suffering pandemic impacts; and

**WHEREAS**, although many local businesses have tried to avail themselves of as many local and federal assistance programs as possible, there have been barriers towards receiving assistance, such as the U.S. Small Business Administration's Restaurant Revitalization Fund ("RRF"), which was only able to provide funding for 79 of the 287 applications submitted by Guam businesses; and

**WHEREAS**, the government of Guam has explored options to aid in the retention and expansion of private-sector employment during the COVID-19 pandemic and has determined that the establishment of a business loan program to be a meaningful strategy for such endeavors; and

**WHEREAS**, on March 11, 2021, President Joseph R. Biden signed the American Rescue Plan Act of 2021 ("ARPA") into law which provides Guam with emergency federal funding to combat the public health and economic impacts of COVID-19; and

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**ISLAND OF GUAM**  
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U.S.A.

**WHEREAS**, ARPA funding may be used to provide small businesses with loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example, by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utility costs, and other operating costs.

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

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    - ii. Ensuring that the final Program, while open to a broad spectrum of businesses, prioritizes businesses that have experienced extreme levels of pandemic caused business interruption.
    - iii. Ensuring that certain amounts of loan proceeds that are used for employee wages and benefits are forgivable, akin to the parameters found in the US SBA's Paycheck Protection Program.



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**U.S.A.**

- iv. Receiving and reviewing applications and submitting payment requests to the Department of Administration for disbursement to eligible borrowers.
  - v. Instituting a system of reporting and record retention, to include auditable certification to ensure accountability.
- c. GEDA shall allow for a reasonable application period. Loans under the Program shall be made until such time that the budget allocated for the Program is exhausted, but no later than ninety (90) days after GEDA closes the application period.
- d. GEDA shall, prior to implementing the program, conduct outreach efforts with relevant stakeholders and the public.
- e. The Department of Administration shall be responsible for issuing all payments under this program and shall prepare regular status updates to, as requested, regarding the Program budget and finances.
- f. A total of Five Hundred Thousand Dollars (\$500,000) is allocated to GEDA for costs excluded from regularly budgeted items associated with the implementation and administration of the programs above. GEDA shall maintain a schedule of costs incurred and paid for under this funding, and shall comply with all federal and local requirements as to the usage of such funding.

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HAGĀTÑA, GUAM 96932  
U.S.A.

2. **ADDITIONAL PAYMENTS UNDER THE ALL RISE PROGRAM.** Additional authorization is hereby granted to the Departments of Administration and Revenue and Taxation for payment of amounts under the All Rise Program, as re-established in Executive Order No. 2021-18. Such payment authorization is limited to completed applications filed by eligible applicants and received by the Department of Revenue and Taxation prior to the deadline for application submission. All payments due under the All Rise Program shall be paid by June 30, 2022.

**SIGNED AND PROMULGATED** at Hagåtña, Guam this 15th day of October, 2021.

A handwritten signature in black ink, reading "Lourdes A. Leon Guerrero".

**LOURDES A. LEON GUERRERO**  
*Maga'hågan Guåhan*  
*Governor of Guam*

Attested by:

A handwritten signature in blue ink, reading "Joshua F. Tenorio".

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



## Subject: Re: NEWS: Leon Guerrero-Tenorio Administration Launches Local Employers' Assistance Program (LEAP)



**Jayne Therese Flores** <jayne.flores@guam.gov>  
to Krystal Paco-San Agustin

W

You are viewing an attached message. The Office of the Governor of Guam Maga' Haga' Mail can't verify the authenticity of attached messages.

ok thanks.

**Si Yu'os Ma'ase,**



**Jayne Flores**

Director, Bureau of Women's Affairs /

Administrator,

Governor's Community Outreach - Federal Programs Office

*Ufisinan i Maga'hågan Guahan*

Office of the Governor of Guam

Email: [jayne.flores@guam.gov](mailto:jayne.flores@guam.gov)

Office: 671-475-9162

Cell: 671-483-6409



**MY PHONE  
IS IN THE COVID FIGHT  
HELP GUAM STOP COVID-19**



I am proud to support the Guam Department of Public Health & Social Services' new app to help contain COVID-19 in Guam. Add your phone to the app to help protect your community while protecting your privacy. Download the Guam COVID Alert app for free at the [App Store](#) or [Google Play](#). For more information, visit [guamcovidalert.guam.gov](http://guamcovidalert.guam.gov).

On Wed, Oct 27, 2021 at 4:16 PM Krystal Paco-San Agustin <[krystal.paco@guam.gov](mailto:krystal.paco@guam.gov)> wrote:  
theyve only had working sessions. i haven't received any updates.

