

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

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

October 15, 2021

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. 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

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**ISLAND OF GUAM
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HAGÁTÑA, GUAM 96932
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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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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

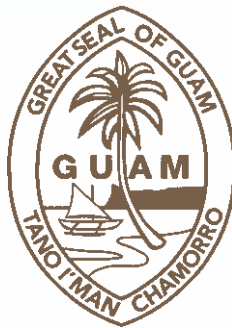
WHEREAS, although many local businesses have tried to avail themselves of as many local and federal assistance programs as possible, there have been barriers towards receiving assistance, such as the U.S. Small Business Administration's Restaurant Revitalization Fund ("RRF"), which was only able to provide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

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

Attested by:

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

