



Speaker Therese M. Terlaje <speaker@guamlegislature.org>

# EXECUTIVE ORDER NO. 2021-03: Relative to Extending the Public Health Emergency Declared to Respond to Novel Coronavirus (COVID-19)

june.borja@guam.gov <june.borja@guam.gov>

Thu, Jan 28, 2021 at 4:22 PM

To: speaker@guamlegislature.org

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, Lieutenant Governor <lt.governor@guam.gov>, Guam Compiler of Laws <guamcompiler@gmail.com>, "Geraldine A. Cepeda (Compiler)" <gcepeda@guamcourts.org>, "Lisa Ibanez (Compiler Asst.)" <libanez@guamsupremecourt.com>, Sophia Diaz <sophia.diaz@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Melinda A Sanchez <melinda.sanchez@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, alice.taijeron@guam.gov, Bertha Duenas <bertha.duenas@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Lester Carlson <lester.carlson@bbmr.guam.gov>, Jessica Cruz <jessica.cruz@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>, "Richard B. Arroyo" <richard.arroyo@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, admin@bbmr.guam.gov, "Michael D. Weakley" <michael.weakley@guam.gov>, pmbblas@ggrf.com, "Jacqueline M. Blas" <jmblas@ggrf.com>, dwain.sanchez@guam.gov, evonnie.hocog@guam.gov, Caleb Skvaril <caleb.skvaril@guam.gov>, Jennifer Louise Dulla <jennifer.dulla@guam.gov>

Hafa Adai Madame Speaker,

Please find attached copy of letter dated January 28, 2021 from Legal Counsel Sophia Santos Diaz with enclosed Executive Order No. 2021-03:

- **EXECUTIVE ORDER NO. 2021-03: Relative to Extending the Public Health Emergency Declared to Respond to Novel Coronavirus (COVID-19)**

A hard copy will be transmitted to your office this afternoon.

Thank you.

Respectfully,

Doc Type: 36GL-21-0128  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

**01-28-2021**

Time: 4:22 PM  
Received: JAA



**June M.C. Borja**  
Administrative Services Officer

**OFFICE OF THE GOVERNOR OF GUAM\***  
*Office of Legal Counsel*  
Ricardo J. Bordallo Governor's Complex  
Adelup, Guam 96910  
P.O. Box 2950, Hagåtña, Guam 96932  
Direct Telephone No.: (671) 473-1117  
Main Office No.: (671) 473-1118  
Adelup Main No.: (671) 472-8931  
Fax No.: (671) 477-4826

*Hard copy delivered to Congress building @ 4:47 pm 1/28/21*

**COMMITTEE ON RULES**

**RECEIVED:**

Jan. 28, 2021

6:22 P.M.

*Shay Skvaril*

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LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

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

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

January 28, 2021

**HONORABLE THERESE M. TERLAJE**

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

Doc Type: 36GL-21-0128  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

**-01- 28 2021**

Time: 4:47PM  
Received: M.C.

**RE: Executive Order No. 2021-03**

*Hafa Adai* Madame Speaker:

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

**EXECUTIVE ORDER NO. 2021-03: Relative to Extending the  
Public Health Emergency Declared to Respond to Novel  
Coronavirus (COVID-19)**

Thank you.

*Senseremente,*

Handwritten signature of Sophia Santos Diaz in blue ink.

**SOPHIA SANTOS DIAZ**  
*Legal Counsel*

Enclosure: Executive Order No. 2021-03

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  
513 W. Marine Corps Drive Hagåtña, Guam 96910  
governor.guam.gov | (671) 472-8931



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

**EXECUTIVE ORDER NO. 2021-03**

**RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY  
DECLARED TO RESPOND TO 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 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**, those potential dangers were realized on March 16, 2020, when we identified our first three (3) cases of COVID-19; and

**WHEREAS**, since first declaring a public health emergency, Guam has suffered One Hundred Twenty Nine (129) COVID-19 related deaths in our community; and

**WHEREAS**, as of the time of this writing, over Seven Thousand Five Hundred (7,500) 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 4.3 positive cases per one hundred thousand (100,000) persons daily, and a test positivity rate of approximately two percent (2%); and

**WHEREAS**, as of the time of this writing, eight (8) COVID-19 positive patients are hospitalized, including two (2) in intensive care; and

**WHEREAS**, on January 14, 2021, I declared Guam to be in Pandemic Condition of Readiness ("PCOR") 2 under our readiness system, during which most activities are permitted to operate under moderate restrictions; and

**WHEREAS**, the Department of Public Health and Social Services ("DPHSS"), as the Public Health Authority, has issued and implemented Guidance Memoranda and Directives by which it continues to administer a comprehensive quarantine policy for incoming travelers; and

**WHEREAS**, DPHSS has also issued several Guidance Memoranda and Directives aimed at establishing parameters for the safe operation of businesses, organizations, houses of worship, government offices, schools and other activities; and

