

**SUPREME COURT CASE NO. CRQ20-002**

---

**IN THE SUPREME COURT OF GUAM**

**HAGÁTÑA, GUAM**

---

**IN RE: REQUEST OF LOURDES A. LEON GUERRERO, *I*  
MAGA'HÁGAN GUÁHAN, RELATIVE TO THE POWER OF THE  
EXECUTIVE BRANCH TO ESTABLISH, MAINTAIN, AND  
OPERATE QUARANTINE FACILITIES IN GUAM AND TO  
PROMULGATE QUARANTINE AND SANITATION  
REGULATIONS FOR THE PROTECTION OF GUAM AGAINST  
THE IMPORTATION AND SPREAD OF DISEASE.**

---

**BRIEF OF INTERESTED PARTY *I MINA'TRENTAI SAIS NA*  
*LIHESLATURAN GUÁHAN***

---

**ANA WON PAT-BORJA, ESQ.**  
**Legislative Counsel**  
**Guam Legislature Legal Bureau**  
163 W. Santo Papa  
Hagåtña, Guam 96910  
Telephone No.: (671) 477-2530  
*Attorney for Interested Party*  
*36th Guam Legislature*

**TABLE OF CONTENTS**

**STATEMENT OF JURISDICTION..... 1**

**INTERESTED PARTY STATEMENT ..... 1**

**STATEMENT OF ISSUES PRESENTED ..... 2**

**STATEMENT OF THE CASE..... 3**

**STATEMENT OF FACTS..... 4**

**SUMMARY OF ARGUMENT ..... 6**

**ARGUMENT ..... 6**

**A. THE GOVERNOR ERRONEOUSLY ASSUMES HER AUTHORITY OVER QUARANTINE IS NOT SUBJECT TO LAW OR JUDICIAL REVIEW. .... 6**

        1. The Governor has not overcome the presumption that sections 19604 and 19605 are constitutional. .... 7

        2. The plain meaning of “subject to the laws of Guam” in section 1421g(a) limits the Governor’s power over quarantine. .... 8

        3. Congress granted the Legislature, under section 1421g(a), concurrent authority over public health services and quarantine policy..... 10

            a. The Legislature lawfully granted jurisdiction to the Superior Court over statutory claims brought under the EHPA..... 14

            b. The Legislature’s authority to enact quarantine laws is consistent with its exercise of the Organic Act power and its inherent police power. 16

**B. SECTIONS 19604 AND 19605 DO NOT IMPINGE UPON THE GOVERNOR’S SECTION 1421G(A) AUTHORITY OVER QUARANTINE MATTERS. .... 18**

        1. Sections 19604 and 19605 do not prevent the Governor from promulgating and implementing quarantine regulations ..... 19

        2. Sections 19604 and 19605 are justified by the overriding constitutional need to balance individual civil liberties and public health..... 25

**CONCLUSION ..... 27**

<b>CERTIFICATE REQUIRED BY RULE 13(J).....</b>	<b>29</b>
<b>CERTIFICATE AS TO INTERESTED PARTIES.....</b>	<b>30</b>
<b>STATEMENT OF RELATED CASES .....</b>	<b>31</b>
<b>CERTIFICATE OF COMPLIANCE .....</b>	<b>32</b>
<b>CERTIFICATE OF SERVICE .....</b>	<b>33</b>

## TABLE OF AUTHORITIES

### STATUTES

10 GCA § 19104(1).....	23
10 GCA § 19604 .....	2, 4, 6, 23, 24
10 GCA § 19605 .....	2, 4, 6, 23
10 GCA § 19605(c)(1) .....	23, 24
10 GCA § 19802 .....	23
48 U.S.C.A § 1421(g)(b).....	13
48 U.S.C.A. § 1421b(e).....	25
48 U.S.C.A. § 1421g(a).....	2, 3, 6, 8
48 U.S.C.A. § 1423(a).....	16
48 U.S.C.A. § 1423a .....	16
48 U.S.C.A. § 1424-1(d) .....	15, 16
7 GCA § 4104 .....	1, 15

### CASES

<i>Application of Halko</i> , 54 Cal. Rptr. 661 (Ct. App. 1966) .....	17
<i>Bordallo v. Baldwin</i> , 624 F.2d 932 (9th Cir. 1980) .....	11, 12, 19, 20
<i>Brown v. Civ. Serv. Comm’n</i> , 818 F.2d 706 (9th Cir. 1987).....	13, 14, 16
<i>Camacho In re: Request of Governor Felix P. Camacho Relative to the Interpretation and Application of Sections 6 and 9 of the Organic Act of Guam</i> , 2004 Guam 2.....	18, 19
<i>Crowder v. Kitagawa</i> , 842 F.Supp. 1257 (1994) .....	17
<i>Crowder v. Kitagawa</i> , 96 Cal. Daily Op. Serv. 2980 (9th Cir. 1996).....	17
<i>Duncan v. Walker</i> , 533 U.S. 167, 174 (2001) .....	9

<i>Gayle v. Gov’r of Guam</i> , 414 F.Supp. 636, (D. Guam 1976) .....	17
<i>Ikei et. al v. Dep’t of Pub. Health and Soc. Svcs.</i> , Case No. SP0138-20 (Super. Ct. Oct. 27, 2020).....	24
<i>In re Request of Gov. Carl T.C. Gutierrez for a Declaratory Judgment as to the Organicity of Guam Public Law 22-42</i> , 1996 Guam 4 ¶ 9 .....	1
<i>In re Request of Governor Carl T.C. Gutierrez Relative to the Organicity and Constitutionality of Public Law 26-35</i> , 2002 Guam 1 ¶ .....7, 15, 27	
<i>In re Request of I Mina’ Trentai Dos Na Liheslaturan Guâhan Relative to the Use of Funds From the Tax Refund Efficient Payment Trust Fund</i> , 2014 Guam 15.....	11, 12, 21
<i>In re Request of I Mina’ Trentai Dos</i> , 2014 Guam 15 .....	14
<i>Lujan v. Defenders of Wildlife</i> , 504 U.S. 555 (1992).....	8
<i>Pangelinan v. Gutierrez</i> , 2000 Guam 11 .....	9
<i>People v. Perez</i> , 1999 Guam 2 .....	19
<i>Port Auth. of Guam v. Civil Serv. Comm’n (Javelosa)</i> , 2018 Guam 9 .....	24
<i>Queenside Hills Realty Co., Inc. v. Saxl</i> , 328 U.S. 80 (1946).....	17
<i>Sumitomo Constr., Co. v. Gov’t of Guam</i> , 2001 Guam 23.....	9
<i>Wade v. Taitano</i> , 2002 Guam 16.....	17

**GUAM AND FEDERAL PUBLIC LAWS**

Public Law 14-91 (1977) .....	11
Public Law 26-173 (2003) .....	25
U.S. Public Law 99-396 (1986) .....	14

**EXECUTIVE ORDERS**

Exec. Order No. 2020-03, Mar. 14, 2020.....4  
Exec. Order No. 2020-04, Mar. 16, 2020.....23  
Exec. Order No. 2020-11, Apr. 30, 2020 .....23  
Exec. Order No. 2020-16, May 28, 2020 .....23  
Exec. Order No. 2020-20, Jun. 5, 2020.....23  
Exec. Order No. 2020-22, Jun. 29, 2020.....24  
Exec. Order No. 2020-25, Jul. 20, 2020.....24  
Exec. Order No. 2020-27, Aug. 14, 2020 .....24  
Exec. Order No. 2020-28, Aug. 21, 2020 .....24  
Exec. Order No. 2020-29, Aug. 27, 2020 .....24  
Exec. Order No. 2020-38, Oct. 28, 2020.....24

**RULES AND REGULATIONS**

26 GARR § 428101 *et seq.* .....5, 24

**LEGISLATIVE AUTHORITIES**

*I Mina'bente Sais na Liheslaturan Guåhan*, Legislative Daily Journal, 2nd  
Sess. Dec. 2002 .....27, 28  
Relative to authorizing *I Liheslaturan Guåhan* to be represented in Guam  
Supreme Court Case No. CRQ20-002 and assert the validity of the  
provisions of the *Islan Guåhan Emergency Health Powers Act* at issue, and  
ultimately, preserve the Legislature's power granted by the Organic Act to  
enact law necessary to protect the health, safety, and general well-being of  
the people of Guam, Res. 47-36 (LS), 36th Guam Leg. (2021).....6  
S. Rep. 2109, 81st Cong. 2d Sess., reprinted in 1950 U.S. Code Cong. Ser.  
2840.....15

## STATEMENT OF JURISDICTION

Title 7 GCA § 4104 grants this Court jurisdiction to issue declaratory relief to the Governor or the Legislature regarding their respective powers and duties. To pass jurisdictional muster, the Petitioner must satisfy three (3) separate and discrete requirements: (1) the issue raised must be a matter of great public importance; (2) the issue raised must be such that its resolution through the normal process of law is inappropriate as it would cause undue delay; and (3) the subject matter of the inquiry must be “appropriate” for section 4104 review. *In re Request of Gov. Carl T.C. Gutierrez for a Declaratory Judgment as to the Organicity of Guam Public Law 22-42, 1996 Guam 4 ¶ 9.* This Court has determined its jurisdiction in this matter is appropriate. *See Order & Scheduling Order (December 31, 2020).*

## INTERESTED PARTY STATEMENT

In response to Governor’s request to interpret 10 GCA §§ 19604 and 19605, this Court certified two (2) questions relative to whether quarantine orders may be challenged on constitutional grounds and whether a court may modify a quarantine order issued by the Department of Public Health and Social Services.<sup>1</sup> In her Reply

---

<sup>1</sup> The Court specifically certified the following questions: 1) May quarantine orders be challenged on constitutional grounds? If yes, what level of scrutiny should be applied to the court’s review, whether rational, intermediate, or strict?; and 2) May a court modify a quarantine order issued by DPHSS? If yes, under what circumstance may a court modify a quarantine order issued by DPHSS? If yes, does such modification impinge on the Governor’s power and duties to quarantine and protect

Brief to the Public Defender Services Corporation (“PDSC”), the Governor asserted for the first time that 10 GCA §§ 19604 and 19605 are inorganic. *See* Petitioner’s Reply Brief, filed on March 2, 2021 at 11. At issue now is the Guam Legislature’s power to enact the *Islan Guåhan Emergency Health Powers Act* as it relates the Governor’s authority under the Organic Act of Guam, specifically 48 U.S.C.A. § 1421g(a). The Governor’s assertions that the Legislature exceeded its power via the enactment of 10 GCA §§ 19604 and 19605 and the interpretation of the same will significantly impact the Guam Legislature’s ability to enact quarantine measures. Based on the foregoing, the Legislature asserts that it is an appropriate interested party in this case.

### **STATEMENT OF ISSUES PRESENTED**

The Governor of Guam seeks a declaration from this Court interpreting section 1421g(a) of the Organic Act of Guam, as it relates to sections 19604 and 19605 of the *Islan Guåhan Emergency Health Powers Act* (hereinafter “EHPA”) (codified at 10 GCA §§ 19101 through 19809). The Guam Legislature limits the scope of its argument in this case to the following questions: (1) Under the section 1421g(a) of the Organic Act of Guam, is the Legislature authorized to enact sections 19604 and 19605 of the *Islan Guåhan Emergency Health Powers Act*?; and (2) Do sections 19604 and

---

against the spread of disease and interfere with the operations of the Executive Branch? See Order and Scheduling Order, December 31, 2020.



19605 of the EHPA impinge upon the Governor’s section 1421g(a) authority over quarantine matters, and if so, is the enactment of said law justified by an overriding constitutional need?

### **STATEMENT OF THE CASE**

This case was brought by the Governor through her Request for Declaratory Judgment, wherein she seeks an interpretation by this Court affirming 1421g(a) of the Organic Act as granting her sole authority over quarantine matters, not subject to legislative oversight and beyond judicial reach. The Legislature submits that this overbroad reading of section 1421g(a) is misplaced and misguided. The Legislature maintains that extending the Governor’s interpretation of sections 19604 and 19605 (hereinafter “quarantine provisions”) of the *Islan Guåhan Emergency Health Powers Act* as unlawful encroachments on her quarantine power in this case opens the door to invalidating the remaining provisions of the EHPA—and any and all laws—providing for public health services.

This case stems from the Governor’s frustration with the number of successful “challenges” in the lower courts brought under 10 GCA §§ 19604 and 19605 to DPHSS’ conditions of quarantine and isolation. In a time of uncertainty during the COVID-19 pandemic, the Governor puts at issue the extent of her emergency power with respect to quarantine in an effort to sidestep the underlying issues in cases brought before the Superior Court. In addition to her original questions, she now

seeks to render the quarantine provisions inorganic and impair the Legislature's ability enact laws to protect the health, safety, and welfare of the people of Guam with respect to quarantine.

### **STATEMENT OF FACTS**

On March 14, 2020, Governor Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, declared a state of emergency to respond to novel coronavirus ("COVID-19"), in Executive Order No. 2020-03 pursuant to 10 GCA § 19604 of the *Islan Guåhan Emergency Health Powers Act*. Exec. Order No. 2020-03, Mar. 14, 2020. From the outset of the public health emergency, the Governor issued multiple executive orders, requiring individuals to quarantine pursuant to sections 19604 and 19605 of the EHPA, while simultaneously requiring the administration of quarantine in accordance with applicable Department of Public Health and Social Services (hereinafter "DPHSS") Guidance.

On or about October 2020, under 10 GCA § 19605, certain individuals successfully obtained judicial relief from the Government's quarantine conditions in the Superior Court of Guam. In response to the lower court's application of the law, on October 28, 2020, the Governor issued Executive Order No. 2020-38, which ordered the "expedient adoption and implementation of the COVID-19 Public Health Enforcement Regulations developed by DPHSS." On November 19, 2020, DPHSS promulgated the "Regulations Governing the Enforcement of Public Health

Guidance Memoranda and Directives During the COVID-19 Public Health Emergency.” 26 GARR § 428101 *et seq.*

In light of the continued varying outcomes in the lower courts, the Governor filed a Request for Declaratory Judgment on December 24, 2020 (“Request”). The Request contained questions seeking the Court’s interpretation of her powers and duties and the court’s role with respect to who controls the conditions of quarantine and isolation. On December 21, 2020, this Court, in part, granted the Governor’s Request. On February 8, 2021, in response to the questions presented in the Governor’s Request, DPHSS, and the Public Defender Service Corporation (hereinafter “PDSC”) submitted their respective briefs in this case.

For the first time, in response to the PDSC’s arguments laying out the statutory framework of quarantine provisions of the EHPA, the Governor asserted that the Legislature’s enactment of 10 GCA §§ 19604 and 19605 is inorganic and void. *See* Petitioner’s Reply Brief at 11. On March 9, 2021, the Court issued a Second Order & Scheduling Order, exercising its discretion to review the new argument and invited the Legislature to respond. Upon receipt of the grant of the Legislature’s request for an extension of time to file its brief, on March 22, 2021, the Legislature adopted Resolution 47-36 (LS), “Relative to authorizing *I Liheslaturan Guåhan* to be represented in Guam Supreme Court Case No. CRQ20-002 and assert the validity of the provisions of the *Islan Guåhan Emergency Health Powers Act* at issue, and

ultimately, preserve the Legislature’s power granted by the Organic Act to enact law necessary to protect the health, safety, and general well-being of the people of Guam.”

### **SUMMARY OF ARGUMENT**

Congress granted to the Legislature, under 48 U.S.C.A. § 1421g(a), the authority to enact laws relating to public health services and quarantine, and to the Governor the authority to implement and enforce quarantine measures subject to such laws. From the outset, the Governor has failed to overcome the presumption that 10 GCA §§ 19604 and 19605 are organic and consistent with the Guam Legislature’s authority to enact legislation relative to quarantine. The plain meaning of phrase “subject to laws of Guam” in section 1421g(a) indicates that Governor’s quarantine power is limited. Furthermore, the quarantine power, as it extends to the Legislature is consistent with the Organic Act and the Legislature’s exercise of its inherent police power. Overall, the Governor has not sufficiently articulated how sections 19604 and 19605 impinge on her authority when she has wide latitude during a public health emergency to implement and enforce quarantine policy generally, and has specifically exercised that power pursuant the *Islan Guåhan Emergency Health Powers Act* during the COVID-19 pandemic.

### **ARGUMENT**

- A. THE GOVERNOR ERRONEOUSLY ASSUMES HER AUTHORITY OVER QUARANTINE IS NOT SUBJECT TO LAW OR JUDICIAL REVIEW.**

**1. The Governor has not overcome the presumption that sections 19604 and 19605 are constitutional.**

The Governor fails to demonstrate with specificity the basis for, or extent to which, her power to establish, maintain, and operate quarantine stations and to promulgate quarantine regulations is usurped by sections 19604 and 19605 of the EHPA. Rather, the Governor makes sweeping statements declaring said provisions inorganic—going so far as to characterize duly enacted law as “quarantine regulations”—without an analysis of the purported issues. *See* Petitioner’s Reply Brief at 7. To be sure, the Governor bears the burden to show that the quarantine provisions are unconstitutional. *See In re Request of Governor Carl T.C. Gutierrez Relative to the Organicity and Constitutionality of Public Law 26-35, 2002 Guam 1 ¶ 41* (hereinafter “*In re Request of Gutierrez*”) (“[The Party] who alleges the unconstitutionality of an act bears the burden of proof . . . [and] the validity of acts is to be upheld if at all possible with all doubt resolved in favor of legality and unconstitutionality will be decreed only when no other reasonable alternative presents itself . . .”) (citations omitted).

