

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
11-36 (COR)	Christopher M. Duenas V. Anthony Ada James C. Moylan	AN ACT TO <i>AMEND</i> SECTION 19405 (b) OF TITLE 10 GUAM CODE ANNOTATED RELATIVE TO REQUIRING LEGISLATIVE AUTHORIZATION TO EXTEND A DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY, WHICH SHALL BE KNOWN AS "THE RESTORATION OF SEPARATION OF POWERS ACT."	1/5/21 4:02 p.m.	2/1/21	Committee on Health, Land, Justice, and Culture	2/8/21 4:00 p.m.	2/15/21 11:28 a.m.  As amended by the Prime Sponsor	Request: 1/13/21  Waiver: 1/20/21  Request: 2/3/21	1/28/21 As amended by the Prime Sponsor.  2/17/21 11:13 a.m. Supplement Document to the Committee Report on Bill No. 11-36 (COR), as amended by the Prime Sponsor.



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÅTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

February 17, 2021

# MEMO

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules

**Re:** Supplemental Documents to the Committee Report on Bill No. 11-36 (COR)  
As amended by the Prime Sponsor

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*Buenas yan Håfa adai,*

Please include this memo and attached documents as a "Supplement to the Committee Report" for the Committee Report on **Bill No. 11-36 (COR) As amended by the Prime Sponsor**.

Please make the appropriate indication in your records and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director, at 472-2461.

*Si Yu'os Ma'åse',*

  
**Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules





Office of the Speaker  
**THERESE M. TERLAJE**

*I Mina'trentai Sais na Liheslaturan Guåhan* | 36th Guam Legislature  
Committee on Health, Land, Justice and Culture

February 16, 2021

**The Honorable Tina Rose Muña Barnes**

Chairperson, Committee on Rules

*I Mina'trentai Sais na Liheslaturan Guåhan*

163 Chalan Santo Papa

Hagåtña Guam, 96910

**RE: Supplemental testimonies for Committee Report on Bill No. 11-36 (COR), As  
Amended by the Prime Sponsor**

*Håfa Adai* Chairperson Muña Barnes:

Please find appended to this letter, supplemental testimonies for Bill No. 11-36 (COR), As Amended by the Committee on Health, Land, Justice and Culture. I respectfully request that the document be included as a supplemental to the committee report on the bill.

Thank you for your time and attention to this matter.

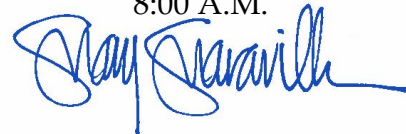
Sincerely,

  
Speaker Therese M. Terlaje

**COMMITTEE ON RULES  
RECEIVED:**

February 17, 2021

8:00 A.M.



Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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*\*For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,  
please send to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)*



LOURDES A. LEON GUERRERO  
GOVERNOR, MAGA'HAQA'  
  
JOSHUA F. TENORIO  
LT. GOVERNOR, SIGUNDO MAGA'LAHI

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



ARTHUR U. SAN AGUSTIN, MHR  
DIRECTOR  
  
LAURENT SF DUENAS, MPH, BSN  
DEPUTY DIRECTOR  
  
TERRY G. AGUON  
DEPUTY DIRECTOR

February 16, 2021

Speaker Therese Terlaje  
36<sup>th</sup> Guam Legislature  
Committee on Health, Land, Justice and Culture  
Guam Congress Building, 163 Chalan Santo Papa  
Hagatna, Guam 96910

RE: COLLABORATIVE TESTIMONY ON BILL 11-36

As leaders of the agencies that have been engaged in the fight with COVID-19 for nearly a year, we are in a unique position to articulate the significant amount of information and analysis that goes into making decisions to extend a public health emergency. We meet with a larger group of government agencies convened specifically for operations related to COVID-19, at least three times a week to discuss and plan our on-going response. Our agencies also coordinate responses, particularly with the identification, transport, quarantine and isolation, and hospitalization, of individuals who have been exposed to COVID-positive individuals or who have themselves tested positive. The Department of Public Health and Social Services ("DPHSS"), as the lead agency in the public health emergency, has largely directed our coordinated response -- they have mobilized a massive collaborative effort that draws on resources from across the government of Guam and coordinated with local non-profit and private sector partners. Through this work, and the tireless efforts and sacrifice of our staff, many of whom are frontliners, we continue to weather this crisis.

It has not been an easy road. A crisis of this magnitude is unprecedented on our island and around the world. The science surrounding the virus and its many variants is emerging and shifts at a rapid pace. It is critical to ensure our ability to react to the emerging data that the chain of command is clear, and that we have the ability to organize and mobilize resources as quickly and efficiently as possible.