**WHEREAS**, since June, Guam has relied on the Covid Area Risk ("CAR") Score to assess risk of COVID-19 spread, which is calculated using three main data points -- case doubling time, test positivity rate, and new cases per 100,000 persons; and

**WHEREAS**, the Guam National Guard's Surgeon Cell and the Physicians' Advisory Group have recommended that safe commencement of additional public activities on Guam



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be conditioned on achievement of a CAR Score of five (5) or below for a sustained period of time; and

**WHEREAS**, on November 14, 2020, Guam's CAR Score reached a high of 47.4; and

**WHEREAS**, this spike coincided with those experienced around the country and the world, and which continue to persist in many areas, particularly in the continental U.S.; and

**WHEREAS**, following a series of community testing events, the deployment of DPHSS rapid engagement teams to highly vulnerable communities, and the adoption of Enforcement Regulations by DPHSS, as of the time of this writing, Guam's CAR Score is 0.4, and has been below two (2) for more than seven (7) weeks; and

**WHEREAS**, we are now engaged in a phased effort to vaccinate our population, which is developed by DPHSS in consultation with the Vaccination and Antiviral Prioritization Policy Committee, and have administered more than twenty two thousand (22,000) doses of the COVID-19 vaccine thus far; and

**WHEREAS**, as science has allowed us to better understand how to mitigate against transmission and mitigation measures have become normalized, public services can now be provided safely for both employees and customers.

**NOW THEREFORE, I, LOURDES A. LEON GUERRERO**, *I Maga'hāgan 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.** The public health emergency first declared in Executive Order No. 2020-03 and extended in Executive Order Nos. 2020-09, 2020-11, 2020-16, 2020-22, 2020-24, 2020-29, 2020-35, 2020-38, 2020-41, and 2020-46 shall be extended for an additional thirty (30) day period, effective January 30, 2021. The public health emergency is now set to expire on March 1, 2021.
- 2. PANDEMIC CONDITION OF READINESS 2.** Guam continues to be in PCOR 2, during which most activities are permitted to operate under moderate restrictions imposed in an effort to slow the spread of COVID-19 in our community.
- 3. "SAFER AT HOME" ADVISORY.** Guam continues to be under a Safer at Home Advisory, during which all individuals, especially vulnerable persons, are encouraged to minimize travel outside the home. When it is necessary to leave the home, all persons are instructed to exercise mitigation measures outlined in applicable DPHSS Guidance Memoranda, to help slow the spread of COVID-19. "Vulnerable persons" means individuals aged sixty five (65) years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions





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requiring such therapy. Individuals are highly encouraged to be vaccinated as they become eligible under the phased approach adopted by the Vaccine and Antiviral Prioritization Policy Committee.

4. **SOCIAL GATHERINGS OR CONGREGATIONS.** A “congregation” or a “social gathering” is a meeting for a common and singular purpose of more than one (1) person where individuals are not members of a single household. Effective at 8:00AM on February 1, 2021, social gatherings and congregations shall be limited to **no more than twenty-five (25) persons**. The terms “social gathering” and “congregation” are not intended to include meetings of businesses, organizations, or government agencies held for the purpose of carrying out official business of such entities.
5. **COVID-19 RESPONSE DIFFERENTIAL PAY.** Effective February 1, 2021, Category 2 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 Category 1 shall be compensated at their regular rate of pay. Effective February 1, 2021, the differential for employees eligible under Category 1 shall be reduced to ten percent (10%).
6. **ENFORCEMENT.** Individuals and businesses who fail to comply with applicable DPHSS Guidance Memoranda and Directives may be subject to fines pursuant to 10 G.C.A. §19802 and 26 GAR Chapter 4 Article 28, as well as any other penalties available under Guam law. DPHSS and affected agencies may enforce applicable enforcement statutes and regulations with the assistance of the Guam Police Department.

As reflected in 26 GAR Chapter 4 Article 28, fines may be imposed for violations of various mandates in applicable DPHSS Guidance Memoranda, including, but not limited to, regulations related to social gatherings, social distancing and the wearing of masks, occupancy limitations, and the requirement that certain businesses keep logbooks or written records of guests. Individuals and businesses should ensure compliance with DPHSS Guidance Memoranda to avoid penalties for violations thereto.

7. **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.

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**8. 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 28<sup>th</sup> day of January 2021.

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

Attested by:

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



LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

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

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

January 28, 2021

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*Speaker*  
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*36<sup>th</sup> Guam Legislature*  
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*Senseremente,*

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**SOPHIA SANTOS DIAZ**  
*Legal Counsel*

Enclosure: Executive Order No. 2021-03

cc via email: *Maga'hāgan Guāhan*  
*Sigundo Maga'lāhen Guāhan*  
Hon. F. Philip Carbullido, Chief Justice of Guam  
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**SIGNED AND PROMULGATED** at Hagåtña, Guam, this **28<sup>th</sup>** day of **January 2021**.

A handwritten signature in black ink, appearing to read "Lou Leon Guerrero".

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

Attested by:

A handwritten signature in black ink, appearing to read "Joshua F. Tenorio".

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