The quarantine provisions of the EHPA, “must begin with the general rule that legislative enactments are presumed to be constitutional.” *Id.* at ¶ 40. In asserting that the Legislature has exceeded its power in enacting sections 19604 and 19605, the Governor attempts to divorce her regulatory power over quarantine from the

statutory power that necessarily precedes the former. “The Constitution’s central mechanism of separation of powers depends largely upon common understanding of what activities are appropriate to legislatures, to executive, and to courts.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-60 (1992).

**2. The plain meaning of “subject to the laws of Guam” in section 1421g(a) limits the Governor’s power over quarantine.**

Section 1421g(a) of the Organic Act does not grant the Governor sole and absolute authority over quarantine matters; rather, it provides a limit on such power. Section 1421g(a) specifically provides,

*Subject to the laws of Guam*, the Governor shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease.

48 U.S.C.A. § 1421g(a) (emphasis added).

The Governor disputes the Legislature’s power to enact laws relative to quarantine to the extent “that it effectively guts the Governor’s authority, enabling the Legislature to wholesale substitute its judgment for hers in the creation of quarantine regulations.” *See* Petitioner’s Reply Brief at 2. The Legislature maintains that quarantine authority under section 1421g(a) is not exclusive to the Governor as its plain language demonstrates that the Legislature may enact public health and

quarantine *laws* to which the Executive must adhere in accomplishing her constitutional functions relative to the same.

The phrase “subject to the laws of Guam,” as that term is used in section 1421g(a), must be interpreted according to its plain meaning. *See Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 23 (“In cases involving statutory construction, the plain language of the statute must be the starting point.”); *see also Sumitomo Constr., Co. v. Gov’t of Guam*, 2001 Guam 23 ¶ 17 (“It is a cardinal rule of statutory construction that courts must look first to the language of the statute itself.”) (citation omitted). Under a plain meaning analysis, section 1421g(a) extends, *subject to the laws of Guam*, power to the Governor to execute such laws and promulgate regulations pertaining to public health and quarantine—not exclusive power over quarantine. The Governor characterizes “subject to the laws of Guam” as a “savings clause” in an attempt to wholly disregard the Legislature’s power and deny such language any meaningful weight. *See* Petitioner’s Reply Brief at 2. Section 1421g(a), however, should be read to “give effect, if possible, to every clause and word” so that “no clause is rendered superfluous, void, or insignificant.” *Duncan v. Walker*, 533 U.S. 167, 174 (2001) (internal quotation marks omitted).

Moreover, the remaining terms of section 1421g(a) expressly delineate the Governor’s power over quarantine stations and the promulgation of quarantine regulations and therefore limits the scope of executive authority. The term

“establish” means “[t]o settle, make, or fix firmly; to enact permanently” or “[t]o make or form; to bring about or into existence.” BLACK’S LAW DICTIONARY (11th ed. 2019). “Maintain” is defined as “[t]o continue (something)”; “[t]o continue in possession of (property, etc.)” or “[t]o care for (property) for purposes of operational productivity or appearance; to engage in general repair and upkeep.” BLACK’S LAW DICTIONARY (11th ed. 2019). The term “operate” means to “perform a function; exert power or influence.” MERRIAM-WEBSTER.COM DICTIONARY, *available at* <https://www.merriam-webster.com/dictionary/operate>. The parameters of the Governor’s power then can be defined as forming, engaging in the care and general repair of, and performing functions relative to quarantine stations and quarantine regulations. These functions are consistent with nature of the executive branch’s role in governance and power to execute and enforce laws, which by comparison highlight the legislative power to enact laws.

**3. Congress granted the Legislature, under section 1421g(a), concurrent authority over public health services and quarantine policy.**

The Governor (1) mischaracterizes sections 19604 and 19605 as “purported quarantine regulations,” without providing the basis for such proclamation; and (2) asserts conclusively that said purported regulations impinge “on her ultimate authority to promulgate quarantine and sanitary regulations.” *See* Petitioner’s Reply Brief, at 7-8. Sections 19604 and 19605 of the EHPA, however, are duly enacted statutes and not quarantine regulations. *See In re Request of I Mina’ Trentai Dos Na*



*Liheslaturan Guåhan Relative to the Use of Funds From the Tax Refund Efficient Payment Trust Fund*, 2014 Guam 15 ¶ 52 (hereinafter “*In re Request of I Mina’ Trentai Dos*”) (explaining, “[w]hile the Legislature has the power to enact law, the administration and enforcement of that law is solely the province of the Governor.”). With respect to the extent of the Governor’s power over quarantine under section 1421g(a), it is clear that such is not exclusive to the executive branch. *Bordallo v. Baldwin*, 624 F.2d 932 (9th Cir. 1980). In *Bordallo*, the court examined whether Public Law 14-91 (1977) was organic or an unlawful encroachment on the Governor’s appointment power, when the Governor was given no discretion over appointments to the Guam Memorial Hospital’s (“the hospital”) board because the law required him to select board members from those individuals designated by private organizations. *Id.* at 934. The court held that when the governor is specifically charged by section 1421g(a) with the responsibility for establishing, maintaining, and operating the hospital, the Legislature may not, “within the terms of the [Organic Act] reduce his function with respect to the governance of the hospital to the mere ministerial function of validating the appointments made by others to the hospital’s governing body.” *Id.* The relevant distinction between sections 19604 and 19605 and the public law at issue in *Bordallo* is that, here, the latter had the effect of eliminating *all* discretion over the Governor’s *appointment* power under section 1422c(a) of the Organic Act. Similarly, the encroachment

asserted by the Governor in this case by no measure usurps of *all* of her discretion over her quarantine authority. By contrast, the Legislature’s enactment, within the field of quarantine matters, merely provides safeguards limited to individuals who go before the court and request for specific remedies based on the particular quarantine or isolation conditions they are actually subject to.<sup>2</sup>

Turning to the Legislatures power pursuant to section 1421g(a), which is illuminated in *Bordallo*:

the Legislature may, of course determine *whether a hospital shall exist at all, where and how large it shall be, the size and qualifications for appointment to the governing body, and a wide variety of other matters establishing the laws of Guam ‘subject to’ which the Governor perform his function with respect to the hospital*  
.....

*Id.* at 934-935 (emphasis added).

Applying this analysis of section 1421g(a) as it relates to quarantine stations and quarantine regulations, sections 19604 and 19605 are appropriately within the parameters set in *Bordallo*.

The Ninth Circuit analyzed the meaning of “subject to the laws of Guam” in a similar case involving the Department of Education’s (“DOE”) suspension and

---

<sup>2</sup> The Legislature does not seek to put at issue separation of powers arguments not presented by the Petitioner. *See In re Request of Mina’Trentai Dos*, 2014 Guam 15, fn. 3 (court reserving judgment on whether statutes at issue interfere the Governor’s powers of general supervision and control under § 1422 because neither the Governor nor any other party argued statutory conflict with said provision).

termination of a teacher in *Brown v. Civ. Serv. Comm'n*, 818 F.2d 706 (9th Cir. 1987). The issue on appeal in *Brown* was whether the district court's decision invalidating DOE's suspension of teachers but upholding the termination of that employee conflicts with the Governor's responsibility to establish a public school system under 48 U.S.C.A. § 1421(g)(b) of the Organic Act. *Brown* at 709. DOE argued that by omitting the phrase "subject to the laws of Guam" from section 1421g(b), Congress intended to grant the "Governor authority over the school system exclusive of any concurrent legislative authority." *Id.* at 709. The version of section 1421g(b) of the Organic Act before the court in *Brown*, is nearly identical to section 1421g(a) at issue in this case. Section 1421(g)(b) provided:

The *Governor* shall provide an adequate public education system of Guam, and to that end *shall establish, maintain, and operate public schools at such places in Guam as may be necessary.*<sup>3</sup>

*Id.* (emphasis added).

Rejecting DOE's argument, the court applied the clause "subject to the laws of Guam" contained within section 1421g(a) and applied it to section 1421g(b). *Brown* at 709. The court explained, "a more reasonable interpretation of the constitutional provision is that the first phrase of the first subsection was meant to

---

<sup>3</sup> Congress amended 48 U.S.C.A. § 1421g(b) in 1986 to require that the "Government" rather than the "Governor" of Guam provide an educational system. U.S. Public Law 99-396 (1986).

apply equally to both the public health system and the public school system.” *Id.* (emphasis added). Further, the court provided, “the legislative history does not indicate that Congress intended to give the Governor exclusive power over the school system.”<sup>4</sup> *Id.* Accordingly, the clause “subject to the laws of Guam” applies equally to section 1421g(a), and indicates that Congress did not intend for the Governor to have exclusive power over the public health system, and more specifically, over quarantine.

**a. The Legislature lawfully granted jurisdiction to the Superior Court over statutory claims brought under the EHPA.**

Extending the analysis applied in *Bordallo* and *Brown* to section 1421g(a) governing quarantine, the Legislature validly exercised its authority to create a framework for quarantine procedures and provide jurisdiction over claims for relief from the same through the enactment of sections 19604 and 19605 of the EHPA. The legislative and executive powers contained in section 1421g(a) encompass matters of public health services and quarantine that necessarily overlap. *See In re Request of I Mina’ Trentai Dos*, 2014 Guam 15 ¶ 38 (“We have recognized that the powers of the Legislature and the Governor often overlap, and that such issues must

---

<sup>4</sup> The court in *Brown* cites directly to Secretary of Interior J.A. Krug’s statements to support this proposition. *See Brown* at 709; *see also* S. Rep. 2109, 81st Cong. 2d Sess., reprinted in 1950 U.S. Code Cong. Ser. 2840, 2856.

be addressed on a case-by-case basis.”); *see also In re Request of Gutierrez*, 2002 Guam 1 ¶ 41.

The Legislature disputes the Governor’s assertion that the quarantine provisions of the EHPA are unlawful delegations of section 1421g(a) power to the courts. Petitioner’s Reply Brief at 10. The quarantine provisions of the EHPA, including the statutory forms of relief, are consistent with the Legislature’s authority to vest in local courts jurisdiction over all causes as the laws of Guam provide. *See* 48 U.S.C.A. § 1424-1(d); *accord In re Request of Gutierrez* at ¶ 5 (in construing the prior version of 48 U.S.C. § 1424-1(b)<sup>5</sup> relative to local court jurisdiction and whether it could review 7 GCA § 4104 cases, the court found “this section of the Organic Act gives the Legislature broad authority to define the jurisdiction of local courts.”). The current version of section 1424-1(d) of the Organic Act of Guam provides in relevant part,

[t]he Superior Court of Guam and all other local courts established by the laws of Guam shall have such original and appellate jurisdiction over all causes in Guam as the laws of Guam provide, except that such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam under section 1424 of this title.

---

<sup>5</sup> *In re Request of Gutierrez* 2002 Guam 1 ¶ 5 (“Local Court Jurisdiction. The legislature may vest in the local courts jurisdiction over all causes in Guam over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam by section 1424(b) of this title.”).

48 U.S.C.A. § 1424-1(d).

Thus, the Legislature’s enactment of the quarantine provisions of the EHPA pursuant to section 1421g(a) is supported by its discretion to vest in local courts the jurisdiction to grant relief from quarantine. *Cf. Brown* at 709 (finding separate provision, section 1422c(a), to support Legislature’s concurrent section 1421g(b) authority over public education, otherwise “such broad interpretation . . . would entail reading the provision in a vacuum. The authority to establish merit system was clearly intended to be within the Legislature’s province.”).

**b. The Legislature’s authority to enact quarantine laws is consistent with its exercise of the Organic Act power and its inherent police power.**

The Legislature properly exercised its power granted under the Organic Act of Guam to provide for the health, safety, and welfare of the people of Guam when it enacted the *Islan Guåhan Emergency Health Powers Act* (EHPA). *See* 48 U.S.C.A. § 1423(a) (“The legislative power and authority of Guam is vested in a legislature.”; *see also* 48 U.S.C.A. § 1423a (“[t]he legislative power of Guam shall extend to all rightful subjects of legislation not inconsistent with the provisions of this chapter and the laws of the United States applicable to Guam.”)). The Governor’s assumption that she has unfettered quarantine power is overstated to the extent that it disregards the inherent police power of the Legislature and the check on that power instituted by the “laws of Guam” which necessarily authorize legislative safeguards

for quarantine. *Cf. Gayle v. Gov'r of Guam*, 414 F.Supp. 636, 638 (D. Guam 1976) (declaring “the exercise of inherent police powers of a state rests in its legislature.” (citations omitted); *see Crowder v. Kitagawa*, 842 F.Supp. 1257 (1994), *rev'd on other grounds*, *Crowder v. Kitagawa*, 96 Cal. Daily Op. Serv. 2980 (9th Cir. 1996) (citing *Queenside Hills Realty Co., Inc. v. Saxl*, 328 U.S. 80, 82–83, (1946) (“The United States Supreme Court has held that protection of health and safety is one of the traditional functions of the police power, and that courts should leave to legislatures the means by which it is implemented.”); *see also Application of Halko*, 54 Cal. Rptr. 661, 663 (Ct. App. 1966) (“The preservation of the public health is universally conceded to be one of the duties devolving upon the state as a sovereignty, and whatever reasonably tends to preserve the public health is a subject upon which the Legislature, within its police power, may take action.”). Taken together, the provisions of the Organic Act and the role of the Legislature support the proposition that under section 1421g(a), the Legislature may enact quarantine provisions, subject to which the Governor’s shall perform her function with respect to quarantine. *Cf. Wade v. Taitano*, 2002 Guam 16 ¶ 7 (“[a]n agency cannot create rules, through its own interstitial declaration, that were not contemplated or authorized by the Legislature,” the court can only uphold rules and regulations promulgated by the agency “which are consistent with the legislative scheme.” (internal citations omitted).

**B. SECTIONS 19604 AND 19605 DO NOT IMPINGE UPON THE GOVERNOR'S SECTION 1421g(a) AUTHORITY OVER QUARANTINE MATTERS.**

Having established that the Legislature may enact quarantine laws pursuant to section 1421g(a) of the Organic Act and that the Governor must promulgate rules in accordance with such laws, the Legislature maintains that sections 19604 and 19605 do not impinge upon the Governor's quarantine power. Rather, the quarantine provisions of the EHPA provide the framework from which the executive may effectively establish, maintain, and operate quarantine stations and promulgate rules regarding the same, without effectively taking over the entire power over quarantined persons during a public health emergency.

In determining whether the quarantine provisions of the EHPA disrupt the proper balance between the coordinate branches, the proper inquiry focuses on the extent to which the law prevents the executive branch from accomplishing its constitutionally assigned functions. Such inquiry requires looking for facial violations that run afoul of the Governor's power. *See Camacho In re: Request of Governor Felix P. Camacho Relative to the Interpretation and Application of Sections 6 and 9 of the Organic Act of Guam*, 2004 Guam 2 at ¶ 39. Next, the Court determines: "(1) whether the statutory provision prevents the accomplishment of



constitutional<sup>6</sup> functions; and (2) if so, whether the disruptive impact is justified by any overriding constitutional need. *People v. Perez*, 1999 Guam 2 at ¶ 17. If the statutory provisions in question do not prevent the Governor from accomplishing his constitutional functions, the Court need not consider part two of the test and no separation of powers concern exists. *Camacho*, 2004 Guam at ¶ 52.

**1. Sections 19604 and 19605 do not prevent the Governor from promulgating and implementing quarantine regulations.**

It is still unclear as to what the Governor’s specific separation of powers claims are, as she generally argues that “every aspect of 19604 and 19605 impinges on Petitioner’s ultimate authority to promulgate quarantine regulations.”<sup>7</sup> Petitioner’s Reply Brief at 7-8. Along with sweeping arguments, the following conclusions are drawn, that sections 19604 and 19605 impinge on her ultimate authority to promulgate quarantine regulations by:

1. “delineating specific conditions and principles for the administration of quarantine”;

---

<sup>6</sup>See *People v. Perez*, 1999 Guam 2, at ¶ 15 (citing *Bordallo v. Baldwin*, 624 F.2d 932, 934 (9th Cir. 1980) (“Until Guam creates its own Constitution, the Organic Act of Guam is the equivalent of Guam’s Constitution.”)).

<sup>7</sup> Petitioner specifically provided, “Every aspect of Sections 19604 and 19605 – from delineating specific conditions and principles for the administration of quarantine, to prescribing the procedures for implementing quarantine, to delegating authority to the court to issue orders for supposed violations of the statutory conditions, and purportedly authorizing the court to fashion remedies that, at least according to the PDSC, allow the court itself to have a say in the promulgation of quarantine regulations – impinges on Petitioner’s ultimate authority to promulgate quarantine regulations.”

2. “prescribing the procedures for implementing quarantine”;
3. “delegating authority to the court to issue orders for supposed violations of the statutory conditions”;  
and
4. “authorizing the court to fashion remedies that . . . allow the court itself to have a say in the promulgation of quarantine regulations.”

Petitioner’s Reply Brief 7-8.

Assuming that the Governor is claiming that sections 19604 and 19605 prevent her from establishing, maintaining, and operating quarantine stations, the Legislature refers to *Bordallo* for guidance as to what those constitutional functions are at issue. As discussed *supra*, in *Bordallo*, the court provides insight as to what constitutional functions derive from the overarching responsibilities of “establish[ing], maintain[ing], and operat[ing]” the hospital, which may be applied to quarantine stations and promulgation of quarantine regulations in a similar fashion. The Governor’s section 1423g(a) authority concerns “governance” over quarantine matters, and the EHPA does not negate this power. *See Bordallo* at 934 (“the ultimate responsibility for the governance of the Hospital [is] in this Governor.”).

In anticipation of a public health emergency, such as the COVID-19 pandemic, the Legislature adopted valid laws, which according to *Bordallo*, include “wide variety of other matters establishing the laws of Guam ‘subject to’ which the Governor shall perform [her] function” with respect to quarantine. *See id.* at 934.

