

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

August 27, 2021

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

RE: Executive Order No. 2021-21

Hafa Adai Madame Speaker:

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

**EXECUTIVE ORDER NO. 2021-21:
RELATIVE TO SUSPENDING IN-PERSON LEARNING AND AMENDING SOCIAL
GATHERING RESTRICTIONS**

Thank you.

Senseremente,

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

LESLIE A. TRAVIS
Legal Counsel

Enclosure: Executive Order No. 2021-21

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

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

EXECUTIVE ORDER NO. 2021-21

**RELATIVE TO SUSPENDING IN-PERSON LEARNING
AND AMENDING SOCIAL GATHERING RESTRICTIONS**

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

WHEREAS, Guam's healthcare system is fragile, and our people have enhanced comorbidity factors when compared to other U.S. and international jurisdictions; and

WHEREAS, on November 2, 2020, our COVID-19 hospitalizations in Guam peaked, with One Hundred Two (102) individuals hospitalized for conditions related to COVID-19; and

WHEREAS, our original threshold for COVID-19 hospitalizations at the Guam Memorial Hospital ("GMH") was twenty-seven (27) beds, and the drastic rise in cases resulted in overflow COVID-19 patients being treated at the Guam Regional Medical City ("GRMC") and the Naval Hospital Guam, and BLU-MED response tents were set up outside GMH to assist in the response effort; and

WHEREAS, notwithstanding the availability of these additional resources, the most scarce resource in Guam's response was, and continues to be, our human resources. With medical personnel stretched to their limits, GMH engaged the services of traveling nurses at significant cost; and

WHEREAS, the Department of Public Health and Social Services ("DPHSS") further received additional support from Guam Department of Education ("GDOE") school health counselors; the Guam National Guard has contributed substantially to multiple facets of our COVID response, including vaccination, testing and quarantine; and our local clinics have assisted in caring for non-COVID patients and in providing testing options for our people; and

WHEREAS, the efforts of our medical personnel are nothing short of heroic. They have served our community at great personal risk to themselves and their families, they have risen to meet an unprecedented challenge, and we owe them a debt of gratitude that can never be repaid; and

WHEREAS, many of these resources, which were critical in our response effort, that carried our island forward until vaccines became available, are no longer available for our use today; and



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WHEREAS, traveling nurses are no longer available to service Guam due to the rampant spread of the virus in the mainland United States have returned to their posts at our schools, and many of our National Guardsmen have likewise resumed their other duties; and

WHEREAS, while I share in the frustration and the fatigue that many of you are experiencing as a result of this pandemic, which has disrupted our lives for a prolonged period of time, I also recognize that my frustration and fatigue cannot compare to the mental and physical exhaustion experienced by our medical personnel; and

WHEREAS, at the time of this writing there are thirty-three (33) patients hospitalized with COVID-19, including five (5) in intensive care and one (1) on a ventilator; and

WHEREAS, our health care workers are tired and overextended. In recent days, I have spoken with many of them, including doctors at GMH and GRMC, and it is clear that while they continue to perform their duties to the best of their ability, we need to do more as a community to help alleviate the strain on medical personnel, who work diligently to keep our community healthy; and

WHEREAS, despite the proliferation of misinformation and hesitancy surrounding COVID-19 vaccines, without question, these vaccines save lives and keep people out of the hospital; and

WHEREAS, COVID-19 vaccines are widely available in Guam. They are safe, effective, and popular, with over 108,000 of our people having voluntarily received the vaccine; and

WHEREAS, of the 145 lives our island has lost to COVID-19, 144 were unvaccinated, and despite the fact that majority of our island is vaccinated, nearly eighty percent (80%) of individuals hospitalized in Guam today are unvaccinated; and

WHEREAS, unvaccinated people in Guam are 32 times more likely to be hospitalized with COVID-19 than those who are fully vaccinated; and

WHEREAS, our hospitals administer care to individuals hospitalized for COVID-19 regardless of their vaccination status or their personal doubts about the science surrounding the vaccine or the near uniform opinion of the medical community recommending vaccinations; and



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WHEREAS, on August 14, 2020, pursuant to Executive Order No. 2020-27, I mandated the closure of schools for in-person learning. In-person learning has a demonstrable impact on the physical and mental well-being of our children, but our children under the age of twelve (12) are unvaccinated, and it is our responsibility to protect them, as we have taken steps to protect all unvaccinated members of our community. While it is true that there is no evidence of a cluster in a school setting, we simply cannot wait for that inevitability before we act. And so, with the concurrence of DPHSS and the Guam National Guard Surgeon Cell, in consultation with the GDOE and private school, and with a heavy heart, I am ordering the suspension of in-person learning in all K-12 institutions at this time; and

WHEREAS, a substantial number of our recent positive cases can be traced to social gatherings and congregate settings wherein mask use is compromised, including bars, weddings, boat cruises, and karaoke lounges; and

WHEREAS, on August 20, 2021, in Executive Order No. 2021-19, I ordered that unvaccinated individuals were not permitted to participate in social gatherings with individuals who are not members of their household, but permitted vaccinated individuals to continue to participate in social gatherings of up to 100 persons; and

WHEREAS, notwithstanding the fact that vaccinated individuals are far less likely to require hospitalization even if they contract COVID-19, with the concurrence of DPHSS and the Guam National Guard Surgeon Cell, in recognition of the fact that breakthrough cases among vaccinated individuals still occur, and because vaccinated individuals may still transmit the virus, it is necessary at this time to reduce the number of vaccinated individuals that may participate in social gatherings; and

WHEREAS, this additional measure is necessary to help our hospitals and our health care workers weather the current surge in hospitalizations among unvaccinated and vaccinated persons alike; and

WHEREAS, I encourage all eligible individuals to get vaccinated in order to protect our children and vulnerable populations.

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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. **SUSPENSION OF IN-PERSON LEARNING.** Effective at 8:00AM on August 30, 2021, to preserve the health and safety of students, their families, school staff, and the public, pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public and private schools in Guam serving prekindergarten through 12th grade shall suspend in-person instruction and activities until amended by further executive order. 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. All athletics, after-school activities, inter-school activities and busing shall likewise be suspended during this time. Schools may open for faculty, staff and students, to facilitate distance learning and ensure operational continuity subject to applicable DPHSS Guidance and Directives. Schools will further be required to comply with applicable DPHSS guidelines.
2. **SOCIAL GATHERINGS OR CONGREGATIONS.** A “congregation” or “social gathering” is a meeting for a common and singular purpose of more than one (1) person where the individuals are not members of a single household. Effective at 8:00AM on August 30, 2021, social gatherings or congregations shall be limited to no more than ten (10) vaccinated persons indoors and twenty-five (25) vaccinated persons outdoors, unless otherwise provided herein or in applicable DPHSS guidance. Unvaccinated persons may not participate in social gatherings with individuals who are not members of their household. This section shall apply to all individuals twelve (12) years plus one (1) month of age.
 1. **PLACES OF WORSHIP.** Places of worship may continue services, ceremonies, and operations as provided in Executive Order No. 2021-16, but must strictly comply with requirements provided in applicable DPHSS guidance, including mask-wearing requirements.
 2. For purposes of this section “vaccinated” means having received the first shot of a recommended series of vaccination with a vaccine authorized to prevent COVID-19 by the United States Food and Drug Administration, including by way of an emergency use authorization, or by the World Health Organization (WHO).



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3. **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.
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 Hagåtña, Guam, this 27th day of August, 2021.

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

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

Attested by:

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

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