**Bill 11 threatens our COVID-19 response by undermining our ability to respond quickly and efficiently to the COVID-19 crisis.**

Without question, the COVID-19 public health emergency continues to pose a grave threat to the health and safety of our community. Paramount to an effective response is the ability to move nimbly, pivot quickly, and respond swiftly to emerging issues and concerns. We believe that this ability will be severely compromised if the Legislature becomes the party responsible for


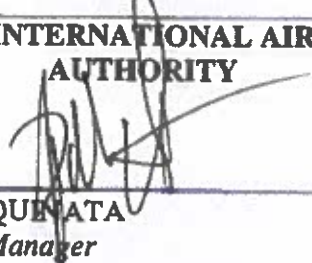


extending the public health emergency. Action by the legislative body requires a majority and legislative action follows an established and time-consuming process that includes public hearings, debate, and testimony gathering. Certainly, under normal circumstances, this is what even, we, as members of the community, desire and expect from our lawmakers. However, our community also relies on all of us to be ready and able to respond to their emergencies in short order. We do not believe this can be done if Bill 11 becomes law.

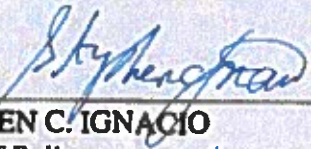
Our agencies are already subject to oversight hearings. While these hearings at times take us away from our duties, we understand the importance of ensuring that our elected leaders stay informed regarding our challenges and our progress. However, Bill 11 has the potential to divert our efforts from addressing the crisis to trying to convince the public that there is a crisis at all, when every jurisdiction in the country and the world agrees that there is, and there does not appear to be disagreement even in our legislature, even among the sponsors of Bill 11, that the COVID-19 crisis remains a threat to our community and that the declaration of public health emergency continues to be necessary. No other jurisdiction in the country is prepared to declare that the COVID-19 crisis is over, and it is unclear why our island's leaders believe it is necessary to convene the legislature to review whether or not the public health emergency should continue. The purpose of Bill 11 is especially confusing when the legislature already has the power to immediately end the public health emergency under the Emergency Health Powers Act. Compelling our agencies to attend constant hearings to justify our continued efforts to contain the spread of COVID-19 will take us away from performing our collective critical responsibility to actually contain the spread of COVID-19.

Perhaps most importantly, our ability to respond to COVID-19 is contingent on continued funding of our response effort. All of our agencies, particularly DPHSS, found their budgets drastically cut in the last session. We continue to operate with assistance from the federal government through CARES Act funds and FEMA reimbursements, which has supplied much needed funding to local governments to aid in their COVID-19 response effort. If Guam is prepared to end the public health emergency, or to let it simply lapse without renewing, then it will be essential to identify local resources that will support the needs of our community as the crisis continues to ravage the globe and variants eventually land at our shores.

Respectfully, we ask that the Legislature choose not to pass Bill 11-36 and allow us to do our work to protect our community with all the tools and resources currently available to us. We simply cannot afford to be reckless with the health and safety of our community.


<b>DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES</b>	<b>GUAM INTERNATIONAL AIRPORT AUTHORITY</b>
	
ARTHUR U. SAN AGUSTIN, MHR Director	JOHN M. QUINATA Executive Manager
Date: <b>FEB 16 2021</b>	Date: _____




<b>GUAM POLICE DEPARTMENT</b>  <b>STEPHEN C. IGNACIO</b> <i>Chief of Police</i> Date: <u>2/16/21</u>	<b>GUAM FIRE DEPARTMENT</b>  <b>DANIEL C. STONE</b> <i>Fire Chief</i> Date: _____
<b>GUAM MEMORIAL HOSPITAL AUTHORITY</b>  <b>LILLIAN PEREZ-POSADAS, MN, RN</b> <i>Hospital Administrator / Chief Executive Officer</i> Date: _____	<b>GUAM HOMELAND SECURITY / OFFICE OF CIVIL DEFENSE</b>  <b>ESTHER J.C. AGUIGUI</b> <i>Homeland Security Advisor</i> Date: _____