The Legislature’s enactment of conditions, principles, and procedures constitute a broad legal framework, under which the Governor has in fact, promulgated specific regulations to. *See In re Request of I Mina’trentai Dos*, 2014 Guam 15 ¶ 42 (legislative conditions violate the separation of powers doctrine where “they dictate the *entire* staffing structure of the executive branch or the exact terms of a contract.”); *see In re Request of Gutierrez*, 2002 Guam 1 ¶ 51 (agreeing that a provision dictating when to terminate the current lease, mandating procurement of a new lease, including pre-requisite specifications, such as square footage, and pre-approval of a lease entered into by the Attorney General, was an unconstitutional encroachment on the executive’s power to determine the terms of its contracts.).

From the beginning of the COVID-19 pandemic, the Governor has not been prevented from accomplishing her constitutional functions. This is exemplified by her issuance of Executive Order No. 2020-04, wherein she utilizes the very provisions of the EHPA she now claims violate of the separation of powers doctrine:

Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and *Sections 19604 and 19605* of Article 6, Chapter 19 of Title 10, Guam Code Annotated.

Exec. Order No. 2020-04, Mar. 16, 2020 at ¶ 6 (emphasis added). In fact, in Executive Order No. 2020-16, the Governor demonstrates how both branches can exercise their respective authorities by explicitly mandating that quarantine be administered in conjunction with sections 19604 and 19605 and DPHSS Guidance:

*Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable Public Health Guidance, which shall include appropriate protocols for determining home quarantine for current, intended and returning Guam residents.*

Executive Order No. 2020-16 at ¶ 2.d. (emphasis added). This is apparent throughout the COVID-19 public health emergency in the following executive orders concerning quarantine:

- Exec. Order No. 2020-04, Mar. 16, 2020 attached as **Exhibit A**;
- Exec. Order No. 2020-11, Apr. 30, 2020, attached as **Exhibit B**;
- Exec. Order No. 2020-16, May 28, 2020, attached as **Exhibit C**;
- Exec. Order No. 2020-20, Jun. 5, 2020, attached as **Exhibit D**;
- Exec. Order No. 2020-22, Jun. 29, 2020, attached as **Exhibit E**;
- Exec. Order No. 2020-25, Jul. 20, 2020, attached as **Exhibit F**;
- Exec. Order No. 2020-27, Aug. 14, 2020, attached as **Exhibit G**;
- Exec. Order No. 2020-28, Aug. 21, 2020, attached as **Exhibit H**;
- Exec. Order No. 2020-29, Aug. 27, 2020, attached as **Exhibit I**; and
- Exec. Order No. 2020-38, Oct. 28, 2020, attached as **Exhibit J**.

Most notably, on October 28, 2020, in Executive Order 2020-38, the Governor mandated the “expedient adoption and implementation of the COVID-19 Public Health Enforcement Regulations to be developed by DPHSS.” **Exhibit J**. The “Regulations Governing the Enforcement of Public Health Guidance Memoranda and Directives During the COVID-19 Public Health Emergency” were not promulgated until November 19, 2020—after individuals began seeking relief. 26 GARR §§ 428101 *et seq.* Moreover, there are various instances in the EHPA of

rulemaking authority, which give the Governor wide latitude to manage public health emergencies and quarantine. *See generally* 10 GCA §§ 19104(1), 19604, 19605, and 19802 (providing that the public health authority, who is authorized to isolate and quarantine individuals, is appointed or determined by the Governor, and authorizing the public health authority to promulgate rules and regulations under the Chapter).

The Governor further argues that sections 19604 and 19605 allow a court’s order to supplant DPHSS quarantine policy, which results in the provisions being “in direct and irreconcilable conflict with the relevant Organic Act provisions with respect to quarantine authority. *See* Petitioner’s Reply Brief at 4. 10 GCA §§ 19604 and 19605 do not grant the Superior Court authority to “modify a quarantine order issued by DPHSS,” nor do said provisions grant the court the ability to, in effect, make quarantine policy. *See* Second Order and Scheduling Order (Mar. 9, 2021). The court, in determining relief under the EHPA, must consider the application or request brought by the “individual or groups of individuals . . . quarantined”—not determine and order relief that subsequently applies to *all quarantined individuals* irrespective of the evolving circumstances of a public health emergency. *See* 10 GCA § 19605(c)(1) and (c)(2).

For example, section 19605(c)(2) allows for a quarantined person to request for release and put forth evidence regarding whether or not she—and she alone—

poses a substantial risk of transmitting COVID-19. The court may have exceeded its authority in this manner, in part, when it ordered that, (“Asymptomatic persons who refuse to test must be afforded a home assessment and transferred home no later than day 10, when the evidence shows they have little to no infectiousness”). *See Ikei et. al v. Dep’t of Pub. Health and Soc. Svcs.*, Case No. SP0138-20 at 27 (Super. Ct. Oct. 27, 2020).

The Governor and the PDSC dispute the extent to which, in various instances, the Superior Court may have misapplied the standards in determining whether DPHSS was quarantining individuals in accordance with the conditions included in 10 GCA § 19604(b)(1)-(8), and in so doing, impacted the Governor’s quarantine policy. The Legislature does not take a position as to the appropriate standard that applies in determinations for relief under the EHPA<sup>8</sup> or whether the court misapplied the law. There is a difference between precedent and policy. Such judicial determinations for relief, which the Governor and PDSC debate at length, has no bearing on the organicity of the quarantine provisions of the EHPA. The deficiency may lie in the application of the law—not the law in and of itself.

---

<sup>8</sup> In terms of statutory relief—separate sections provided under 10 GCA § 19605 (c)(1) and 19605(c)(2)—it is for the appellate court to review whether or not the lower court applied the appropriate standard in finding Petitioner was entitled to release or remedies for breach of conditions. *Cf. Port Auth. of Guam v. Civil Serv. Comm’n (Javelosa)*, 2018 Guam 9 (discussing the application of the appropriate standard of review).

**2. Sections 19604 and 19605 are justified by the overriding constitutional need to balance individual civil liberties and public health.**

Even if, through the enactment of the quarantine provisions of the EHPA, the Governor is prevented from accomplishing her duties under section 1421g(a), the law must stand because there is an overriding constitutional need for the Legislature to balance individual civil liberties with public health, which is evident in the legislative intent of the Act.<sup>9</sup> The *Islan Guåhan Emergency Health Powers Act* was introduced as Bill No. 360 (COR) (“Bill”) and signed into law as Public Law 26-173 on January 5, 2003. At the time of the Bill’s consideration, Guam had already been impacted by the second measles outbreak within a decade of the first measles epidemic on the island. *See* Statement of Sen. Eddie Calvo, *I Mina’bente Sais na Liheslaturan Guåhan*, Legislative Daily Journal, 2nd Sess., 26-27 Dec. 2002, 1, attached as **Exhibit K**.

In his opening statement on the Bill, the sponsor of the legislation, then-Senator Eddie Calvo, indicated the need for Guam to improve early detection and prevention of mass communicable diseases given our unique location and tourist industry. *See id.* at 1-2 **Exhibit K**. With regard to emergency powers of the EHPA authorizing the separation of affected individuals from the population at large to interrupt disease transmission, Senator Calvo reiterated that “Guam’s ability to

---

<sup>9</sup> *See* 48 U.S.C.A. § 1421b(e) provides, “No person shall be deprived of life, liberty, or property without due process of law.”

respond to public health emergencies must respect the dignity and the rights of individuals.” *Id.* Further, the EHPA “provides[,] in the event of the exercise of emergency powers[,] the civil rights liberties and needs of infected or exposed persons that they will be protected to the fullest extent possible consistent with also the primary goal of controlling the serious health threats.” *Id.* The Legislature’s intent to extend individuals statutory rights to relief from quarantine through the judicial process was supported during debate on the Bill, at which time one (1) Member other than the Sponsor spoke on the issue of quarantine. Then-Senator Lourdes A. Leon Guerrero, in support of the Bill, stated,

[the Bill] I think protects the individuals who are isolated or quarantine[d] and [] feel that their rights have been violated, because sometimes in emergency situations panic can occur and you maybe . . . come into situations where you may just be isolating and quarantining people maybe unnecessarily[.] [S]o it does have provisions in here that protect the rights of those individuals.

*See* Statement of Sen. Leon Guerrero, *I Mina’bente Sais na Liheslaturan Guåhan*, Legislative Daily Journal, 2nd Sess., 26-27 Dec. 2002, 3, **Exhibit K**.

Through legislative history, and in the text itself, the EHPA is the framework to ensure that the Government take a coordinated and comprehensive approach to planning and responding to public health emergencies, and further demonstrates a balance of power between the branches—not the concentration of power in any singular authority. The legislative intent of the EHPA further illuminates the



significant state interest in providing for the public health of people of Guam: there is a “health, moral, social and ethical obligation for the government to responsibly abate and mitigate the spread of catastrophic communicable diseases within Guam.” *Islan Guåhan Emergency Health Powers Act*, Pub. L. No. 26-173, (2003) (codified at 10 GCA Chapter 19). To that end, while much of the EHPA was crafted to give the Governor and public health officials specific emergency powers with regard to expenditures, suspension of rules, testing, treatment, and use of property to prevent disease transmission, the Legislature recognized such powers must respect civil liberties. *Id.* This balance comports with the separation of powers doctrine, which exists to “prevent[ ] the abuses that can flow from centralization of power.” *In re Request of Gutierrez*, 2002 Guam 1 ¶ 33 (internal quotation marks and citations omitted); *see also id.* (“The concentration of the separately delineated powers in the hands of one branch “may justly be pronounced the very definition of tyranny.”).

## CONCLUSION

The *Islan Guåhan Emergency Health Powers Act* is critical policy, consistent with the Organic Act of Guam. The Legislature respectfully requests that this Court recognize the Legislature’s intent to protect the health, safety, and welfare of the people of Guam during public health emergencies, and find that 10 GCA §§ 19604 and 19605 are valid exercises of the Legislature’s authority that do not impinge on the Governor’s power.







## STATEMENT OF RELATED CASES

The undersigned, counsel of record for Interested Party *I Mina'trentai Sais Na Liheslaturan Guåhan*, hereby certifies that there are no known related cases other than this case.

Dated this 6th day of April, 2021.

**Legislative Counsel  
Guam Legislature Legal Bureau**

By \_\_\_\_\_ /s/  
**ANA WON PAT-BORJA, ESQ.**  
*Attorney for Interested Party  
36<sup>th</sup> Guam Legislature*





EXHIBIT

A





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

**EXECUTIVE ORDER NO. 2020-04**

**RELATIVE TO RESPONDING TO CONFIRMED CASES OF NOVEL  
CORONAVIRUS (COVID-19)**

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

**WHEREAS**, since the declaration of a public health emergency, Guam has confirmed three cases of COVID-19; and

**WHEREAS**, it is of the utmost importance that *I Maga'hågan Guåhan* utilizes all available resources of the government of Guam to respond to this public health threat evidenced by these newfound cases; and

**WHEREAS**, the Director of the Guam Department of Public Health and Social Services ("DPHSS") and members of the Federal Centers for Disease Control and Prevention ("CDC") have advised that Guam undergo an "investigatory period" to detect and track the potential spread of COVID-19; and

**WHEREAS**, as a community, we place special emphasis on care for those most vulnerable among us, especially the *manåmko'*, who, along with those with pre-existing medical conditions, are most at risk of severe effects from COVID-19; and

**WHEREAS**, the CDC and DPHSS recommend implementation of community mitigation strategies, including limiting government operations to essential services and the prohibition of large gatherings in an effort to further prevent the transmission of COVID-19.

**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. CLOSURE OF NON-ESSENTIAL GOVERNMENT OF GUAM OFFICES.** Effective immediately and through March 30, 2020, all non-essential government of Guam offices are closed and such services are suspended. Essential personnel shall be identified and contacted by their appropriate supervisors.
- 2. CLOSURE OF ALL SCHOOLS.** Pursuant to Section 3317, Article 3, Chapter 3, of Title 10, Guam Code Annotated, beginning March 17, 2020, all public and private schools on Guam serving prekindergarten through 12<sup>th</sup> grade students must close for educational purposes through March 30, 2020. The definition of habitual truancy pursuant to Article 4, Chapter 6, of Title 17, Guam Code Annotated, is



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

suspended. And student absences due to school closures and absences connected to the transmission of COVID-19 during the effect of this Executive Order shall not contribute to the calculation of habitual truancy.\

3. **PROHIBITION ON LARGE GATHERINGS.** Pursuant to Section 3317, Article 3, Chapter 3, of Title 10, Guam Code Annotated, effective immediately and through March 30, 2020, gatherings of 50 people or more in a single room or single space at the same time for social, spiritual and recreational activities, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events, parades, concerts, festivals, fiestas, conventions, fundraisers and similar activities are prohibited throughout the island of Guam.
4. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** Effective immediately and through March 30, 2020, any place of business or public accommodation for which attendance is anticipated to be fewer than 50 people, shall operate at no greater than 50% occupancy, and no greater than 50% of seating capacity.

The preceding directive shall not apply to retail establishments providing basic food and necessities (e.g. grocery and convenience stores), hospitals, pharmacies, or other medical offices/facilities. This Order is not intended to prohibit routine business gatherings held at the place of business.

5. **MANDATORY SOCIAL-DISTANCING.** In all other instances not captured by this prohibition, it is strongly recommended that mitigation measures are implemented and enforced. These measures include but are not limited to social distancing of at least six feet; frequent cleaning of all surfaces; posting of signs; and permitting/encouraging teleworking. Older residents and those with pre-existing medical conditions are encouraged to limit excursions of any type.
6. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, of Title 10, Guam Code Annotated, all persons who are non-residents who have been in a country with confirmed COVID-19 cases for more than one (1) week and do not possess a DPHSS recognized and certified document that attests that they are not infected with COVID-19, shall be restricted entry into Guam. The date of the test must not be more than one (1) week from the date of attempted entry into Guam.

Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19 of Title 10, Guam Code Annotated.

Any and all costs associated with the quarantine and/or treatment of individuals who are subject to restricted entry into Guam pursuant to this Executive Order shall be the responsibility of the individual and the carrier that the individual contracted with to travel to Guam.



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

7. **ENFORCEMENT.** DPHSS is directed to issue guidance, subject to my approval to implement the terms of this Order. DPHSS shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department.
8. **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 Hagátña, Guam, this **16th** day of **March 2020**.

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

Attested by:

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



**EXHIBIT**

**B**

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

April 30, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Executive Order No. 2020-11**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-11:**  
RELATIVE TO EXTENDING THE PUBLIC HEALTH  
EMERGENCY AND ESTABLISHING THE PANDEMIC  
CONDITIONS OF READINESS SYSTEM

If you have any questions, please contact my office at # 475-9475/76.

*Senseramente,*

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

**SOPHIA SANTOS DIAZ**

*Legal Counsel*

Enclosure(s): Executive Order No. 2020-11

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



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

**EXECUTIVE ORDER NO. 2020-11**

**RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY AND  
ESTABLISHING THE PANDEMIC CONDITIONS OF READINESS  
SYSTEM**

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

**WHEREAS**, seven (7) additional executive orders have been issued to limit the spread of COVID-19 throughout the island; and

**WHEREAS**, while the island's testing capacity has increased substantially and our overall positivity rate appears to be on a downward trend, we are still experiencing an increase of total number of positive cases which will require the continued use of measures to limit the transmission of COVID-19; and

**WHEREAS**, due to Guam's expeditious response to the threat of COVID-19, we are more favorably positioned to plan for recovery than most of our counterparts in the United States; and

**WHEREAS**, our island is familiar with the Conditions of Readiness system that we utilize when preparing for arrival of a tropical storm or typhoon; and

**WHEREAS**, I have convened a Panel of Recovery Advisors ("Panel"), which consists of members of the public and private sectors, including the Guam Chamber of Commerce and the Guam Women's Chamber of Commerce, which has developed a comprehensive recovery plan based on medical and economic data; and

**WHEREAS**, the current public health emergency declaration is set to expire on May 5, 2020; and

**WHEREAS**, it is clear that the circumstances that necessitated my extension of the public health emergency will continue beyond May 5, 2020 and that an extension of the public health emergency is appropriate.

**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. **EXTENDING THE PUBLIC HEALTH EMERGENCY.** Effective today, the public health emergency first declared in Executive Order No. 2020-03, extended



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

in Executive Order No. 2020-09 and currently set to expire on May 5, 2020 is extended for an additional thirty (30) day period.

**2. ESTABLISHMENT OF THE PANDEMIC CONDITIONS OF READINESS.**

Adopting the Panel's "Châlan Para Hinemlo" plan, there is hereby established a system of readiness which sets the conditions for the gradual lifting of mandates and restrictions imposed in response to a public health emergency resulting from a pandemic event. There shall be four (4) Pandemic Conditions of Readiness ("PCOR"), which shall be categorized by number with one (1) as the most urgent condition and four (4) as a return to normal operating conditions for the island's public and private sectors.

