

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

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

Transmitted via Electronic mail to:
officeofsenatormoylan@guamlegislature.org

August 1, 2022

Senator James Moylan
Suite 407 DNA Building
238 Archbishop Flores St.,
Hagåtña, Guam 96910

Re: **Impact Analysis Requirement for ARP Eligible Uses**

Dear Senator Moylan,

I am writing in response to your letter dated July 27, 2022, in which you respond to my letter dated July 25, 2022, repeating your request that I enforce Public Law No. 36-53, and possibly create another Rise Act Program utilizing a combination of General Fund surpluses and federal funds to provide aid to individuals outside of established income thresholds for federal direct aid programs.

At the outset, it is important to clarify that while you have interpreted my thorough analysis of the federal regulations governing the eligible uses of American Rescue Plan (“ARP”) Act funds as “spinning about classes of income,” unfortunately, the rules on providing assistance to a class utilizing ARP funds to address a COVID-19 impact requires that the recipient government first identify the negative economic impact suffered by the class that you seek to address with the proposed responsive program. The Final Rule establishes the use of income thresholds reflected in published poverty guidelines as a proper method to determine households that are suffering from the deleterious economic effects of the pandemic. This determination necessarily involves classes of income.

I, too, grew up in a modest household, without, as you say, a “silver spoon.” My father worked two jobs. I worked my way through school. I actually pursued a career in healthcare because I believe in helping people, and because I believe it is the most humane and enduring profession and the most humbling privilege, to serve people and help uplift them, when they are at their most vulnerable.

To: Senator James Moylan
Fr: The Honorable Lourdes A. Leon Guerrero, Governor of Guam
Date: August 1, 2022
Re: Impact Analysis Requirement for ARP Eligible Uses

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I completely empathize with the circumstances of our working class. This is why I sprung into action to help them. I understood the defects in the RISE Act were insurmountable, and worked to quickly establish the ALL RISE Program to provide the aid that I could using the means I had access to. The ALL RISE was innovative and inventive, and pushed aid out to our people in record time and in record numbers. Importantly, we accomplished it lawfully. You ask that I work with the Legislature to pay out desired benefits in a manner that complies with accepted interpretations of federal guidelines, but that is exactly what I did. As you know, we have also launched numerous other programs of direct aid to our working class residents, most recently in the third round of Prugrãman Salãppe'.

These aid programs are tailored to the working class by design, utilizing nationally accepted thresholds for low-or-moderate income households, which take into account both income level and household size. As I discussed in my last letter to you, we utilize the Hawaii poverty guidelines to anchor our programs, which are significantly higher than the continental U.S. When I say that you and I do not and should not qualify to receive cash assistance from the government, I do not say that to berate you or me. I say that to illustrate the classes of individuals who stand to benefit from the expansion you are advocating for, which are precluded from ARP cash assistance because it cannot, by research or data, be demonstrated that we have suffered financially from COVID-19. Our eligibility is not determined by our childhood circumstances, but rather our circumstances during COVID-19. These are not excuses; this is the law; federal law, which, as a candidate for the U.S. House of Representatives, I expect you would want to vigilantly observe.

Finally, you have asked me to “utilize some of those surpluses your administration states exist in the General Fund to create a Rise Act program for those outside of certain income thresholds, and for those below it, you can use federal funds.” Though I am pleased to have eliminated the deficit and presented the people of Guam with a budget surplus for the first time in decades, without borrowing, legislative action is necessary to appropriate General Fund monies to provide assistance to individuals and households without regard for income thresholds, as with the recent utility credit. I have paid out ALL RISE funds as authorized by federal guidelines. If you believe General Fund monies should be used to pay out cash assistance to high income individuals and households, an income threshold that includes yourself, that is certainly within your purview to propose to your colleagues at the Legislature.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan
Governor of Guam

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