

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

January 6, 2023

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: EXECUTIVE ORDER NO. 2023-01

Hafa Adai Madame Speaker:

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

**EXECUTIVE ORDER NO. 2023-01: RELATIVE TO DECLARING A STATE OF
EMERGENCY RELATED TO FOOD INSECURITY CAUSED BY THE COVID-19
PANDEMIC**

Thank you.

Senseremente,

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

LESLIE A. TRAVIS

Legal Counsel

Enclosure: Executive Order No. 2023-01

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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HAGATNA, GUAM 96932
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EXECUTIVE ORDER NO. 2023-01

**RELATIVE TO DECLARING A STATE OF EMERGENCY RELATED TO
FOOD INSECURITY CAUSED BY THE COVID-19 PANDEMIC**

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States, to aid the nation's healthcare community in responding to the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, on March 14, 2020, *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 on the island of Guam, for the purpose of identifying and mobilizing our island's response and recovery measures in response to the significant public health risk posed by COVID-19; and

WHEREAS, COVID-19 has impacted communities across the nation and the world. For many communities, the pandemic exacerbated existing food insecurity experienced by residents by increasing the cost of daily living, including groceries, transportation, utilities, and child care; and

WHEREAS, though many of these challenges were brought on by geopolitical events and the rise of inflation, without question, the pandemic affected our community's ability to weather them. In particular, the slow of international travel substantially impacted our tourism industry and the businesses supporting them, which employ thousands of our residents; and

WHEREAS, while our community-level COVID-19 metrics have fluctuated throughout the pandemic, our community has among the highest vaccination rates in the country, and our COVID-19 cases have stabilized at a manageable level; and

WHEREAS, for these reasons, in Executive Order No. 2022-24, I announced a target date for the end of our public health emergency on January 11, 2023, to allow affected agencies to prepare and notify stakeholders affected by any change in COVID-era programs, and ensure an orderly transition to non-emergency conditions; and

WHEREAS, with the concurrence of the Department of Public Health and Social Services ("DPHSS"), Guam National Guard Surgeon Cell, and Physicians Advisory Group, I believe our island is prepared to address future fluctuations in our community metrics without necessitating further renewal of our COVID-19 public health emergency; and

WHEREAS, at the time of this writing, several COVID-era measures remain in effect. Among them is the administration of Emergency Supplemental Nutrition Assistance Program ("SNAP") Allotments; and



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WHEREAS, the SNAP program, managed by the United States Department of Agriculture (“USDA”) is the largest national food nutrition assistance program, providing benefits to eligible low-income individuals; and

WHEREAS, during the COVID-19 public health emergency, the federal government authorized the provision of additional emergency allotments to SNAP recipients; and

WHEREAS, Section 2302 of the Families First Coronavirus Response Act (“FFCRA”) authorizes the provision of emergency allotments to SNAP households “[i]n the event of a public health emergency declaration by the Secretary of Health and Human Services...based on an outbreak of coronavirus disease 2019 (COVID-19) and the issuance of an emergency or disaster declaration by a State based on an outbreak of COVID-19;” and

WHEREAS, at the time of this writing, just under 13,000 households on our island continue to receive this critical financial support; and

WHEREAS, notwithstanding the end of the public health emergency, without question, our people still suffer from the residual economic impact of the pandemic, including food insecurity; and

WHEREAS, ending the provision of this emergency allotment would make it more difficult for these vulnerable families to sustain themselves during this period of recovery from the COVID-19 pandemic, and is an important part of our island’s larger recovery effort; and

WHEREAS, understanding that these families rely on this emergency assistance, the DPHSS and the Office of the Governor have engaged in discussions with the Food and Nutrition Service (“FNS”) of the USDA, which administers the SNAP program, regarding FFCRA requirements for continued state eligibility for emergency allotments notwithstanding the end of a state-level public health emergency; and

WHEREAS, emergency declarations at both the Federal and State or Territory level must be in place in order for Guam to be eligible to issue the emergency allotment; and

WHEREAS, the national public health emergency declared for COVID-19 by the Secretary of Health and Human Services under Section 319 of the Public Health Service Act (42 U.S.C § 247d) remains in place; and

WHEREAS, the food insecurity experienced by our vulnerable population as a result of the pandemic constitutes a continued threat to their overall health and well-being; and

WHEREAS, the continued provision of Emergency SNAP allotments will assist in stabilizing the financial impact of the pandemic on our island’s most vulnerable families, and it is in the best interest of the People of Guam that Emergency SNAP Allotments made available by the FFCRA during the pendency of the national public health emergency continue; and



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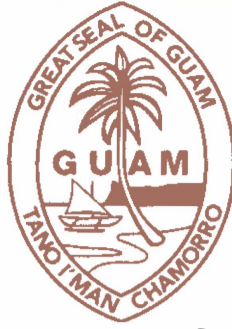
WHEREAS, in light of the permanent measures in place to enable our island to respond to COVID-19 cases on our island, I believe further extension of the public health emergency I first declared in Executive Order No. 2020-03, is no longer necessary at this time. Accordingly, the local COVID-19 public health emergency will end, by operation of law, on January 6, 2022; and

WHEREAS, Lt. Governor Joshua Tenorio and I would like to thank our frontliners, for their tireless and heroic work to protect and serve our community during the pandemic; our agencies, for diligently discharging their duties during a time of hardship on our island; and our people, for their cooperation, trust, and compassion during the public health emergency. Our island is safe, finally, because of you.

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. **DECLARING A STATE OF EMERGENCY RELATED TO FOOD INSECURITY CAUSED BY THE COVID-19 PANDEMIC.** A state of emergency due to the food insecurity experienced by our people as a result of the COVID-19 pandemic is hereby declared. This emergency is declared for the limited purpose of administering the SNAP emergency allotments for eligible individuals and families to alleviate food insecurity during the national public health emergency. This emergency declaration shall continue until terminated by a separate executive order, until the national public health emergency related to the COVID-19 pandemic terminates, or until such time the benefit period for state emergency allotments ends, whichever occurs first. This emergency declaration shall not require authorization of emergency procurement pursuant to 5 GCA § 5215 or emergency expenses pursuant to 5 GCA § 22402 at this time.
2. **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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3. **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 6th day of **January, 2023**.

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
Lt. Governor of Guam