**3. PANDEMIC CONDITION OF READINESS 1.** Guam is currently in PCOR 1.

This status is reflected in the most stringent restrictions on social gatherings, prohibitions on non-essential activities, impositions of conditions on operations of essential activities, and closures of congregate facilities, including schools. The following is ordered:

- a. **CLOSURE OF ALL SCHOOLS.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public and private schools on Guam serving prekindergarten through 12th grade students must close for educational purposes through the end of the public health emergency. The definition of habitual truancy pursuant to Article 4, Chapter 6, Title 17 of Guam Code Annotated is suspended. Student absences due to school closures and absences connected to the transmission of COVID-19 during the effect of this Executive Order shall not contribute to the calculation of habitual truancy.
- b. **MANDATORY SOCIAL DISTANCING.** Essential activities shall be conducted utilizing mitigation measures including, but not limited to, social distancing of at least six (6) feet; frequent cleaning of all surfaces, posting of signs; and permitting/encouraging teleworking. Older residents and those with pre-existing medical conditions are encouraged to limit excursions of any type.
- c. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, of Title 10, Guam Code Annotated, all persons who are non-residents who have been in a country with confirmed COVID-19 cases for more than one (1) week and do not possess a Department of Public Health and Social Services ("DPHSS") recognized and certified document that attests that they are not infected with COVID-19, shall be restricted entry into Guam. The date of the test must not be more than seventy-two (72) hours prior to the date of attempted entry into Guam. Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter



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

19 of Title 10, Guam Code Annotated. Any and all costs associated with the quarantine and/or treatment of individuals who are subject to restricted entry in Guam pursuant to this Executive Order or applicable statute shall be the responsibility of the individual and the carrier that the individual contracted with to travel to Guam.

- d. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** All essential business and government agencies shall require that their employees and patrons shall wear face masks while on their premises. Businesses that regularly conduct operations that are both essential and non-essential are instructed to limit their activities to only those that are essential as authorized as defined in Executive Order No. 2020-05 and applicable guidance issued by DPHSS.
- e. **GOVERNMENT OF GUAM OPERATIONS.** The Government of Guam is operating in a limited capacity. Some agencies' offices are completely closed. Several agencies are operational but closed to public access. Other agencies remain fully operational, including public access. All members of the public needing government services are asked to contact agencies and departments by email or phone. Regardless of operational status of an agency/department, all government of Guam employees remain on regular work status and are expected to report for duty within two (2) hours from receiving notice from his/her supervisor.
- f. **CLOSURE OF PUBLIC PARKS AND BEACHES.** All government of Guam parks and beaches continue to be closed to all activities except for individual use for purposes of exercise, both physical and mental, subject to social distancing mandates.
- g. **PRICE GOUGING.** The prohibition on price gouging in effect for the duration of the public health emergency is a price cap. Nothing in this Order, or Executive Order Nos. 2020-03 and 2020-07 shall be viewed to prohibit an adjustment to prices as market forces dictate, provided no such adjustment results in an increase to any goods, services, or dwelling rentals, including, but not limited to Personal Protective Equipment, which is either in short supply or is anticipated to be in short supply as a result of this public health emergency, or any extension thereof. In particular, items subject to Public Law 35-74, this Order and Executive Order Nos. 2020-03 and 2020-07 shall include, but not be limited to: thermometers, sanitizing wipes, baby wipes, paper towels, aloe, latex, gloves, fever reducers, cough suppressants, zinc oxide supplements, face masks, rubbing alcohol, toilet paper, and facial tissue.

**4. OPEN GOVERNMENT AND PARTICIPATION IN MEETINGS VIA TELECONFERENCE.** The application of Sections 8103, 8107, 8108, 8109,





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

8110, 8114, and 8115 of Title 5 of the Guam Code Annotated are temporarily suspended for the duration of this public health emergency or any extension thereof. To ensure the public is well-informed in this time of emergency, public agencies shall document their meetings in minutes and continue compliance with Section 8113.1, Title 5 of the Guam Code Annotated. Notwithstanding any other provision of local law, *I Liheslaturan Guåhan* and any government agency, board or commission, is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the body. All requirements in local law expressly or impliedly requiring the physical presence of members, other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- a. bodies notice each teleconference location from which a member will be participating in a public meeting;
- b. each teleconference location be accessible to the public;
- c. members of the public may address the body each teleconference conference location;
- d. bodies must post agendas at all teleconference locations; and
- e. at least one (1) member of the body be physically present at the location specified in the notice of the meeting; and during teleconference meetings,

are hereby suspended, on the conditions that:

- a. While the suspensions articulated above are in effect, any government entity or agency which holds a meeting for the purpose of conducting public business shall provide public notice by submitting meeting information for posting on the website of the Office of the Attorney General of Guam. Provision of such information to the Office of the Attorney General of Guam shall be made in advance of the scheduled meeting so that there is reasonable time for the posting on the website to occur.
- b. Consistent with the notice requirement in paragraph (a) above, each body must notice at least one (1) telephonically or electronically accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by local open government laws, as applicable.



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

c. Actions taken at meetings of public agencies without compliance with all provisions of the Open Government Law shall not be effective until compliance with Section 8113.1, Title 5 of the Guam Code Annotated.

5. **REQUIRED REPORTING REGARDING REDUCTION IN WORKFORCE OR EMPLOYEE HOURS.** In order to process benefits for affected employees, the Department of Labor (“DOL”) shall require employers which have reduced their workforce through employee terminations, layoffs, furloughs or reduction in hours since January 1, 2020 and through the duration of this public health emergency, or any extension thereof, to report such reductions to the DOL in a form prescribed by its Director including but not limited to submission of information via DOL’s HireGuam portal. Information required shall include, at the minimum, the number of employees adversely affected, the names of such employees, and their wages/salaries immediately prior to the reduction.

**SIGNED AND PROMULGATED** at Hagåtña, Guam, this **30th** day of **April 2020**.



Handwritten signature of Lourdes A. Leon Guerrero in blue ink.

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

Attested by:

Handwritten signature of Joshua F. Tenorio in black ink.

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

EXHIBIT

C

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

May 28, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Executive Order No. 2020-16**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-16:**  
**RELATIVE TO ALLOWING ADDITIONAL ACTIVITIES**  
**DURING PANDEMIC CONDITION OF READINESS 2**

If you have any questions, please contact my office at # 475-9475/76.

*Senseramente,*

**SOPHIA SANTOS DIAZ**

*Legal Counsel*

Enclosure(s): Executive Order No. 2020-16

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**  
**HAGÁTÑA, GUAM 96932**  
**U.S.A.**

**EXECUTIVE ORDER NO. 2020-16**

**RELATIVE TO ALLOWING ADDITIONAL ACTIVITIES DURING  
PANDEMIC CONDITION OF READINESS 2**

**WHEREAS**, since March 14, 2020, Guam, like much of the rest of the world, has been in a state of emergency as a result of the global health threat posed by the COVID-19 pandemic; and

**WHEREAS**, Guam has adopted a system of readiness, known as the Pandemic Conditions of Readiness (“PCOR”), that guides decision-making for purposes of coordinating health and safety responses, imposing restrictions on activities, and directing government services; and

**WHEREAS**, on May 8, 2020, I declared Guam to be in PCOR 2; and

**WHEREAS**, since moving into PCOR 2, based on data provided by the Department of Public Health and Social Services (“DPHSS”) and the Guam National Guard through the Guam State Surgeon Cell, we have maintained a steady downward trend in the number of positive tests; and

**WHEREAS**, we have continued our expanded testing services and begun the phase in re-opening of non-essential activities; and

**WHEREAS**, after consultation with DPHSS, the Guam State Surgeon Cell, my Physicians Advisory Group, and the Guam Recovery Panel of Advisors, I am confident that we have made progress sufficient to permit additional non-essential activities to recommence.

**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. **EXTENSION OF PUBLIC HEALTH EMERGENCY.** Effective at 12:01AM on Saturday, May 30, 2020, the public health emergency first declared in Executive Order No. 2020-03, extended in Executive Order Nos. 2020-09 and 2020-11 and currently set to expire on May 30, is extended for an additional thirty (30) day period. The public health emergency is now set to expire on June 29, 2020.
2. **PANDEMIC CONDITION OF READINESS 2.** Guam continues to be in PCOR 2. Under PCOR 2, limited activities are permitted to operate under moderate restrictions.
  - a. **MANDATORY SOCIAL DISTANCING.** All allowed activities shall be conducted utilizing mitigation measures including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; mandating the wearing of face masks unless engaged in physical exercise or eating; and permitting/encouraging teleworking. Older residents and those with pre-existing conditions are encouraged to limit excursions of any type.
  - b. **GATHERINGS OR CONGREGATIONS.** A “congregation” or “social gathering” is a meeting for a common and singular purpose of more than one (1)



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

person where the individuals are not members of a single household unit. Effective at 8:00 AM on Friday, May 29, 2020, social gatherings or congregations shall be limited to no more than twenty-five (25) persons regardless of whether the individuals are of a single household unit.

- c. **CONTINUED CLOSURE OF ALL SCHOOLS.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public and private schools on Guam serving prekindergarten through 12th grade students remain closed for educational purposes through the end of the public health emergency. The definition of habitual truancy pursuant to Article 4, Chapter 6, Title 17, Guam Code Annotated is suspended. Student absences due to school closures and absences connected to the transmission of COVID-19 during the effect of this Executive Order shall not contribute to the calculation of habitual truancy.
- d. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, Title 10, Guam Code Annotated, all persons who do not possess a DPHSS recognized and certified document indicating that the person has been tested for and is not infected with COVID-19, shall be restricted entry into Guam. The date of the test must not be more than one (1) week from the date of attempted entry into Guam. Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable Public Health Guidance, which shall include appropriate protocols for determining home quarantine conditions for current, intended and returning Guam residents.
- e. **PUBLIC PARKS AND BEACHES.** Effective at 8:00 AM on Friday, May 29, 2020, all government of Guam parks and beaches shall be open to the public.
- f. **OCCUPANCY LIMIT.** Any place of business, place of worship, or public accommodation as permitted under applicable Public Health Guidance may resume operations provided it does so at no greater than fifty percent (50%) capacity or up to ten (10) people. In no instance may a business, place of worship or public accommodation operate at an occupancy that is greater than its regular occupancy limit.
- g. **ADDITIONAL RESTRICTIONS AND CONDITIONS.** All other provisions of Executive Order No. 2020-14 governing the restrictions on activities and the conduct of business operations during PCOR 2 shall continue in full force and effect until PCOR 3 is declared or the public health emergency is ended. Individuals, businesses, places of worship, and government agencies should be guided by applicable Public Health Guidance.
- h. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order may be subject to fines and/or, in the case of businesses, the termination of business licenses, as well as any other penalties as may be available under Guam law. DPHSS and the Department of Revenue and Taxation (“DRT”) shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department (“GPD”) and the Guam Fire Department (“GFD”).



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

3. **GOVERNMENT OF GUAM OPERATIONS.** Effective Monday, June 1, 2020, all government of Guam offices, agencies, and departments shall recommence public operations. To the extent possible and where appropriate, agencies will encourage teleworking by employees. Unless otherwise instructed by their supervisors, all employees shall return to their physical worksites. Government of Guam agencies will abide by the applicable Public Health Guidance in their operations.
- a. **EXPIRATION OF CATEGORY 3 COVID-19 RESPONSE DIFFERENTIAL PAY.** Effective Monday, June 1, 2020, Category 3 of the Covid-19 Response Differential Pay plan established in Executive Order No. 2020-08 shall expire. Government of Guam employees not otherwise eligible for Categories 1 or 2 of the COVID-19 Response Differential Pay plan shall be compensated at their regular rate regardless of whether work occurs in their physical workplace or via telework.
4. **OPEN GOVERNMENT AND PARTICIPATION IN MEETINGS VIA TELECONFERENCE.** The application of Sections 8103, 8107, 8108, 8109, 8110, 8114, and 8115 of Title 5 of the Guam Code Annotated are temporarily suspended for the duration of this public health emergency or any extension thereof. To ensure the public is well-informed in this time of emergency, public agencies shall document their meetings in minutes and continue compliance with Section 8113.1, Title 5 of the Guam Code Annotated. Notwithstanding any other provision of local law, *I Liheslaturan Guåhan* and any government agency, board or commission, is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the body. All requirements in local law expressly or impliedly requiring the physical presence of members, other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- a. bodies notice each teleconference location from which a member will be participating in a public meeting;
- b. each teleconference location be accessible to the public;
- c. members of the public may address the body each teleconference conference location;
- d. bodies must post agendas at all teleconference locations; and
- e. at least one (1) member of the body be physically present at the location specified in the notice of the meeting; and during teleconference meetings,

are hereby suspended, on the conditions that:

1. While the suspensions articulated above are in effect, any government entity or agency which holds a meeting for the purpose of conducting public business shall provide public notice by submitting meeting information for posting on the website of the Office of the Attorney General of Guam. Provision of such information to



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

the Office of the Attorney General of Guam shall be made in advance of the scheduled meeting so that there is reasonable time for the posting on the website to occur.

2. Consistent with the notice requirement in paragraph (a), each body must notice at least one (1) telephonically or electronically accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by local open government laws, as applicable.
  3. Actions taken at meetings of public agencies without compliance with all provisions of the Open Government Law shall not be effective until compliance with Section 8113.1, Title 5 of the Guam Code Annotated.
- 5. MORATORIUM ON FORECLOSURE AND EVICTION PROCEEDINGS.** It is hereby ordered that no eviction or foreclosure actions may be initiated between the period of the date of Executive Order 2020-07 until the end of this public health emergency or any extension thereof. Any eviction or foreclosure action currently in process shall be tolled for the duration of this public health emergency period, or any extension thereof.
- a. No provision contained in this Executive Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with other obligations that an individual may have under a rental or mortgage agreement.
  - b. The Guam Housing and Urban Renewal Authority ("GHURA"), the Guam Housing Corporation ("GHC"), the CHamoru Land Trust Commission ("CLTC") will continue to utilize their full discretion to extend deadlines for housing assistance recipients or applicants to deliver records or documents pertaining to their eligibility for programs during the pendency of this public health emergency, or any extension thereof.
  - c. DRT shall continue to engage with financial institutions to identify any tools, means, or methods that could provide relief from the threat of residential foreclosure.
- 6. ADMINISTRATIVE PROVISIONS**
- a. **Suspension of Statutes, Orders, Rules and Regulations that Prevent, Hinder or Delay Necessary Action to Respond to the Emergency.** Pursuant to Section 19403(a)(1) of Chapter 19, Title 10, Guam Code Annotated, statutes, orders, rules, and regulations that prevent, hinder or delay necessary action to prepare for or respond to this public health emergency, including but not limited to, purchases and hiring, are hereby suspended.
  - b. **Personnel and Procurement.** Pursuant to Sections 19505 and 19803 of Chapter 19, Title 10, Guam Code Annotated, this Executive Order authorizes hiring, overtime, and any procurement or purchases related to this public health emergency for all government of Guam agencies responding to this emergency.





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

- c. **Guam Homeland Security/Office of Civil Defense (“GHS/OCD”) to be Lead Agency for Logistics.** GHS/OCD shall be the lead agency for logistical organization and direction of resources and procurement of any goods and services relative to this public health emergency. Any procurement or purchase undertaken to respond to this public health emergency is not being utilized for the purpose of avoiding provisions of the Guam Procurement Law.
- d. **Authorization for Overtime.** Authorization is given for the payment of overtime for Government of Guam employees, to work in excess of forty (40) hours a week to mitigate and respond to the effects of COVID-19. The Office of Civil Defense Administrator is authorized to determine the eligibility of overtime expenditures resulting from work performed by the government agencies, and approval from the Bureau of Budget & Management Research (“BBMR”) shall, to the extent possible, be obtained prior to incurring any overtime.
- e. **Documentation of Expenses.** All departments and agencies are instructed to keep appropriate documentation on all emergency expenses related to this public health emergency for inspection by the Executive and Legislative Branches and by the Public Auditor of Guam, and as required as conditions of federal assistance.
- f. **Guam National Guard.** The Adjutant General is authorized to issue any additional active duty orders for the mobilization of such National Guard personnel and equipment as she may determine to protect life and safety, to continue essential public services and to prevent undue loss and suffering.

**SIGNED AND PROMULGATED** at Hagátña, Guam, this **28th** day of **May 2020**.

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

Attested by:

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

**EXHIBIT**

**D**



LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

June 5, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Executive Order No. 2020-20**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-20:**  
RELATIVE TO SETTING CONDITIONS FOR ENTRY INTO  
GUAM AND PERMITTING LIMITED SCHOOL OPERATIONS

If you have any questions, please contact my office at # 475-9475/76.

*Senseramente,*

**SOPHIA SANTOS DIAZ**

*Legal Counsel*

Enclosure(s): Executive Order No. 2020-20

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 • HAGÁTÑA, GUAM 96910  
P O BOX 2950 • HAGÁTÑA, GUAM 96932  
671.472.8931 • 671.472.8932/6





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

**EXECUTIVE ORDER NO. 2020-20**

**RELATIVE TO SETTING CONDITIONS FOR ENTRY INTO GUAM  
AND PERMITTING LIMITED SCHOOL OPERATIONS**

**WHEREAS**, since March 14, 2020, Guam, like much of the rest of the world, has been in a state of emergency as a result of the global health threat posed by the COVID-19 pandemic; and

**WHEREAS**, Guam has adopted a system of readiness, known as the Pandemic Conditions of Readiness (“PCOR”), that guides decision-making for purposes of coordinating health and safety responses, imposing restrictions on activities, and directing government services; and

**WHEREAS**, on May 8, 2020, I declared Guam to be in PCOR 2; and

**WHEREAS**, since moving into PCOR 2, based on data provided by the Department of Public Health and Social Services (“DPHSS”) and the Guam National Guard through the Guam State Surgeon Cell, we have maintained a steady downward trend in the number of positive tests; and

**WHEREAS**, we have continued our expanded testing services and begun the phased in re-opening of non-essential activities; and

**WHEREAS**, after reviewing data provided by DPHSS, the Guam State Surgeon Cell, and my Physicians Advisory Group, it is apparent that a significant threat to our continued downward trend in positivity rates is an influx of travelers from regions where cases continue to increase in number; and

**WHEREAS**, it is imperative that safeguards be implemented with regard to inbound travelers to protect against a surge in COVID-19 positive cases; and

**WHEREAS**, in an effort to ensure the safe and orderly reopening of schools, it would behoove our community to utilize smaller pilot educational operations to develop best practices for the upcoming school year, which is currently set to commence in August, 2020.

