

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

May 26, 2021

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

RE: Executive Order No. 2021-11

Hafa Adai Madame Speaker:

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

**EXECUTIVE ORDER NO. 2021-11: Relative to Launching the
All RISE Program by Expanding Eligibility for the RISE Act**

Thank you.

Senseremente,

A handwritten signature in blue ink, appearing to read "Leslie A. Travis".

LESLIE A. TRAVIS
Legal Counsel

Enclosure: Executive Order No. 2021-11

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



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EXECUTIVE ORDER NO. 2021-11

**RELATIVE TO LAUNCHING THE ALL RISE PROGRAM
BY EXPANDING ELIGIBILITY FOR THE RISE ACT**

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 in the island of Guam due to dangers posed by the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, since first declaring the public health emergency due to COVID-19, I have extended it fourteen (14) times; and

WHEREAS, over one (1) year has elapsed since I first declared the public health emergency; and

WHEREAS, the COVID-19 pandemic has, without question, affected economies the world over and has severely impacted industry here in Guam, in particular, the tourism industry and ancillary industries; and

WHEREAS, our administration has implemented numerous diverse programs to assist businesses and individuals alike weather the economic uncertainty caused by this pandemic, including small business assistance, bereavement grants, mortgage, and rental assistance, additional cash assistance to needy families, displaced worker job placements, and unemployment benefits; and

WHEREAS, notwithstanding the substantial assistance provided to the community, our community continues to suffer from the adverse economic effects of the COVID-19 pandemic; and

WHEREAS, on December 29, 2020, I allowed to lapse into law as Public Law No. 35-136, the bill commonly known as the Recovery Income Support and Empowerment ("RISE") Act; and

WHEREAS, the RISE Act authorized a one-time payment of up to Eight Hundred Dollars (\$800.00) for each eligible individual with a maximum adjusted gross income not exceeding Forty Thousand Dollars (\$40,000.00) and One Thousand Six Hundred Dollars (\$1,600.00) for individuals filing a joint return with a maximum adjusted gross income not exceeding Eighty Thousand Dollars (\$80,000.00), subject to specific eligibility requirements; and

WHEREAS, notably, the RISE Act expressly excluded individuals employed by the government of Guam or the federal government at any time during the tax year 2020 and their retirees from eligibility to receive payments under the Act; and

WHEREAS, notwithstanding the fact that the local and federal government continued operations during the COVID-19 pandemic, even with substantial cuts to their budget for the current fiscal year, without question, government employees have also suffered



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financially from the pandemic; and

WHEREAS, the legislature's exclusion of government employees has the practical effect of denying payments to even those individuals who were employed by the government on a temporary basis, such as through Guam Department of Labor displaced worker programs, as part of the 2020 CENSUS operation, individuals on military orders, and students at the University of Guam temporarily employed for COVID-19 response operations; and

WHEREAS, these individuals have incurred additional unanticipated costs, including child care, increased food costs, and support for other family members; and

WHEREAS, retirees have similarly incurred additional costs during the pandemic and are especially vulnerable because many of them are unable to seek employment due to their health and increased risk to severe illness from COVID-19; and

WHEREAS, government employees have risen to the occasion of providing critical government services to the community in the face of substantial challenges; and

WHEREAS, among these employees deemed ineligible to receive payments under the RISE Act are front liners at the Guam Police Department, the Guam Memorial Hospital, and members of the Guam National Guard, who daily risk their lives for the protection and safety of our community during this public health emergency, and many of whom make less than the income threshold provided in the RISE Act; and

WHEREAS, as I noted in my statement regarding the lapse of the RISE Act into law, the discriminatory treatment in the RISE Act of government employees and retirees undermines the integrity of the RISE Act, and I believe it is necessary to rectify this disparate treatment in order to truly aid the most vulnerable members of our community; and

WHEREAS, payments under the RISE Act were capped at Thirty Million Dollars (\$30,000,000.00) plus administrative costs, to be funded by General Fund appropriations and federal appropriations including any federal coronavirus relief package available for the purposes of the Act, provided that no local funds may be used if federal funds are available; and

WHEREAS, assistance to a broader scope of individuals would have a more significant impact on the financial well-being of our community; and

WHEREAS, in an effort to assist communities throughout the United States recover from the adverse effects of the COVID-19 global pandemic, the United States Congress passed, and President Joseph R. Biden, Jr. signed, Public Law No. 117-2, which establishes what is known as the American Rescue Plan ("ARP"); and

WHEREAS, the ARP provides direct financial assistance to states and territories to support urgent pandemic response efforts to decrease the spread of the virus, replace lost revenue for governments to strengthen support for vital public services and help retain jobs, support immediate economic stabilization for households and businesses, and address



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systemic public health and economic challenges that have resulted to some communities suffering more severely from the pandemic impacts than others; and

WHEREAS, ARP monies are federal grants provided directly for use by the executive branches of states and territories to use according to federal guidelines; and

WHEREAS, the Legislature of Guam is not authorized to appropriate ARP funds; and

WHEREAS, notwithstanding the lack of authority on the Legislature's part to appropriate ARP funds, I believe the purpose and intent of the RISE Act to be consistent with the goals of this administration and would continue our work of supporting the most vulnerable members of our community through this difficult time; and

WHEREAS, I believe it is necessary to expand the scope of the RISE Act to include otherwise eligible local and federal government employees and retirees, for whom these funds would likewise provide much-needed support; and

WHEREAS, on May 21, 2021, ARP funds were disbursed to the Department of Administration; and

WHEREAS, it is now timely and appropriate to implement the RISE Act and expand the eligibility provided therein to include otherwise eligible government employees and retirees.

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, do hereby order:

1. **EXPANSION OF ELIGIBILITY FOR THE RISE ACT.** In addition to individuals designated as eligible to receive payments under Public Law No. 35-136, otherwise known as the RISE Act, employees of both local and federal governments and their retirees, during the tax year 2020 shall be eligible to receive such payments pursuant to this Executive Order, subject to the remaining eligibility requirements, conditions and limitations provided in the RISE Act. The expanded program established herein, which shall include the initial RISE Program established in Public Law No. 35-136 and the expanded eligibility provided in this order, shall be known as the All RISE Program.
2. **DEPARTMENT OF REVENUE AND TAXATION TO ADMINISTER ALL RISE PROGRAM AND DISTRIBUTE PAYMENTS TO ELIGIBLE INDIVIDUALS.**
 - a. Efforts are underway to identify funds for implementation of the All RISE Program established herein.
 - b. The Department of Revenue and Taxation, which was designated as the administering agency for the program established under the RISE Act, is



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designated as the entity responsible for the administration of the eligibility expansion ordered herein. The Director of the Department of Revenue and Taxation is likewise designated as the official responsible for overseeing the All RISE Program.

- c. Consistent with the RISE Act, the Department of Revenue and Taxation shall implement the All RISE Program within thirty (30) working days of the identification of funds for these purposes.
 - d. Delivery of payments and reporting requirements for the All RISE Program will be as provided in the RISE Act.
3. **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.
4. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagátña, Guam, this 25th day of May 2021.

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

Attested by:

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