<b>GUAM POLICE DEPARTMENT</b>  <b>STEPHEN C. IGNACIO</b> <i>Chief of Police</i> Date: _____	<b>GUAM FIRE DEPARTMENT</b>  /S/ <b>MICHAEL F. UNCANGCO</b>  <b>DANIEL C. STONE</b> <i>Fire Chief</i> FEB 16, 2021 Date: _____
<b>GUAM MEMORIAL HOSPITAL AUTHORITY</b>  <b>LILLIAN PEREZ-POSADAS, MN, RN</b> <i>Hospital Administrator / Chief Executive Officer</i> Date: _____	<b>GUAM HOMELAND SECURITY / OFFICE OF CIVIL DEFENSE</b>  <b>ESTHER J.C. AGUIGUI</b> <i>Homeland Security Advisor</i> Date: _____



<b>GUAM POLICE DEPARTMENT</b>	<b>GUAM FIRE DEPARTMENT</b>
STEPHEN C. IGNACIO <i>Chief of Police</i> Date: _____	DANIEL C. STONE <i>Fire Chief</i> Date: _____
<b>GUAM MEMORIAL HOSPITAL AUTHORITY</b> 	<b>GUAM HOMELAND SECURITY / OFFICE OF CIVIL DEFENSE</b>
LILLIAN PEREZ-POSADAS, MN, RN <i>Hospital Administrator / Chief Executive Officer for</i> Date: <u>2-16-2021</u>	ESTHER J.C. AGUIGUI <i>Homeland Security Advisor</i> Date: _____



<b>GUAM POLICE DEPARTMENT</b>	<b>GUAM FIRE DEPARTMENT</b>
STEPHEN C. IGNACIO <i>Chief of Police</i> Date: _____	DANIEL C. STONE <i>Fire Chief</i> Date: _____
<b>GUAM MEMORIAL HOSPITAL AUTHORITY</b>	<b>GUAM HOMELAND SECURITY / OFFICE OF CIVIL DEFENSE</b>
LILLIAN PEREZ-POSADAS, MN, RN <i>Hospital Administrator / Chief Executive Officer</i> Date: _____	 ESTHER J.C. AGUIRRE <i>Homeland Security Advisor</i> Date: <u>16 Feb 21</u>



**GUAM WOMEN'S**  
CHAMBER OF COMMERCE

February 17, 2021

**President**

Laura Nelson Cepeda

**Vice President**

Bernie Valencia

**Secretary**

Helana Leon Guerrero

**Treasurer**

Amanda Gima

**Past President**

Holly Rustick

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Angel Camacho-Paulino

Jayne Flores

Jennifer McFerran

Kathlyn Selleck

Livia Marati

Michelle Crisostomo

Tasi Peddicord

Jessica Leon Guerrero

Honorable Therese M. Terlaje

Speaker / Chair, Committee on Health, Land, Justice and Culture

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagatna, Guam 96910

Via e-mail: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

Hafa Adai Speaker Terlaje and Committee members,

The Guam Women's Chamber of Commerce (GWCC) respectfully submits the following testimony on:

**Bill No. 11-36**, AN ACT TO *AMEND* SECTION 19405 (b) OF TITLE 10 GUAM CODE ANNOTATED RELATIVE TO REQUIRING LEGISLATIVE AUTHORIZATION TO EXTEND A DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY, WHICH SHALL BE KNOWN AS "THE RESTORATION OF SEPARATION OF POWERS ACT."

The GWCC believes this bill to be inorganic, as the Organic Act of Guam, in §1422, provides that "He (the Governor) may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law." Notwithstanding the fact that in 1950, Congress could not have imagined a female governor of a U.S. territory, this clause clearly gives our *Maga'haga* the ability to declare a public health emergency.

Subsection 1422 further states that, "The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation."

Given these provisions, the GWCC sees no need for Bill 11-36, and therefore recommends that the members of the 36th Guam Legislature invest their time in producing legislation that assists the island through this pandemic and onto recovery. However, if two-thirds of the members of the Legislature see fit to revoke the Governor's emergency declaration, thereby ending access to any federal funding that said declaration may make available to the Government of Guam or its people, they may take this action forthwith, as it is provided for in the Organic Act.



GUAM WOMEN'S  
CHAMBER OF COMMERCE

The GWCC cautions that if the Legislature chooses this route, the revocation of any emergency declaration will be a much slower, more bureaucratic and political process and will ultimately delay federal funds allocated to the island for the purpose of dealing with the emergency. This path could have even more devastating consequences for Guam's overall economy, for individual residents, families, and for business owners. Therefore, we strongly recommend that the powers afforded to the executive branch by the U.S. Congress via the Organic Action of Guam be maintained for efficient and decisive leadership in times of emergency.

Si Yu'os Ma'ase for the opportunity to submit testimony on this proposed legislation.

Sincerely,

Laura Nelson Cepeda  
President  
Guam Women's Chamber of Commerce