**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. **PANDEMIC CONDITION OF READINESS 2.** Guam continues to be in PCOR 2. Under PCOR 2, limited activities are permitted to operate under moderate restrictions.
  - a. **CONTINUED CLOSURE OF MOST SCHOOLS.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, most public and private schools on Guam serving prekindergarten through 12th grade students remain closed for educational purposes through the end of the public health emergency. On a limited basis, the DPHSS may permit the opening of smaller schools for the purpose of testing a pilot program designed to inform the development of procedures and guidelines for the opening of additional schools throughout the



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

- island. DPHSS shall adopt guidelines for the purpose of running this pilot program, which should include input from the Guam State Surgeon Cell of the Guam National Guard and the Governor's Physicians Advisory Group.
- b. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, Title 10, Guam Code Annotated, all persons entering Guam shall be subject to quarantine pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable Public Health Guidance, which may include a requirement that individuals arriving from designated "hotspots" be quarantined at a government qualified facility.
- c. **OCCUPANCY LIMIT.** Any place of business, place of worship, or public accommodation as permitted under applicable Public Health Guidance may resume operations provided it does so at no more than fifty percent (50%) capacity or up to ten (10) people, whichever is greater. In no instance may a business, place of worship or public accommodation operate at an occupancy that is greater than its regular occupancy limit.

**SIGNED AND PROMULGATED** at Hagátña, Guam, this **5th** day of **June 2020**.



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

Attested by:

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

EXHIBIT

E



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

**EXECUTIVE ORDER NO. 2020-22**

**RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY  
DECLARED TO RESPOND TO THE NOVEL CORONAVIRUS (COVID-19)**

**WHEREAS**, the public health emergency first declared on March 14, 2020, was last extended on May 28, 2020 and is now set to expire on June 29, 2020; and

**WHEREAS**, over the last 14 days, the island's positive case count has increased by 68, an increase that includes cases in both in our civilian and military communities; and

**WHEREAS**, the increase in cases necessitates continued public health, public safety, economic, and public welfare efforts to combat the effects of this global pandemic on our island; and

**WHEREAS**, certain states throughout the United States have seen a marked increase in their case count as well; and

**WHEREAS**, the number of travelers arriving in Guam is steadily rising, with many individuals arriving from locations where COVID-19 case counts are still high; and

**WHEREAS**, identifying travelers from high-risk areas and tracing their contacts with others are critical to prevent further transmission of the virus

**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 hereby order:

- 1. EXTENSION OF THE PUBLIC HEALTH EMERGENCY.** Effective at 12:01AM on Tuesday, June 30, 2020, the public health emergency first declared in Executive Order No. 2020-03, extended in Executive Order Nos. 2020-09, 2020-11, and 2020-16 and currently set to expire on June 29, is extended for an additional thirty (30) day period. The public health emergency is now set to expire on July 30, 2020.
- 2. PANDEMIC CONDITION OF READINESS 2.** Guam continues to be in PCOR2. Under PCOR 2, limited activities are permitted to operate under moderate restrictions.



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

3. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, Title 10, Guam Code Annotated, all persons entering Guam shall be subject to quarantine pursuant to this Section and Section 19604 and 19605 of Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable Public Health Guidance, which may include a requirement that individuals arriving from designated "high risk areas" without negative COVID-19 test results as a result of polymerase chain reaction (PCR) testing no more than seventy two (72) hours prior to arrival be quarantined at a government qualified facility.

**SIGNED AND PROMULGATED** at Hagåtña, Guam, this **29th** day of **June 2020**.



A handwritten signature in black ink that reads "Lourdes A. Leon Guerrero".

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

Attested by:

A handwritten signature in black ink that reads "Joshua F. Tenorio".

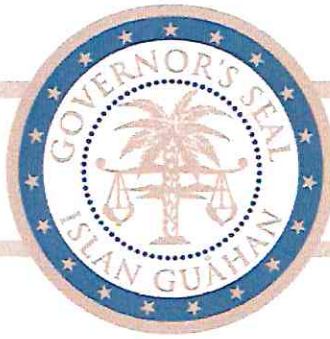
**JOSHUA F. TENORIO**  
*Sigundo Maga'låhen Guåhan*  
Lieutenant Governor of Guam



EXHIBIT

F

UFISINAN I MAGA'HAGA  
OFFICE OF THE GOVERNOR



LOURDES A. LEON GUERRERO  
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO  
SICUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

Via Hand Delivery  
and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

July 22, 2020

35GL-20-2038  
Speaker Tina Rose Muña Barnes

**HONORABLE TINA ROSE MUÑA BARNES**

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

JUL 22 2020  
Time 2:26 ( ) AM ( ) PM  
Received By: *Tina*

**Re: Executive Order No. 2020-25**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-25:**  
RELATIVE TO REVISED RESTRICTIONS ON ENTRY INTO GUAM, AND  
IMPLEMENTING MEASURES TO ENSURE THE SAFE PRACTICE OF  
CERTAIN ECONOMIC ACTIVITIES

If you have any questions, please contact my office at # 475-9475/76.

*Senseramente,*



**LESLIE A. TRAVIS**  
*Legal Counsel*

Enclosure(s): Executive Order No. 2020-25

cc via email: *Maga'hagan 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**  
**HAGÁTÑA, GUAM 96932**  
**U.S.A.**

**EXECUTIVE ORDER NO. 2020-25**

**RELATIVE TO REVISED RESTRICTIONS ON ENTRY INTO GUAM,  
AND IMPLEMENTING MEASURES TO ENSURE THE SAFE PRACTICE  
OF CERTAIN ECONOMIC ACTIVITIES**

**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 and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

**WHEREAS**, Guam law authorizes the Governor to suspend the provisions of any regulatory statute prescribing procedures for conducting local business, or the orders, rules and regulations of any government of Guam agency, to the extent that strict compliance with the same would prevent, hinder or delay necessary action (including emergency purchases) by the public health authority to respond to the public health emergency, or increase the health threat to the population; and

**WHEREAS**, certain legal documents require the in-person services of a notary public, and such interactions should be avoided to the extent possible in order to promote social distancing and mitigate against the spread of COVID-19; and

**WHEREAS**, suspension of current statutes, rules and regulations requiring in-person services of a notary public, and authorization of remote online notarizations by duly licensed notary publics in Guam, will aid in mitigating the spread of COVID-19, protecting the health, safety, and welfare of Guam residents, and ensure that necessary transactions and interactions requiring such services may continue to occur during this time of crisis without unduly compromising the health and safety of our community; and

**WHEREAS**, Section 2102 of the CARES Act created the Pandemic Unemployment Assistance ("PUA") and Federal Pandemic Unemployment Compensation ("FPUC") programs; and

**WHEREAS**, on March 28, 2020, Guam entered into an agreement with the United States Department of Labor ("USDOL") for participation in the PUA and FPUC programs; and

**WHEREAS**, on June 1, 2020, by Executive Order No. 2020-17, I ordered the Guam Department of Labor's ("GDOL") establishment of the Pandemic Unemployment Assistance Appeals Office to administer the pandemic unemployment assistance and compensation programs in Guam; and

**WHEREAS**, to date, Guam has paid over \$194 million in unemployment assistance to our residents, ensuring that our workers and their families remain healthy and safe notwithstanding the reduced operations of local businesses due to the COVID-19 pandemic; and



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

**WHEREAS**, in Executive Order No. 2020-17, I further ordered that the ordinary requirement for claimants of PUA and FPUC to be “actively seeking work” be suspended pending a designation that Guam is in Pandemic Condition of Readiness 3 (“PCOR 3”); and

**WHEREAS**, effective July 20, 2020, through Executive Order No. 2020-24, I ordered that Guam would be in PCOR 3; and

**WHEREAS**, notwithstanding the declaration of PCOR 3, in Executive Order No. 2020-24, I ordered that all private businesses in Guam continue to operate at no greater than fifty percent (50%) capacity or up to ten (10) people, whichever is greater, in a continued effort to contain the spread of COVID-19; and

**WHEREAS**, the continued limitations on the operation of local private businesses affect the ability of these businesses to employ our local workforce at pre-COVID capacity, and consequently, our workers continue to experience unemployment or underemployment due to the COVID-19 crisis, such that it is necessary for unemployment assistance and compensation programs to continue in order to support our workers and their families during the public health emergency; and

**WHEREAS**, effective July 20, 2020, through Executive Order No. 2020-24, I ordered extension of the public health emergency due to the COVID-19 pandemic first declared in Executive Order No. 2020-03 for an additional thirty (30) day period, to expire on August 29, 2020; and

**WHEREAS**, it is necessary to continue to suspend the requirement for claimants of PUA and FPUC to be “actively seeking work” at this time, to ensure the continued safety of our workers and their families; and

**WHEREAS**, as the global COVID-19 case count increases, we must take necessary action to ensure our community is safeguarded from the importation of positive cases through travelers arriving on island.

**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. TEMPORARILY AUTHORIZING REMOTE NOTARIZATION AND ATTESTATION**

- a.** Any purported requirement under Guam law, including but not limited to 5 GCA Chapter 33, that a notarial act must occur in the physical presence of the notary public is hereby suspended, and any such act may be performed remotely by a notary public physically located in Guam and duly licensed to perform such notarial services, utilizing real-time audio-video communication technology or any similar real-time means of electronic



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

video conferencing that allows the parties to communicate with each other simultaneously by sight and sound in order to notarize signatures.

- b. The Attorney General of Guam shall be responsible for developing the necessary Rules for Remote Online Notarization to implement and maintain requirements and standards for notaries performing remote notarial acts under this Section, in a manner consistent with the requirements for in-person notarial services as delineated in 5 GCA Chapter 33.
  - c. The rule-making procedures of the Administrative Adjudication Law codified in Title 5 Article 3 of the Guam Code Annotated are suspended for the limited purpose and in the interest of the expedient adoption and implementation of the Rules for Remote Online Notarization described herein.
  - d. This Section shall be effective at such time as the Attorney General of Guam adopts the Rules for Remote Online Notarization referenced herein, and shall continue for the duration of the public health emergency declared in Executive Order No. 2020-03 or as modified by future Executive Orders or applicable legislation.
- 2. CONTINUED SUSPENSION OF THE WORK SEARCH REQUIREMENT.** Pursuant to and as guided by Unemployment Insurance Program Letter Nos. 13-20 and 16-20, the requirements for claimants of PUA and FPUC to be “actively seeking work” shall continue to be suspended for the duration pending a designation that Guam is in Pandemic Condition of Readiness 4 (“PCOR 4”) or as modified by future Executive Orders, in consultation with GDOL.
- 3. RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, Title 10, Guam Code Annotated, all persons entering Guam shall be subject to quarantine pursuant to this Section and Section 19604 and 19605 of Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable DPHSS Guidance, which may include a requirement that individuals arriving without a negative test result for COVID-19 utilizing a polymerase chain reaction (PCR) test within five days of arrival in Guam may be quarantined at a government qualified facility.
- 4. SEVERABILITY.** If any provision of this 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.

///  
///



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

**5. 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 Hagåtña, Guam, this **20th** day of **July 2020**.



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 black ink, reading "Joshua F. Tenorio".

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

EXHIBIT

G

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

August 14, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Executive Order No. 2020-27**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-27:**  
**RELATIVE TO DECLARING PANDEMIC CONDITION**  
**OF READINESS ("PCOR") I**

If you have any questions, please contact my office at # 475-9475/76.

*Senseramente,*

A handwritten signature in black ink, appearing to read 'Sophia Santos Diaz', is written over a light blue horizontal line.

**SOPHIA SANTOS DIAZ**

*Legal Counsel*

Enclosure(s): Executive Order No. 2020-27

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  
HAGÁTÑA, GUAM 96932  
U.S.A.**

**EXECUTIVE ORDER NO. 2020-27**

**RELATIVE TO DECLARING  
PANDEMIC CONDITION OF READINESS  
("PCOR") 1**

**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 and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

**WHEREAS**, on April 30, 2020, pursuant to Executive Order No. 2020-11, Guam adopted a system of readiness, known as the Pandemic Conditions of Readiness ("PCOR"), that guides decision-making for purposes of coordinating health and safety responses, imposing restrictions on activities, and directing government services; and

**WHEREAS**, also on April 30, 2020, I declared Guam to be in PCOR 1, imposing the most stringent restrictions on social gatherings, prohibitions on non-essential activities, impositions of conditions on operations of essential activities, and closures of congregate facilities, including schools; and

**WHEREAS**, on May 8, 2020, pursuant to Executive Order No. 2020-14, I declared Guam to be in PCOR 2, permitting limited activities to operate under moderate restrictions, including permitting social gatherings or congregations of no more than ten (10) persons, mandating the continued closure of schools, closing public parks and beaches except for individual use for purpose of exercise, allowing businesses to sell non-essential items, allowing specific businesses to operate subject to Department of Public Health and Social Services ("DPHSS") Guidance, occupancy limits and implementation of mitigation measures; and

**WHEREAS**, on July 19, 2020, pursuant to Executive Order No. 2020-24, I declared Guam to be in PCOR 3, effective July 20, 2020, having achieved a consistently low positivity rate for COVID-19, expanded capacity to test all individuals with COVID-19 symptoms, and the continued capacity to monitor COVID-19 cases and trace their contacts through DPHSS's robust system for contact tracing; and

**WHEREAS**, in conjunction with the declaration of PCOR 3, I ordered that all businesses and activities, with few exceptions, were permitted to operate, subject to occupancy limitations and the implementation of mitigation measures, including social distancing, the wearing of face masks and frequent disinfection of surfaces; and

**WHEREAS**, under PCOR 3, I further ordered that federal and government of Guam agencies would be permitted to operate at up to maximum capacity, subject to DPHSS Guidance; and

///



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

**WHEREAS**, since the July 19th declaration of PCOR 3, although Guam's test positivity rate has remained low, the number of COVID-19 cases in Guam has risen dramatically as our facilities and activities have reopened; and

**WHEREAS**, in the last seven (7) days of reported data, eighty-eight (88) individuals have tested positive for COVID-19, and as of August 14, 2020, eight (8) people are hospitalized due to COVID-19; and

**WHEREAS**, the rise in COVID-19 cases creates a risk that our hospital facilities will be overwhelmed and unable to safely treat all patients requiring hospitalization for both COVID-19 and other serious medical conditions without resorting to crisis standards of care; and

**WHEREAS**, DPHSS, in consultation with the Guam State Surgeon Cell and the Physicians Advisory Group, attributes the surge in positive cases to a combination of inbound infected travelers and the community's overly and prematurely relaxed attitude and lack of vigilance with regard to the COVID-19 virus; and

**WHEREAS**, Guam's low test positivity rate notwithstanding, it is clear that the COVID-19 virus continues to pose a grave threat to the safety of our community, and that it is necessary and prudent to pursue containment of the virus on multiple coordinated fronts, including continued screening and quarantine protocols for arriving passengers, and reimposing stringent restrictions on business operations and social gatherings to combat community spread of the virus; and

**WHEREAS**, it is of critical importance that we, as individuals, acknowledge the role we play in the safety of our community, and it is imperative that we remain vigilant, exercise personal responsibility for our own actions, and remain critical and vocal of any reckless behavior of those around us that may compromise our common safety, including our closest family and friends; and

**WHEREAS**, on recommendation from DPHSS, and in consultation with the Guam State Surgeon Cell, and the Physicians Advisory Group, I have determined that it is necessary to restore Guam to PCOR 1 status on an interim basis, and impose all applicable restrictions thereto, for the purpose of protecting our community from continued spread of the COVID-19 virus; and

**WHEREAS**, on July 19, 2020, pursuant to Executive Order No. 2020-24, I further declared that public and private schools were permitted to open subject to applicable DPHSS Guidance; however, due to the recent increase in positive COVID-19 cases, it is necessary and prudent that school facilities be temporarily closed for in-person classes or activities to allow DPHSS to monitor the ongoing status of community spread of the COVID-19 virus and ensure the safety of our schoolchildren and their families, as well as the teachers, administrators and staff of our schools; and

**WHEREAS**, notwithstanding the prohibition against in-person instruction, schools should be permitted to instruct students using distance learning tools and strategies, and teachers,



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

administrators and staff should be permitted to enter schools buildings and facilities in furtherance of these distance learning objectives, subject to mitigation measures such as the avoidance of social gathering and congregation, the wearing of masks, the observance of proper social distancing, regular disinfection of surfaces and frequent handwashing; and

**WHEREAS**, returning to PCOR 1 necessarily requires the imposition of numerous restrictions to in-person interactions and gatherings, including the operation of non-essential “brick-and-mortar” retail stores due to the extensive interactions and in-person gatherings that occur therein, which make social distancing difficult if not entirely untenable; and

**WHEREAS**, permitting curbside pickup at non-essential retail businesses would enable the community to avail of otherwise unavailable non-essential services during PCOR 1, while eliminating the risk of unnecessary contact between customers and staff in enclosed spaces, allowing instead for a similar amount of limited contact and mitigated risk that would occur in curbside, takeout or delivery operations at restaurants.