On Wed, Oct 27, 2021 at 3:43 PM Jayne Therese Flores <[jayne.flores@guam.gov](mailto:jayne.flores@guam.gov)> wrote:  
Krystal do we have any parameters for this program yet?

si Jayne

**Si Yu'os Ma'ase,**

**Jayne Flores**

Director, Bureau of Women's Affairs /

Administrator,

# Subject: Re: Executive Order Signing and Bill Signing for Friday, October 1



**Krystal Paco-San Agustin** <krystal.paco@guam.gov>

to

You are viewing an attached message. The Office of the Governor of Guam Maga' Haga' Mail

Please see the signed EO and bill attached.

On Fri, Oct 15, 2021 at 8:31 AM Krystal Paco-San Agustin <[krystal.paco@guam.gov](mailto:krystal.paco@guam.gov)> wrote:

*Håfa adai*, Media Partners:

**11 a.m. Executive Order Signing** for EO 2021-25 Relative to Establishing the Local Employers' Assistance Pro

**1 p.m. Bill Signing** for Bill 111-36 which requires medical examinations of those charged with criminal sexual ;



***Krystal Paco-San Agustin, MPA, CM***

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.472.8931



***Krystal Paco-San Agustin, MPA, CM***

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.472.8931

## 2 Attachments



**EO 2021-25**  
Executive Order 2021-25  
Relative to Establishing the Local Employers' Assistance Program

**PDF EO 2021-25 RELA..**



**Bill No. 111-36**  
Bill 111-36  
Relative to Establishing the Local Employers' Assistance Program

**PDF Bill No. 111-36 (C...**

# Subject: EXECUTIVE ORDER NO. 2021-25: RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS' ASSISTANCE PROGRAM ("LEAP")



**Brianne LG Dunstan** <brianne.dunstan@guam.gov>

to Cabinet Members, Sophia Diaz, Leslie Travis, June M.C. Borja, Lynette O. Muna, Jean S. Taitano

You are viewing an attached message. The Office of the Governor of Guam Maga' Haga' Mail can't verify the authenticity of attached messages.

*Hafa Adai* Cabinet Members,

Please find attached letter from Legal Counsel Sophia Santos Diaz *with enclosed* Executive Order No. 2021-25 to the *Honorable* Therese Terlaje, Speaker of the 36<sup>th</sup> Guam Legislature:

- **EXECUTIVE ORDER NO. 2021-25: RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS' ASSISTANCE PROGRAM ("LEAP")**

Thank you.

Respectfully,



**Brianne LG Dunstan**

Unisifan I Maga'hågan Guåhan

Office of the Governor of Guam

*Office of Legal Counsel*

513 West Marine Corps Drive

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.473.1118

[brianne.dunstan@guam.gov](mailto:brianne.dunstan@guam.gov)



**EO 2021-25 RELA..**



# Subject: EXECUTIVE ORDER NO. 2021-25: RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS' ASSISTANCE PROGRAM ("LEAP")



**Brianne LG Dunstan** <brianne.dunstan@guam.gov>

to Speaker Therese M. Terlaje, Gov. Lourdes A. Leon Guerrero, Lieutenant Governor, Guam Compiler of Laws, Gera

You are viewing an attached message. The Office of the Governor of Guam Maga' Haga' Mail can't verify the authenticity of attached messages.

*Hafa Adai* Madame Speaker,

Please find attached letter from Legal Counsel Sophia Santos Diaz *with enclosed* Executive Order No. 2021-25 si 2021.

- **EXECUTIVE ORDER NO. 2021-25: RELATIVE TO ESTABLISHING THE LOCAL EMPLOYERS' ASSISTANCE PROGRAM ("LEAP")**

A hard copy will be transmitted to your office.

Thank you.

Respectfully



**Brianne LG Dunstan**

Unisifan I Maga'hågan Guåhan

Office of the Governor of Guam

*Office of Legal Counsel*

513 West Marine Corps Drive

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.473.1118

[brianne.dunstan@guam.gov](mailto:brianne.dunstan@guam.gov)



**EO 2021-25 RELA..**

## Subject: Invite for EO signing



**Krystal Paco-San Agustin** <krystal.paco@guam.gov>

to Joseph Mesngon

You are viewing an attached message. The Office of the Governor of Guam Maga' Haga' Mail can't verify the authenticity of attached messages.

Krystal Paco-San Agustin is inviting you to a scheduled Zoom meeting.

Topic: Executive Order No. 2021-25 Relative to Establishing the Local Employers' Assistance Program (LEAP)

Time: Oct 15, 2021 11:00 AM Guam, Port Moresby

Join Zoom Meeting

<https://us02web.zoom.us/j/84148883745?pwd=MlFhTG5hREo4V3owd1hpVm9PSXhEUT09>

Meeting ID: 841 4888 3745

Passcode: 761169

One tap mobile

+13462487799,,84148883745#,,,,\*761169# US (Houston)

+16699006833,,84148883745#,,,,\*761169# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 841 4888 3745

Passcode: 761169

Find your local number: <https://us02web.zoom.us/j/84148883745?pwd=MlFhTG5hREo4V3owd1hpVm9PSXhEUT09>

--



***Krystal Paco-San Agustin, MPA, CM***

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Office: 671.472.8931