

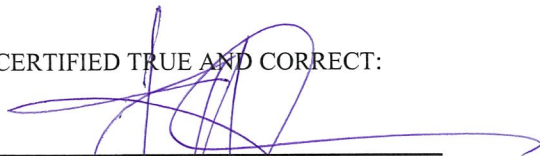
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
VOTING RECORD

Resolution No. 291-36 (COR) As substituted on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building April 14, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes		✓				
Senator Telen Cruz Nelson		✓				
Senator Sabina Flores Perez		✓				
Senator Clynton E. Ridgell		✓				
Senator Joe S. San Agustin					✓	✓
Senator Amanda L. Shelton		✓				
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje		✓				
Speaker Therese M. Terlaje		✓				
Senator Mary Camacho Torres					✓	✓

TOTAL

6	7	Not	Out	2	2
Aye	Nay	Voting/ Abstained	During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Resolution No. 291-36 (COR)

As substituted on the Floor.

Introduced by:

Christopher M. Dueñas
James C. Moylan
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Telo T. Taitague

Relative to terminating the declaration of a state of public health emergency under the Emergency Health Powers Act in Chapter 19 of Title 10, Guam Code Annotated, pursuant to § 19405(c) of Article 4, Chapter 19, Title 10, Guam Code Annotated, in order to restore the civil rights of the people of Guam based on a finding that the occurrence of an illness or health condition that caused the emergency does not or no longer poses a high probability of a large number of deaths in the affected population, large number of incidents of serious permanent or long-term disability in the affected population or a significant risk of substantial future harm to a large number of people in the affected population.

1 **BE IT RESOLVED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN***
2 ***GUÅHAN*:**

3 **WHEREAS, *I Maga'hågan Guåhan*** (Governor of Guam) invoked the
4 emergency health powers provided in Chapter 19 of Title 10, Guam Code Annotated,
5 by promulgation of Executive Order 2020-03 on March 14, 2020; and

1 **WHEREAS**, the Governor then proceeded to promulgate at least thirty-three
2 (33) more executive orders plus a plethora of Department of Public Health and Social
3 Services (DPHSS) Guidance Memos, the effects of which were to arbitrarily and
4 capriciously “lock down” the island, destroy commerce, restrict the liberty of citizens,
5 isolate and quarantine people, and generally abuse whatever authority is available under
6 Chapter 19, Title 10 Guam Code Annotated; and

7 **WHEREAS**, pursuant to § 19405(d) of Article 4, Chapter 19, Title 10, Guam
8 Code Annotated, the Guam Legislature finds as follows:

9 •The nature of the emergency is infection of some residents with novel
10 coronavirus disease 2019 (COVID-19)

11 •The area threatened was the island of Guam

12 •The conditions that make possible the termination of the declaration are the
13 many measures established nationally to prevent the spread of the COVID-19 virus, that
14 have been incorporated by businesses, and government entities, along with households,
15 without the necessity of imposing draconian conditions on the population.

16 •The measures that are being imposed upon business and government entities,
17 along with households, are aimed at reducing the number of hospitalization cases related
18 to COVID-19 at the local hospitals, and statistically, this has been proven to be
19 effective; and

20 **WHEREAS**, the Robert T. Stafford Disaster Relief and Emergency Assistance
21 Act (Stafford Act) is a 1988 United States federal law designed to bring an orderly and
22 systematic means of federal natural disaster assistance for state and local governments
23 in carrying out their responsibilities to aid citizens; and

24 **WHEREAS**, on March 13, 2020, President Donald J. Trump declared an
25 emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and
26 Emergency Assistance Act (Stafford Act; 42 U.S.C. § 5121 et seq.) in response to

1 COVID-19, and the declaration authorized assistance to all U.S. states, territories,
2 tribes, and the District of Columbia; and

3 **WHEREAS**, federal relief packages provided by the United States Congress,
4 specifically the CARES Act and the American Rescue Plan, provided blanket financial
5 support for states and territories, with the understanding that the COVID-19 virus
6 impacted all U.S. jurisdictions, regardless of whether the respective state or territory
7 had a personal declaration in place, or regardless of the level of surges the state or
8 territory was facing; and

9 **WHEREAS**, lifting the Emergency Declaration pursuant to Chapter 19 of Title
10 10, Guam Code Annotated, does not remove the authority of any business or
11 government entity from establishing safety protocols as they would deem necessary to
12 protect their employees, customers, or stakeholders; and

13 **WHEREAS**, the Emergency Declaration pursuant to Chapter 19 of Title 10,
14 Guam Code Annotated, provides the Governor of Guam unprecedented authority over
15 government procurement and hiring, which creates challenges towards checks and
16 balances, which is a crucial component of democracy, and one which has been evaded
17 by the administration; and

18 **WHEREAS**, allowing the Governor of Guam unprecedented authority over
19 procurement and hiring during an election season, particularly with millions of federal
20 relief dollars deposited in the government of Guam's bank account, establishes a
21 dangerous precedent in terms of how those funds will be spent and prioritized; and

22 **WHEREAS**, nothing in this Resolution prevents the Governor from
23 promulgating another executive order of emergency declaration pursuant to Chapter 19
24 of Title 10, Guam Code Annotated, and pursuant to COVID-19 cases if the need for
25 that arises in the future, granted the reason is justified;

1 **WHEREAS**, 10 GCA § 19405(c) states that: “[The Guam Legislature]. By a
2 majority vote, [The Guam Legislature] may terminate the declaration of a state of public
3 health emergency at any time from the date of original declaration upon finding that the
4 occurrence of an illness or health condition that caused the emergency does not or no
5 longer poses a high probability of a large number of deaths in the affected population,
6 a large number of incidents of serious permanent or long-term disability in the affected
7 population or a significant risk of substantial future harm to a large number of people
8 in the affected population. Such a termination by [The Guam Legislature] shall override
9 any renewal by *I Maga'låhen Guåhan* [The Governor]”;

10 **WHEREAS**, pursuant to 10 GCA § 19405, the 36th Guam Legislature finds that
11 the occurrence of COVID-19 that caused the emergency does not or no longer poses a
12 high probability of a large number of deaths in the affected population, a large number
13 of incidents of serious permanent or long-term disability in the affected population or a
14 significant risk of substantial future harm to a large number of people in the affected
15 population.

16 **WHEREAS**, the 36th Guam Legislature hereby finds that termination of the state
17 of public health emergency declared by Executive Order 2020-03, and extended by
18 subsequent executive orders, is warranted; now therefore, be it

19 **RESOLVED**, that *I Mina'trentai Sais Na Liheslaturan Guåhan* does hereby, on
20 behalf of the people of Guam, terminate the declaration of a state of public health
21 emergency promulgated under Executive Orders 2020-03 *et seq.*; and be it further

22 **RESOLVED**, that the Speaker certifies, and the Legislative Secretary attests to,
23 the adoption hereof, and directs that copies of the same be hereafter transmitted to the
24 Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN* ON THE DAY OF 2022.

THERESE M. TERLAJE
Speaker

AMANDA L. SHELTON
Legislative Secretary