**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. **PANDEMIC CONDITION OF READINESS 1.** Effective at 12:01AM on Sunday, August 16, 2020 through 11:59PM on Saturday, August 29, 2020, Guam will revert to PCOR 1. Under PCOR 1, only certain businesses and activities are permitted to operate under the most restrictive of conditions.
  - a. **GOVERNMENT OF GUAM OPERATIONS.** Beginning on Sunday, August 16, 2020, the Government of Guam will operate in a limited capacity with restricted or no public access. All Government of Guam agencies shall suspend non-essential in-person customer service functions. All members of the public needing government services are asked to contact agencies and departments by email or phone. Regardless of operational status of an agency/department, all Government of Guam employees remain on regular work status and are expected to report for duty within two (2) hours of receiving notice from their supervisor.

In-person voting in the 2020 primary elections shall proceed on August 29, 2020, subject to DPHSS Guidance. Absentee voting conducted curbside shall continue by appointment. Voters should contact the Guam Election Commission with any inquiries.

- b. **PROHIBITION ON GATHERINGS AND MANDATORY SOCIAL ISOLATION.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, effective on Sunday, August 16, 2020, all public gatherings or congregations for purposes of public entertainment, recreation, food and beverage service, religious services, theater, bowling, fitness, and



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

other similar activities, to include activities in public venues in which the serving, provision, or consumption of prepared food or beverages occurs at a table or bar, or for consumption on-premises, are prohibited.

- c. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** Effective on Sunday, August 16, 2020, and to continue through Saturday, August 29, 2020, all places of business or public accommodations shall close and be prohibited from on-site operations.

This prohibition on operations shall not apply to specifically enumerated businesses as set forth in applicable DPHSS Guidance, which shall include the following: health care operations, including home health workers; essential infrastructure, including construction of housing and operation of public transportation and utilities; grocery stores, farmers' markets, food banks, convenience stores; businesses and non-profit organizations that provide for economically disadvantaged individuals and shelter facilities; real estate services; pharmacies, health care supply stores, and health care facilities; gas stations and auto repair facilities; banks and credit unions; garbage collection; and hardware stores, plumbers, electricians, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and other essential businesses.

Non-essential retail businesses are permitted to operate, subject to DPHSS Guidance which shall include, at minimum, that customers shall not be permitted to enter the physical premises, but shall be permitted to pick up goods outside of the establishment from which they have already placed their orders.

- d. **MANDATORY MITIGATION MEASURES.** All residents are encouraged to observe strict isolation except to conduct essential activities. Older residents and those with serious medical conditions are specifically encouraged to stay home to prevent possible exposure to individuals infected with the COVID-19 virus. All essential business and activities permitted to operate under this Order shall be conducted utilizing mitigation measures imposed in applicable DPHSS Guidance including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; mandating the wearing of face masks; and permitting and encouraging teleworking. Patrons of businesses or activities operating under this Section shall follow all mitigation measures imposed by such businesses in furtherance of DPHSS Guidance.
- e. **DISTANCE LEARNING.** To preserve the health and safety of students, their families, school staff, and the public and to provide continuity of education during the COVID-19 pandemic, pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public and private



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

schools in Guam serving prekindergarten through 12th grade shall remain closed for in-person instruction and activities through August 31, 2020, unless continued by further executive order. School buildings, including school district headquarters and administrative offices, shall be closed to everyone except employees or contractors necessary to conduct minimum basic school operations, including operations necessary to facilitate alternative modes of instruction, such as distributing materials and equipment, or performing other necessary in-person administrative or maintenance functions, and food service workers preparing food for distribution to students and their families. All athletics, after-school activities, inter-school activities and busing shall likewise be suspended during this time. Schools will further be required to comply with applicable DPHSS guidelines.

- f. **CLOSURE OF PUBLIC PARKS AND BEACHES.** All Government of Guam parks and beaches shall be closed to all activities, except for individual use for purposes of exercise, subject to social distancing mandates.
  - g. **ADDITIONAL CAUTION AGAINST UNNECESSARY OFF-ISLAND TRAVEL.** Guam residents are strongly discouraged from unnecessary off-island travel to any destination.
  - h. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order, may be subject to fines and/or, in the case of businesses, sanctions up to and including the termination of business licenses, as well as any other penalties available under Guam law. The DPHSS and Department of Revenue and Taxation (“DRT”) may issue guidance relative to this Order. DPHSS and DRT shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department and the Guam Fire Department.
2. **PENALTIES FOR QUARANTINE VIOLATIONS TO BE STRICTLY ENFORCED.** Pursuant to Section 19604, Article 6, Chapter 19 of Title 10 Guam Code Annotated, DPHSS is authorized to establish and maintain places of isolation and quarantine and may set rules and make orders with regard to the same. DPHSS has established a strict protocol for government quarantine facilities, as well as self-quarantine for inbound travelers. Failure to comply with DPHSS quarantine and isolation rules, orders or provisions shall constitute a misdemeanor.

Persons subject to isolation or quarantine shall not go beyond the confines of the designated isolation or quarantine premises, including self-quarantine accommodations, and failure to comply with this provision shall constitute a misdemeanor.

///



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

No person shall enter isolation or quarantine premises without the express consent of DPHSS, and failure to comply with this provision shall constitute a misdemeanor.

DPHSS may issue additional guidance relative to this Section and will strictly enforce its provisions with the assistance of the Guam Police Department.

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 Hagåtña, Guam, this **14th** day of **August 2020**.

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

Attested by:

*Joshua F. Tenorio*

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



EXHIBIT

H

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÀHI • LIEUTENANT GOVERNOR

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

August 21, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

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

**Re: Executive Order No. 2020-28**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-28:**  
**RELATIVE TO ORDERING GUAM RESIDENTS TO**  
**STOP THE SPREAD OF COVID-19 BY STAYING HOME**

If you have any questions, please contact my office at # 475-9475/76.

*Senseramente,*

**SOPHIA SANTOS DIAZ**  
*Legal Counsel*

Enclosure(s): Executive Order No. 2020-28

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  
HAGÁTÑA, GUAM 96932  
U.S.A.**

**EXECUTIVE ORDER NO. 2020-28**

**RELATIVE TO ORDERING GUAM RESIDENTS TO  
STOP THE SPREAD OF COVID-19 BY STAYING HOME**

**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 and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

**WHEREAS**, on April 30, 2020, pursuant to Executive Order No. 2020-11, Guam adopted a system of readiness, known as the Pandemic Conditions of Readiness ("PCOR"), that guides decision-making for purposes of coordinating health and safety responses, imposing restrictions on activities, and directing government services; and

**WHEREAS**, also on April 30th, I declared Guam to be in PCOR 1, imposing stringent restrictions on social gatherings, prohibitions on non-essential activities, impositions of conditions on operations of essential activities, and closures of congregate facilities, including schools; and

**WHEREAS**, on May 8, 2020, pursuant to Executive Order No. 2020-14, I declared Guam to be in PCOR 2, permitting limited activities to operate under moderate restrictions, including permitting social gatherings or congregations of no more than ten (10) persons, mandating the continued closure of schools, closing public parks and beaches except for individual use for purpose of exercise, allowing businesses to sell non-essential items, allowing specific businesses to operate subject to Department of Public Health and Social Services ("DPHSS") Guidance, occupancy limits and implementation of mitigation measures; and

**WHEREAS**, on July 19, 2020, pursuant to Executive Order No. 2020-24, I declared Guam to be in PCOR 3, effective July 20, 2020, having achieved a consistently low positivity rate for COVID-19, expanded capacity to test all individuals with COVID-19 symptoms, and the continued capacity to monitor COVID-19 cases and trace their contacts through DPHSS's robust system for contact tracing; and

**WHEREAS**, under PCOR 3, all businesses and activities, with few exceptions, were permitted to operate, subject to occupancy limitations and the implementation of aforementioned mitigation measures; and

///



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

**WHEREAS**, despite the restrictions in place, following the declaration of PCOR 3 and the reopening of businesses, the number of COVID-19 cases in Guam increased dramatically and significantly; and

**WHEREAS**, on August 16, 2020, pursuant to Executive Order No. 2020-27, I ordered that Guam revert to PCOR 1, in an effort to slow COVID-19's spread in our community; and

**WHEREAS**, over the past seven (7) days, the total number of positive cases has increased by 255; and

**WHEREAS**, 62 cases of COVID-19 have been identified while under quarantine pursuant to DPHSS Guidance, which represents nearly nine percent (9%) of the total cases in Guam; and

**WHEREAS**, while Guam experienced one hundred twenty-nine (129) days without a COVID-19 fatality, on August 20, 2020, we suffered our sixth (6th) death to this disease; and

**WHEREAS**, on August 20, 2020, Guam's COVID-19 positive case count increased by 105, our most substantial single day total since the start of the pandemic; and

**WHEREAS**, as of the time of this Order, there are 15 positive COVID-19 patients hospitalized at the Guam Memorial Hospital; and

**WHEREAS**, as of the time of this Order, Guam's Test Positivity Rating, defined as the 7-day average of positive COVID-19 tests in Guam, is 6.8% of testing performed, and our Case Doubling Rate, defined as the estimated number of days in which our total number of positive cases will double if we continue at the same rate, is an alarming seventeen (17) days; and

**WHEREAS**, our hospital COVID-19 facilities are near capacity, and will be soon overwhelmed and unable to safely treat all patients requiring hospitalization for COVID-19 without resorting to crisis standards of care; and

**WHEREAS**, according to the Centers for Disease Control, as of August 19, 2020, there have been 5,460,429 cases of COVID-19 in the United States, 171,012 of which have resulted in death; and

**WHEREAS**, the World Health Organization reports that the global COVID-19 case count is 21,989,366 as of August 19, 2020; and

**WHEREAS**, for the preservation of public health and safety throughout our island, it is necessary to impose strict stay-at-home measures on a temporary basis and to further



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

restrict entry into Guam, to ensure that our healthcare delivery system remains capable of serving all our residents infected with COVID-19.

**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. STAY-AT-HOME ORDER.** Effective at 12:00PM on Friday, August 21, 2020, and to continue for an initial period through 12:00PM on August 28, 2020, and with the concurrence of DPHSS as expressed in DPHSS Directive No. 34, all persons in Guam are directed to stay at home, subject to limited exceptions such as obtaining food and household necessities, going to and from work at critical businesses, as identified in applicable DPHSS Guidance, seeking medical care, caring for dependents or pets, or caring for a vulnerable person in another location.
  - a. GOVERNMENT OF GUAM OPERATIONS.** The Government of Guam will continue to operate but without public access. All Government of Guam agencies shall suspend all customer service functions, except for those functions critical to the health and safety of the community. Government of Guam employees shall work from home unless their in-person services are deemed critical by their respective agencies.
  - b. CRITICAL BUSINESSES.** All businesses other than those designated as "Critical Businesses" under applicable DPHSS Guidance issued pursuant to this Executive Order, shall close temporarily.
  - c. PROHIBITION ON GATHERINGS AND MANDATORY SOCIAL ISOLATION.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public gatherings or congregations are prohibited.
  - d. EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** All places of business or public accommodations shall close and be prohibited from on-site operations.

This prohibition on operations shall not apply to specifically enumerated businesses as set forth in applicable DPHSS Guidance, which shall include the following: health care operations, including home health workers; operation of public transportation and utilities; grocery stores, farmers' markets, drive-through and curbside food sales at restaurants, food delivery, food banks, convenience stores; businesses and non-profit organizations that



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

provide for economically disadvantaged individuals and shelter facilities; pharmacies, health care supply stores, and health care facilities; gas stations; garbage collection; and hardware stores, plumbers, electricians, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and other essential businesses.

Other businesses and service providers not specifically mentioned above may request permission to operate from DPHSS. DPHSS may grant such allowance if it determines that the requested service is necessary to assist in the protection of life and health and if such service cannot be delayed for the one (1) week period during which this Order is in effect.

- e. **MANDATORY MITIGATION MEASURES.** All residents must observe strict isolation at home except to conduct critical activities. All businesses and activities permitted to operate under this Order shall be conducted utilizing mitigation measures imposed in applicable DPHSS Guidance including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; mandating the wearing of face masks; and permitting and encouraging teleworking. Patrons of businesses or activities operating under this Section shall follow all mitigation measures imposed by such businesses in furtherance of DPHSS Guidance.
  - f. **DISTANCE LEARNING.** To preserve the health and safety of students, their families, school staff, and the public and to provide continuity of education during the COVID-19 pandemic, pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public schools buildings and facilities shall be closed to all employees unless their in-person services are deemed critical by the Guam Department of Education. Instructors may continue providing distance learning services to the extent possible from their homes. Private schools shall be closed to all employees, but instructors may likewise provide distance learning services from home.
  - g. **CLOSURE OF PUBLIC PARKS AND BEACHES.** All Government of Guam parks and beaches shall be closed to all activities.
2. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, Title 10, Guam Code Annotated, all persons entering Guam shall be subject to quarantine pursuant to this Section and Sections 19604 and 19605 of



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

Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable DPHSS Guidance and shall occur in a government qualified facility.

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.

**PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in effect except to the extent that they conflict with this Order.

**SIGNED AND PROMULGATED** at Hagåtña, Guam, this 21<sup>st</sup> day of August 2020.

*Lou Leon Guerrero*

**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Attested by:

*Joshua F. Tenorio*

**JOSHUA F. TENORIO**

*Sigundo Maga'låhen Guåhan*

Lieutenant Governor of Guam





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

**DPHSS DIRECTIVE NO. 34:**

**DIRECTIVE OF THE DEPARTMENT OF PUBLIC  
HEALTH AND SOCIAL SERVICES**

1. Pursuant to 10 G.C.A. § 19601 *et seq*, I, as the Director of the Department of Public Health and Social Services (“DPHSS”), in an effort to prevent the transmission of COVID-19, and to ensure that all cases of COVID-19 are controlled and treated, **HEREBY DIRECT** as follows:
  - a. All individuals in Guam are directed to stay at home or in their places of residence, subject to DPHSS Guidance Memo 2020-34 or any amendments thereto. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, “place of residence” means the person’s individual hotel room or unit.
  - b. Certain individuals may leave their home to provide or to avail themselves of services deemed critical under DPHSS Guidance Memo 2020-34 or any amendments thereto. Critical services are identified and designated for the purpose of protecting the health and well-being of all Guam residents during the pendency of this Directive, and to ensure continuity of critical healthcare, government functions, public safety, and supply chain operations so that Guam residents have uninterrupted access to necessities such as food, prescriptions, and health care.
  - c. When individuals need to leave their homes or places of residence to obtain or perform critical services, they should abide by mitigation measures identified in DPHSS Guidance Memo 2020-34 or any amendments thereto, including the wearing of masks and the practice of social distancing.
  - d. It is the finding of DPHSS that this Directive constitutes the least restrictive means necessary to prevent the spread of COVID-19 from infected individuals to non-infected individuals in the community.
  - e. It is further the finding of DPHSS that individuals who violate this Directive may be placing others in danger of death or serious bodily injury from infection to COVID-19.


///



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

2. This Directive shall be effective at 12:00PM on August 21, 2020, and shall continue through 12:00PM on August 28, 2020, unless otherwise directed.

**SO ORDERED**, this 21st day of August 2020.

  
**ARTHUR U. SAN AGUSTIN, MHR**  
*Acting Director*  
Department of Public Health and Social Services

**EXHIBIT**

**I**



UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

August 27, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Executive Order No. 2020-29**

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-29:  
RELATIVE TO EXTENDING PUBLIC HEALTH EMERGENCY AND  
MODIFIED STAY-AT-HOME ORDER**

If you have any questions, please contact my office at # 475-9475/76.

*Senseramente,*

  
**SOPHIA SANTOS DIAZ**  
*Legal Counsel*

Enclosure(s): Executive Order No. 2020-29

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  
HAGÁTÑA, GUAM 96932  
U.S.A.**

**EXECUTIVE ORDER NO. 2020-29**

**RELATIVE TO EXTENDING PUBLIC HEALTH EMERGENCY  
AND MODIFIED STAY-AT-HOME ORDER**

**WHEREAS**, since March 14, 2020, Guam, like much of the rest of world, has been in a state of emergency in response to the effects of the global pandemic caused by the 2019 novel coronavirus (“COVID-19”); and

**WHEREAS**, pursuant to Section 19405, Chapter 19 of Title 10, Guam Code Annotated, public health emergencies declared by the Governor of Guam terminate at the conclusion of thirty (30) days unless otherwise extended; and

**WHEREAS**, since first declaring a public health emergency in Executive Order No. 2020-03, the rising number of cases both locally and globally have caused me to extend the public health emergency six (6) times; and

**WHEREAS**, Guam has adopted a system of readiness known as Pandemic Conditions of Readiness (“PCOR”) System, which is intended as a guide to decision-making regarding the gradual lifting of restrictions and imposition of mandates; and

**WHEREAS**, also on April 30, 2020, I declared Guam to be in PCOR 1, and continued the imposition of the most stringent restrictions on social gatherings, prohibitions on non-essential activities, conditions on operations of essential activities, and closures of congregate facilities, including schools; and

**WHEREAS**, on May 8, 2020, pursuant to Executive Order No. 2020-14, I declared Guam to be in PCOR 2, permitting limited activities to operate under moderate restrictions, subject to Department of Public Health and Social Services (“DPHSS”) Guidance, occupancy limits and implementation of mitigation measures; and

**WHEREAS**, on July 19, 2020, pursuant to Executive Order No. 2020-24, I declared Guam to be in PCOR 3, permitting businesses and activities to operate, with exceptions, subject to occupancy limitations and the implementation of mitigation measures, including social distancing and the wearing of face masks; and

**WHEREAS**, despite the restrictions in place, the number of COVID-19 cases in Guam increased drastically, and on August 16, 2020, Guam reverted to PCOR 1 to try to slow COVID-19’s spread in our community; and

**WHEREAS**, on August 21, 2020, in response to our island experiencing a severe increase in positive COVID-19 cases, our highest single day total for positive tests as of that date, and our sixth (6th) fatality to COVID-19, I ordered all Guam residents to stay-at-home for an interim one-week period; and

**WHEREAS**, this Stay-at-Home order instituted the most restrictive conditions, closing all



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

businesses and limiting access to government offices except for those deemed critical and prohibiting the use of public spaces like beaches and parks for any purpose; and

**WHEREAS**, in the six (6) days that have elapsed since the Stay-at-Home Order was instituted, Guam has experienced a surge in positive cases, increasing our total by 343, bringing the number of positive cases to over one thousand (1,000) for the duration of the pandemic, with four (4) more members of our community succumbing to this disease; and

**WHEREAS**, as of the time of this Order, there are thirty (30) COVID-19 positive individuals hospitalized at Guam Memorial Hospital, which means the hospital is beyond its COVID-19 capacity, and further arrangements must be made to assist with the treatment of these individuals and the anticipated influx of additional COVID-19 patients; and

**WHEREAS**, a high positivity rate greatly impacts our health care system's ability to safely treat all patients requiring hospitalization for COVID-19 without resorting to crisis standards of care; and

**WHEREAS**, eighty-two (82) cases of COVID-19 have been identified while under quarantine pursuant to DPHSS Guidance; and

**WHEREAS**, for the preservation of public health and safety throughout our island, it is necessary to continue strict stay-at-home measures and restrictions on entry into Guam on a temporary basis, to help our healthcare delivery system cope with the increased admissions of residents infected with COVID-19; and

**WHEREAS**, even as we persist under a continued stay-at-home order, it is necessary to adjust permissible services and activities available to ensure that our residents remain healthy and safe as we weather this difficult time.

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

1. **EXTENSION OF THE PUBLIC HEALTH EMERGENCY.** Effective on Sunday, August 30, 2020, the public health emergency first declared in Executive Order No. 2020-03, extended in Executive Order Nos. 2020-09, 2020-11, 2020-16, 2020-22, and 2020-24, and currently set to expire on August 29, 2020, is extended for an additional thirty (30) day period. The public health emergency is now set to expire on September 30, 2020.
2. **PANDEMIC CONDITION OF READINESS 1.** Guam continues to be in PCOR 1, during which the most restrictive conditions are imposed in an effort to slow the spread of COVID-19 in our community.
3. **STAY-AT-HOME ORDER.** The Stay-at-Home order first issued in Executive Order No. 2020-28 shall be extended and will continue until 12:00PM on September



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

4, 2020, unless extended by further order. All persons in Guam are directed to continue stay at home, subject to limited exceptions such as obtaining food and household necessities, going to and from work at authorized businesses as identified in applicable DPHSS Guidance, seeking medical care, caring for dependents or pets, caring for a vulnerable person in another location, or for individual exercise.

- a. **GOVERNMENT OF GUAM OPERATIONS.** The Government of Guam will continue to operate but with limited public access. Government of Guam agencies shall suspend all customer service functions, except for those critical to the health and safety of the community, as identified in applicable DPHSS guidance. Available Government of Guam services shall include the treasury, collections and cashier services and certain permitting services necessary to support critical business functions. Government of Guam employees shall continue to work from home unless their in-person services are deemed critical by their respective agencies.
- b. **PROHIBITION ON GATHERINGS AND MANDATORY SOCIAL ISOLATION.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public gatherings or congregations, except as permitted below, are prohibited.
  - i. **Religious Gatherings and Congregations.** Effective at 12:00PM on Saturday, August 29, 2020, religious services and ceremonies may be conducted in parking lots; however, congregants must stay inside their vehicle for the duration of such services, and personal interactions must be avoided except as specifically provided in applicable DPHSS Guidance. Religious organizations and congregants shall additionally observe all mitigation measures imposed in applicable such guidance.
- c. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** All places of business or public accommodations shall remain closed and prohibited from on-site operations, except as provided herein.

Effective at 12:00PM on Saturday, August 29, 2020, the prohibition on operations shall not apply to specifically enumerated businesses as set forth in applicable DPHSS Guidance, which shall include the following: health care operations, including home health workers; operation of public transportation and utilities; grocery stores, farmers' markets, drive-thru food and curbside sales at restaurants, banks and credit unions, insurance companies, construction, automobile repair and parts sales, food delivery, food banks, convenience stores; businesses and non-profit organizations that provide for economically disadvantaged individuals and shelter facilities; pharmacies, health care supply stores, and health care facilities; gas stations; garbage collection; and hardware stores, plumbers, electricians, and other service providers necessary to maintain



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

the safety, sanitation, and essential operation of residences and other essential businesses. Sales of vehicles and real estate operations shall be permitted by appointment only.

- d. **MANDATORY MITIGATION MEASURES.** All residents must observe strict isolation at home, subject to limited exceptions described in this Order and in applicable DPHSS Guidance. All activities permitted under this Order shall be conducted utilizing mitigation measures imposed in applicable DPHSS Guidance including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; the wearing of face masks; and permitting and encouraging teleworking. Individuals patronizing authorized businesses or participating in authorized activities under this Order shall follow all mitigation measures imposed by such businesses in furtherance of DPHSS Guidance.
- e. **DISTANCE LEARNING.** To preserve the health and safety of students, their families, school staff, and the public and to provide continuity of education during the COVID-19 pandemic, pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public schools buildings and facilities shall continue to be closed to all employees unless their in-person services are deemed critical by the Guam Department of Education. Instructors may continue providing distance learning services to the extent possible from their homes. Private schools shall be closed to all employees, but may likewise continue to provide distance learning services from home.
- f. **PUBLIC PARKS AND BEACHES.** Effective at 12:00PM on Saturday, August 29, 2020, all Government of Guam parks and beaches shall open for individual use for the purpose of exercise, subject to social distancing mandates. In no event shall public parks and beaches be used to congregate or social gather. **Individuals found congregating or socially gathering in public parks or beaches will be subject to removal and/or citation for public nuisance and/or criminal trespass, along with all applicable penalties under Guam law.**
- g. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order, may be subject to fines and/or, in the case of businesses, sanctions up to and including the termination of business licenses, as well as any other penalties available under Guam law. The DPHSS and Department of Revenue and Taxation ("DRT") may issue guidance relative to this Order. DPHSS and DRT shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department and the Guam Fire Department.

**4. RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3,



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

Chapter 3, Title 10, Guam Code Annotated, all persons entering Guam shall be subject to quarantine pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable DPHSS Guidance, which shall include quarantine in a government qualified facility.

5. **PENALTIES FOR QUARANTINE VIOLATIONS TO BE STRICTLY ENFORCED.** Pursuant to Section 19604, Article 6, Chapter 19 of Title 10 Guam Code Annotated, DPHSS is authorized to establish and maintain places of isolation and quarantine and may set rules and make orders with regard to the same. DPHSS has established a strict protocol for government quarantine facilities, as well as self-quarantine for inbound travelers. Failure to comply with DPHSS quarantine and isolation rules, orders or provisions shall constitute a misdemeanor.

Persons subject to isolation or quarantine shall not go beyond the confines of the designated isolation or quarantine premises, including self-quarantine accommodations, and failure to comply with this provision shall constitute a misdemeanor.

No person shall enter isolation or quarantine premises without the express consent of DPHSS, and failure to comply with this provision shall constitute a misdemeanor.

DPHSS may issue additional guidance relative to this Section and will strictly enforce its provisions with the assistance of the Guam Police Department.

6. **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.
7. **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 Hagåtña, Guam, this 27<sup>th</sup> day of August 2020.

*Lou Leon Guerrero*

**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Attested by:

*Joshua F. Tenorio*

**JOSHUA F. TENORIO**

*Sigundo Maga'låhen Guåhan*

Lt. Governor of Guam






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

**DIRECTIVE OF THE DEPARTMENT OF PUBLIC**  
**HEALTH AND SOCIAL SERVICES**

1. Pursuant to 10 G.C.A. § 19601 *et seq.*, I, as the Director of the Department of Public Health and Social Services, in an effort to prevent the transmission of COVID-19, and to ensure that all cases of COVID-19 are controlled and treated, HEREBY DIRECT as follows:
  - a. All individuals are directed to continue to stay at home or in their places of residence, subject to limited exceptions delineated in DPHSS Guidance 2020-36. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, “place of residence” means the person’s individual hotel room or unit.
  - b. Individuals may leave their home to provide or to avail themselves of authorized services enumerated in DPHSS Guidance 2020-36, which are identified and designated for the purpose of protecting the health and well-being of all Guam residents during the pendency of this Directive, and to ensure continuity of critical healthcare, government functions, public safety, and supply chain operations so that Guam residents have uninterrupted access to necessities such as food, prescriptions, and health care.
  - c. When individuals need to leave their homes or places of residence, they should abide by mitigation measures identified in DPHSS Guidance 2020-36, including the wearing of masks and the practice of social distancing.
  - d. It is the finding of DPHSS that this Directive constitutes the least restrictive means necessary to prevent the spread of COVID-19 from infected individuals to non-infected individuals in the community.
  - e. It is further the finding of DPHSS that individuals who violate this Directive may be placing others in danger of death or serious bodily injury from infection to COVID-19.
2. This Directive shall be effective at 12:00PM on August 28, 2020, and shall continue through 12:00PM on September 4, 2020, unless otherwise directed.

**SO ORDERED**, this 27<sup>th</sup> day of August 2020.

  
**ARTHUR U. SAN AGUSTIN, MHR**  
*Acting Director*  
Department of Public Health and Social Services

**EXHIBIT**

**J**



UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

**Via Hand Delivery**  
**and E-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

October 28, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Executive Order No. 2020-38**

*Hafa Adai* Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-38:**  
RELATIVE TO IMPLEMENTATION OF COVID-19 PUBLIC  
HEALTH ENFORCEMENT RULES AND EXTENSION OF THE  
PUBLIC HEALTH EMERGENCY

If you have any questions, please contact my office at # (671) 473-1118.

*Senseramente,*

  
**LESLIE A. TRAVIS**  
*Legal Counsel*

Enclosure(s): Executive Order No. 2020-38

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  
HAGĀTÑA, GUAM 96932  
U.S.A.**

**EXECUTIVE ORDER NO. 2020-38**

**RELATIVE TO IMPLEMENTATION OF COVID-19  
PUBLIC HEALTH ENFORCEMENT RULES AND  
EXTENSION OF THE PUBLIC HEALTH EMERGENCY**

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

**WHEREAS**, on August 21, 2020, I signed Executive Order No. 2020-28, implementing a Stay-at-Home Order; and

**WHEREAS**, I extended stay-at-home conditions four (4) more times in Executive Order Nos. 2020-29, 2020-30, 2020-31, and 2020-32; and

**WHEREAS**, on September 18, 2020, in Executive Order No. 2020-32, notwithstanding the continued Stay-at-Home Order, I authorized the reopening of specific businesses and services, including take-out services at local eating establishments and curbside retail for non-essential items; and

**WHEREAS**, on October 1, 2020, in Executive Order No. 2020-36, I instituted a Safer-at-Home Advisory, authorizing the reopening of additional businesses and services, including outdoor dining, limited capacity retail services and other services and activities, in an effort to enhance the quality of life of our community while continuing to preserve the health and safety of our community by limiting personal interactions between individuals; and

**WHEREAS**, as of the time of this writing, seventy-six (76) individuals have suffered COVID-19 related deaths; and

**WHEREAS**, as of the time of this writing, over four thousand four hundred (4,400) individuals have tested positive for COVID-19 in Guam; and

**WHEREAS**, as of the time of this writing, Guam has a 7-day rolling average of over 74.9 positive cases per one hundred thousand (100,000) persons daily, and a test positivity rate of 12.2%; and

**WHEREAS**, as of the time of this writing, across all three of our island's hospitals, eighty-six (86) COVID-19 positive patients are hospitalized, including many of whom are in intensive care and some of whom are on ventilators; and



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

**WHEREAS**, with the advice and concurrence of the Department of Public Health and Social Services (“DPHSS”), the Physicians Advisory Group and the Guam National Guard Surgeon Cell, and based on and consistent with guidance provided by the World Health Organization, the Centers for Disease Control and Prevention, and other leaders in the global response to the COVID-19 pandemic, I have issued numerous Executive Orders regulating the conduct of business and individual activities for the purpose of preventing the spread of the COVID-19 virus and keeping our community safe; and

**WHEREAS**, DPHSS, as the Public Health Authority, has issued and implemented guidance by which it continues to implement and enforce a robust mandatory quarantine policy for incoming travelers; and

**WHEREAS**, DPHSS has issued and implemented strict guidance for the safe reopening and operation of businesses and conduct of activities to ensure that resumption of public life, even on a limited basis, can be accomplished in a manner that does not compromise our community’s health; and

**WHEREAS**, DPHSS has implemented and maintained a robust system of contact tracing for positive COVID-19 cases in Guam; and

**WHEREAS**, DPHSS has coordinated over fifty thousand (50,000) COVID-19 tests in Guam since March 2020; and

**WHEREAS**, DPHSS, in coordination with the Guam National Guard, has created the Rapid Engagement Team, to address and resolve exigent circumstances that may heighten the danger of community spread in vulnerable communities; and

**WHEREAS**, we have developed and continue to develop a layered approach to community outreach and education regarding the COVID-19 virus, and methods by which we, as individuals, can do our part to reduce the spread of this virus in our community; and

**WHEREAS**, DPHSS has implemented the use of several smartphone applications to assist in tracing and monitoring positive cases, quarantined individuals, and individuals who may have unknowingly been exposed to positive cases, as well as to disseminate critical information to the community in an efficient manner; and

**WHEREAS**, the Guam Memorial Hospital, with the cooperation of the Guam Regional Medical City and local clinics, and the assistance of the Department of Defense, has expanded its capability to treat COVID-19 patients, including by ensuring that our hospital facilities are properly staffed and patients receive critical care; and

**WHEREAS**, programs have been implemented to provide assistance to our community, to ensure that our residents can weather the COVID-19 pandemic financially and safely



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

stay at home as much as possible, 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**, we have undertaken all of these measures to help our community stay safe and healthy as we weather this crisis; and

**WHEREAS**, notwithstanding our efforts to enable our residents to stay safe, the metrics tracking Guam's progress indicate that, as a community, we must do more in containing the COVID-19 virus; and

**WHEREAS**, as of this writing, since institution of the Stay-at-Home Order, the Guam Police Department ("GPD") has counseled or removed approximately three thousand three hundred eighty (3,380) individuals for violating social gathering and social distancing guidances issued by DPHSS; and

**WHEREAS**, as of this writing, since institution of the Stay-at-Home Order, the Guam Police Department has received approximately six hundred seven (607) calls via the 311-hotline, reporting violations of the executive orders; and

**WHEREAS**, as of this writing, since institution of the Stay-at-Home Order, the Guam Police Department has also responded to nine hundred seven (907) calls of violations of the executive orders, including social gatherings at establishments or private residences, including a recent highly publicized gathering at a local restaurant with over one hundred (100) individuals gathered in indoor and outdoor spaces without wearing masks or social distancing; and

**WHEREAS**, our ability to contain this virus will depend in large part on our will power and discipline as individuals in responsibly modifying our behavior to ensure our safety and the safety of our families and our community; and

**WHEREAS**, our community is particularly susceptible to this virus due to the prevalence of comorbidity factors that enhance our symptoms, result in a greater number of hospitalizations and ventilation, and an increased risk of deaths in specific demographics; and

**WHEREAS**, the Emergency Health Powers Act codified in Title 10, Chapter 19 of the Guam Code Annotated, mandates that DPHSS use every available means to prevent the transmission of infectious diseases, including COVID-19; and

**WHEREAS**, Section 19802 of the Emergency Health Powers Act expressly authorizes DPHSS and other affected agencies to promulgate and implement rules and regulations necessary to effectuate the Emergency Health Powers Act, and expressly authorizes



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

DPHSS and other affected agencies to enforce the Act through the imposition of fines and penalties; and

**WHEREAS**, the recommend the implementation of enforcement measures in furtherance of efforts to contain and mitigate against the spread of the COVID-19 virus; and

**WHEREAS**, both DPHSS and GPD have expressed their intent to coordinate efforts towards enforcing public health guidance and directives, and, to this end, DPHSS has prepared the COVID-19 Public Health Enforcement Regulations, for the imposition of fines for violations of its directives; and

**WHEREAS**, as the Public Health Authority, DPHSS and its personnel have responded to incidents and concerns on a continuous basis, including outside of the normal government operating hours and sometimes are called back to duty from their homes overnight and on the weekends; and

**WHEREAS**, strict compliance with regulatory procedures governing the promulgation and adoption of agency rules would hinder or delay necessary action by DPHSS to respond to the COVID-19 public health emergency and increase the threat to the health of our community, and therefore it is both reasonable and necessary to temporarily suspend these procedures for the expeditious adoption and implementation of these critical regulations.

**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. EXTENSION OF THE PUBLIC HEALTH EMERGENCY.** Effective at 12:01AM on October 30, 2020, the public health emergency first declared in Executive Order No. 2020-03, extended in Executive Order Nos. 2020-09, 2020-11, 2020-16, 2020-22, 2020-24, 2020-29, and 2020-35, and currently set to expire on October 30, 2020, is extended for an additional thirty (30) day period. The public health emergency is now set to expire on November 29, 2020.
- 2. SUSPENDING RULE-MAKING PROCEDURES.** Pursuant to my authority under Title 10 Chapter 19 Section 19403(a)(1), upon my determination that strict compliance with the rule-making procedures of the Administrative Adjudication Law codified in Title 5 Article 3 of the Guam Code Annotated would hinder or delay necessary action by DPHSS to respond to the COVID-19 public health emergency first declared in Executive Order No. 2020-03 and increase the threat to the health of our community, I order that such procedures are suspended for the limited purpose and in the interest of the expedient adoption and implementation of the COVID-19 Public Health Enforcement Regulations developed by DPHSS. The COVID-19 Public Health Enforcement Regulations shall continue for the duration



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

of the public health emergency declared in Executive Order NO. 2020-03 or as extended by future Executive Orders.

3. **TWENTY FOUR (24) HOUR USE OF OFFICIAL VEHICLES BY DPHSS.** Pursuant to Section 1103(a), Chapter 1, Title 4 of Guam Code Annotated, the DPHSS is authorized to designate vehicles within its fleet as available for use on a twenty-four (24) hour basis. Once designated, such vehicles may be driven by authorized employees from the worksite to their homes and utilized to respond on an urgent basis when necessary to carry out DPHSS duties and obligations in support of its efforts to address the current public health emergency.
4. **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.
5. **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 28<sup>th</sup> day of October, 2020.

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

Attested by:

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



EXHIBIT

K

1 **ANA WON PAT-BORJA, ESQ.**  
2 Legislative Counsel  
3 Guam Legislature Legal Bureau  
4 163 W. Santo Papa, Hagåtña, Guam 96910  
5 Telephone: (671) 477-2530  
6 *Attorney for the 36th Guam Legislature*

7 **IN THE SUPREME COURT OF GUAM**

9 IN RE: ) SUPREME COURT CASE NO.  
10 ) CRQ20-002  
11 REQUEST OF LOURDES A. LEON)  
12 GUERRERO, I MAGA'HÅGAN)  
13 GUÅHAN, RELATIVE TO THE)  
14 POWER OF THE EXECUTIVE)  
15 BRANCH TO ESTABLISH,) **DECLARATION**  
16 MAINTAIN, AND OPERATE)  
17 QUARANTINE FACILITIES IN)  
18 GUAM TO PROMULGATE)  
19 QUARANTINE AND SANITATION)  
20 REGULATIONS FOR THE)  
21 PROTECTION OF GUAM)  
22 AGAINST THE IMPORTATION)  
23 AND SPREAD OF DISEASE. )

24 I, **Rennae V. C. Meno**, do hereby declare as follows:

- 25 1. That I am the Clerk of *I Mina'trentai Sais Na Liheslaturan Guåhan* (36th  
26 Guam Legislature);

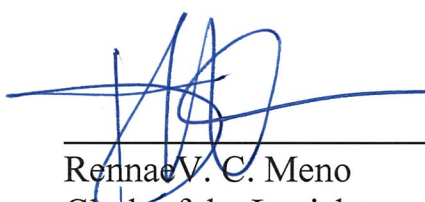


- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28
2. That per Section 2.06 of the Standing Rules of the 36th Guam Legislature, one of my duties as Clerk of the Legislature is to keep accounts and records of all proceedings of each Session; and
3. That on December 30, 2002, *I Mina'bente Sais Na Liheslaturan Guåhan* (26th Guam Legislature) approved the Legislative Daily Journal dated December 26-27, 2002; and
4. That the Legislative Daily Journal dated December 26-27, 2002, included the Legislature's debate on Substitute Bill No. 360 (COR), "AN ACT TO ADD A NEW CHAPTER 19 TO DIVISION 1, OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO 'ISLAN GUÅHAN EMERGENCY HEALTH POWERS ACT' FOR EMERGENCY HEALTH THREATS, INCLUDING THOSE CAUSED BY BIOTERRORISM REQUIRING THE EXERCISE OF GOVERNMENT POWERS AND FUNCTIONS TO RESPOND RAPIDLY AND EFFECTIVELY TO POTENTIAL OR ACTUAL PUBLIC HEALTH EMERGENCIES FOR THE COMMON GOOD"; and
5. That I, as Clerk of the Legislature, prepared a complete and accurate transcription of the debate on Substitute Bill No. 360 (COR) from the Guam Legislature's audio recording of the December 27, 2002,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Legislative Session on the same, which is attached hereto as “**Exhibit K.**”

DATED: April 6, 2021



---

Rennae V. C. Meno  
Clerk of the Legislature  
*I Mina'trentai Sais*  
*Na Liheslaturan Guåhan*  
36th Guam Legislature

**MINA'BENTE SAIS NA LIHESLATURAN GUAHAN**

**2002 (SECOND) Regular Session**

**LEGISLATIVE DAILY JOURNAL**

61<sup>st</sup> Legislative Day - 122<sup>nd</sup> Calendar Day

---

**SPEAKER UNPINGCO:** Okay make a motion to bring it on top of the notwithstanding the House Rules yeah.

**SENATOR CALVO:** Mr. Speaker notwithstanding House Rules I moved to place Bill No.

**SPEAKER UNPINGCO** 360 on top.

**SENATOR CALVO:** Bill number 360.

**SPEAKER UNPINGCO:** On top.

**SENATOR CALVO:** 360 on the Second Reading.

**SPEAKER UNPINGCO:** Okay on that motion any objection if no objection so ordered okay so Senator Calvo Senator Calvo.

**SENATOR CALVO:** Thank You Mr. Speaker.

**SPEAKER UNPINGCO:** Do you have any substitute version.

**SENATOR CALVO:** Mr. Speaker I moved to place Bill Number 360 and in stating as substituted by the author I think everyone has a copy there as substituted by the author into the Third Reading.

**SPEAKER UNPINGCO:** Okay the motion is to accept Bill No 360 COR as substituted by the author any objection okay without objection so ordered Senator Calvo.

**SENATOR CALVO:** Yeah thank you very much Mr Speaker Mr Speaker this Bill had its inception.

**SPEAKER UNPINGCO:** Motion to place in the Third Reading.

**SENATOR CALVO:** I thought you.

**SPEAKER UNPINGCO:** No this acceptance only.

**SENATOR CALVO:** Mr Mr. Speaker I moved to place Bill Number 360 COR as substituted by the author on the Third Reading.

**SPEAKER UNPINGCO:** Okay on that motion Senator Calvo.

**SENATOR CALVO:** Yeah thank you very much Mr Speaker Mr Speaker and my colleagues this Bill owes its inception and if you can recall the measles outbreak that occur earlier again and and the resulting consequences of of the again based on the report by by the centers of Disease Control some of the issues that were brought forth as a result of the measles outbreak again this was a second measles outbreak to hit our territory in in less than a decade and again Guam is in a very unique situation because we are US territories that are surrounded by many countries that do not fall within the Health and Human services and whether it's the health institutions or the or the preventative type of care that is that is found in in the first world in the United States and it's coveting territories and Guam being a major tourist area an area where where there is a mass migration of individuals from the Federated States of Micronesia other areas of Pacific to the United States we have we have been the recipients so sometimes some very strange and dangerous diseases as our committee move forward in looking into into how in how to improve both the detect early

detection as well as prevention of mask communicable diseases we did some communications research not only with our local public health but also with the centers of Disease Control in Atlanta a I interesting interesting developments occur at the time of course we had the the 9/11 attacks in the United States and with the 9/11 attacks in the United States there was a desire by the federal government to come up with a system and a plan of action in dealing with not only with with instances of a public health emergency such as the outbreak of communicable diseases but also man-made emergency public health emergencies that could occur through bio terrorism and other terrorist acts the centers of Disease Control in working in collaboration with Georgetown University came up with some novel an draft legislation that again they were they were they attempted to push through and work with both the States and the territories are committee worked again with the center and and of course is working at the forefront with other states in regards to preparing this needed piece of legislation what what the act requires is the development of a comprehensive plan to provide a coordinated appropriate response in the event of a public health emergency it facilitates the early detection or give me the early detection of a health emergency by authorizing the reporting and the collection of data and records and allows for the immediate investigation by granting access to individuals health information under specified circumstances during a public health emergency the government Guam the local officials are authorized to use an appropriate property as is necessary for the care the treatment in the housing of patients and to destroy contaminated facilities or materials they are also in part to provide care testing and treatment in the vaccination to persons who are ill and have been exposed to a contagious disease and to separate affected individuals from the population at large to interrupt disease transmission at the same time the act recognizes that the Guam's ability to respond to public health emergencies must respect the dignity and the rights of individuals and persons the exercise of emergency health powers is designed to promote the common good emergency powers must be grounded both in scientific understanding of public health threats and decent disease transmission but also guided on the principles of justice and again of the government of Guam having a duty to act with fairness and tolerance totes both individuals and groups and respecting their freedoms as well and we feel an eye field is an author that this act provides in the event of the exercise of emergency powers the civil rights liberties and needs of infected or exposed persons that they will be protected to the fullest extent possible consistent with also the primary goal of controlling the serious health threats public health laws and our courts have traditionally balanced common good with individual civil liberties the act strikes that balance it provides government Guam and other local officials with the ability to prevent detect manage and contain emergency health threats without unduly interfering with the civil rights and liberties the act seeks to ensure a strong effective and timely response to public health emergencies but also fosters respect for individuals from all groups and backgrounds now although modernizing public health law is an important part of protecting the population during public health emergency the public health system also needs improvement and preparing for a public health emergency also requires a well-trained public health force efficient data systems and sufficient laboratory capacity so again my colleagues and Mr. Chair Mr Speaker I ask you for your support in this legislation we are indeed in some very interesting times in not only Guam's history but in the United States and in the world and I think it's so important that we recognize we are not insulated being so far from the continental United States or from major areas of wars and we we protect ourselves and prepare ourselves for for anything that may come about thank you very much Mr. Speaker.

**SENATOR BROWN:** Thank you very much Senator Calvo for your comments on your Bill 360 Speaker Unpingco your recognizes the next speaker.

**SPEAKER UNPINGCO:** Yeah just really I want to say that I stand in support of this Bill I just recently attended a conference down at Palau where the national conference of state legislatures was as well as the center and decease control all the experts from the from Atlanta GA were there they had two weeks seminar and as a matter of fact they were surprised when they saw Bill Number 360 and we have several legislators there you know from the various jurisdiction within the Pacific area from FSM as well as Palau and the Federated from the Marshals and they they have looked over 360 and they felt that with all you know there

are several change that they wanted to make which is very minor but overall they look at this as a model legislation and because one of the things that shows during Chata'an when they had a big diastral over in Chuuk where all the health responders have sort of got together and this bill would authorize really you know set up the means to to in case of any type of bioterrorism that can will get up that everyone together that are need you know for that no particular services to control whatever problems that have come about and so you know when they work over we have a in fact a base meeting you know with the senators just on Bill 360 and so they they they applauded the author Senator Calvo for putting this thing out and we had two other men members from public health and social service Doctor Hadoc and the other doctor there the public health and they they endorse Bill Number 360 whole heartedly knowing that there's a possibility of some homeland security that will come about being setup here as a department an agency bioterrorism is one of them and with this mechanism that we have on Bill 360 it would facilitate if the we set out even later on the administration or this body decide set up a Department that called the Homeland Security Department and because of this bill 360 to I know that there are a lot of federal funding's that will come about under the Homeland Security act that that's no effective so I stand in Madam Speaker in support of Bill 360.

**SENATOR BROWN:** Thank you very much Speaker Unpingco Senator Leon Guerrero you're recognized to speak on Bill 360.

**SENATOR LEON GUERRERO:** Thank you very much Madam Speaker I also rise in support of this piece of legislation and I'd like to also commend the three authors in their pursuit of making making them yes Vice Speaker Kasperbauer wants me to make sure that his name is mentioned and so therefore for the record I would like to commend the three authors of this I think very comprehensive very good piece of legislation that will address not just bioterrorism but also in a kind of communicable disease outbreaks and it makes it all so much more expedient so the three authors are of course Senator Eddie Calvo the Speaker Unpingco and Vice Speaker Lawrence F Kasperbauer for their diligence in bringing forward this piece of legislation it also I think protects the individuals who are isolated or quarantine and an feel that their rights have been violated because sometimes in emergency situations panic can occur and you maybe you may come into situations where you may just be isolating and quarantining people maybe unnecessarily so it does have provisions in here that protect the rights of those individuals additionally I think it also gives them money to proceed in a very expedient manner to address the expenses of of whatever will occur as a result of the communicable disease outbreak I know in the past the public health officials had to come down to the legislature to get money and that sometimes delays the work of the individuals that need to go out there very rapidly to try to contain the outbreak and so the provisions here I think are very reasonable it calls for a transfer authority of the Governor up to or once a declared declared the Governor can have the has the authority to transfer about \$100,000 every month for three minutes so it caps it also so that there's some controls there additionally if the expenses go beyond 500,000 that the public health authority has to come to the legislature for approval so there are controls in place there are measures in place that would assure accountability of the public funds so again it's very important that we address communicable disease outbreaks in a very timely manner and I think this piece of legislation gives us that resource so I rise in support of this piece of legislation.

**SENATOR BROWN:** Thank you very much Senator Lou Leon Guerrero with any further speakers and Bill 360 Senator Won Pat.

**SENATOR WON PAT:** You know everything my question however page 15 and the members for the planning commission's that include every single government agency both autonomous and non autonomous who would be part of the Planning Commission I mean that's the question I have I'm sorry for the author of the bill if he would yield.

**SENATOR BROWN:** Senator Calvo you yield to the inquiry by Senator Won Pat.

**SENATOR CALVO:** Again the the discretion again we the language given here it will be the Governor of Guam that will be will be appointing this public health emergency Planning Commission so again it's the language I feel is general enough but also specific enough that we will give him the the longitude in terms of of of what he fitted at those members that should be appointed again Gov Guam directors or their designees also represents other other branches of government which includes the legislature and and the members of the judiciary so again its general language I don't it does not specify anyone directorship.

**SENATOR WON PAT:** Yeah well thank you but anyway the reason why I add ask that question because one of course it does not say what the numbers are and I'm wondering whether in all government of Guam directors are to be included that he may be too large and number and unruly and number Secondly we don't we although we have all three branches of the government represented we don't have anyone who in the private sector possibly from from clinics there private clinics because if they need to use their clinics and in case is an emergency we just don't want the government to come in and of course in a state of emergency the governor can declare of course the use of you know every single facility available on the island if there should be you know some you know major disaster but I would think then that by incorporating or involving those in the private sectors you know doctors or clinics that you know their input would be helpful the other thing on page 48 and I think it's just a typographical error maybe on the bottom line resist \$500,000 is what you know not to exceed \$500,000 in writing however by numbers is \$600,600,000 rather so which is the correct one page 48 in the bottom.

**SENATOR CALVO:** It should be 5.

**SENATOR WON PAT:** 6 okay so so it's not 5 then they'll be 6 oh its been corrected.

**SENATOR CALVO** Corrected.

**SENATOR WON PAT:** Okay page 48 on the bottom but you know other than those two issues then Mr. Speaker I mean I am definitely in full support it is very comprehensive in coverage basically you know all areas I'm hoping that the fact that you know we are empowering all these individuals to provide the care that testing the treatment and all that my only concern now would be truly when the Commission you know comes together whether they will be able to identify whether one the most important thing is whether we are capable of actually you know caring you know out all these emergencies and if not then identifying other individuals or agencies who will be able to be you know mobilized immediately to help that the government thank you Mr. Speaker.

**SENATOR KASPERBAUER:** Thank you further discussion on Bill 360 accepted by the author senator Pangelinan and on the Bill.

**SENATOR PANGELINAN:** Thank you Mr Speaker I'd like to just present an amendment I think add you're missing a severability clause and so I'd like to just make a technical amendment that legal counsel be.

**SENATOR CALVO:** We don't have to severability but it's not in the hard copies yeah that's what I.

**SENATOR PANGELINAN:** Can you tell me what some pages I'm passing.

**SENATOR KASPERBAUER:** Pages missing last part.

**SENATOR KASPERBAUER:** We'll take a.

**SENATOR PANGELINAN:** What's the last page of the Bill.

**SENATOR KASPERBAUER:** Will take a brief recess to get the entire Bill.

**RECESS**

**RECONVENED**

**SENATOR KASPERBAUER:** Session reconvene Senator Calvo.

**SENATOR CALVO:** Yes.

**SENATOR KASPERBAUER:** On Bill Number what's the Bill No.

**SENATOR CALVO:** Bill No 360 is substituted.

**SENATOR KASPERBAUER:** On Bill No 360 is substituted.

**SENATOR CALVO:** Yes thank you very much Mr Speaker Mr. Chair I'd like to offer an amendment.

OK

**SENATOR KASPERBAUER:** Please proceed.

**SENATOR CALVO:** Yes the amendment go with his follows we'd like to first and start by deletion and on starting on page 49 and deletion deleting from section 19804 liability through through 49 and page 50 and from that deletion and then an amendment has been offered up and I think all my colleagues have it again it's an amendment that's that starts out with section 19804 liability and there in the bottom side you have a page 56 and it runs 56 57 58 and 59 so there are 4 pages and this includes liability as well as compensation for taking a properties separability clause in both the act as well as the article and that's again regarding conflicting laws in both federal supremacy as well as well as prior conflicting acts.

**SENATOR PANGELINAN:** With the exception of the page numbers are not.

**SENATOR CALVO:** With the exception with the page number which are not.

**SENATOR KASPERBAUER:** Alright the motion is to amend the motion is to amend Bill 360 as substituted by deleting on page 49 and 50 of the existing main copy the Bill beginning with section 19804 liabilities and substituting or last place the pages that are numbered 56 57 58 and 59 beginning with the section 19804 for liabilities and the new information here is starts on page 57 through 3 and 4 and in the new section A B C and the severability clause and a severability clause so that is the amendment with the provision that the legal council may make any technical corrections or adjustments.

**SENATOR CALVO:** Yes.

**SENATOR KASPERBAUER:** On the amendment without objection so ordered.

**SENATOR KASPERBAUER:** On Bill 360 as substituted as amended to place in Third Reading File without objection so ordered.