

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
129-36 (LS)	Telo T. Taitague Frank Blas Jr.	AN ACT TO <i>ADD</i> A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.	4/28/21 8:00 a.m.	5/3/21	Committee on General Government Operations, Appropriations, and Housing	8/6/21 5:00 p.m.	10/11/21 9:32 a.m.	Request: 5/4/21 5/17/21	



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

September 28, 2021

The Honorable Therese M. Terlaje
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: The Honorable Amanda L. Shelton 
Acting Chairperson, Committee on Rules

RE: Committee Report on Bill No.129-36 (LS) As Introduced

Dear Speaker Terlaje:

Transmitted herewith is the Committee Report on **BILL NO. 129-36 (LS)** - As Introduced by Telo T. Taitague and Frank F. Blas Jr. **"AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION."**

Committee votes are as follows:

 2 TO DO PASS

 0 TO NOT PASS

 4 TO REPORT OUT ONLY

 0 TO ABSTAIN

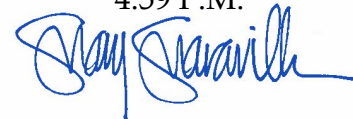
 0 TO PLACE IN INACTIVE FILE

COMMITTEE ON RULES


RECEIVED:

September 28, 2021

4:59 P.M.



Respectfully,


Senator Joe S. San Agustin
Chairperson, Committee on Appropriations



SENATOR JOE S. SANAGUSTIN

I Mina' trentai Sais na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS, AND HOUSING

COMMITTEE REPORT

BILL NO. 129-36 (LS)

As Introduced by Senators: Telo T. Taitague and Frank. Blas Jr.

AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

September 28, 2021

MEMORANDUM

TO: ALL MEMBERS

Committee on General Government Operations, Appropriations, and Housing

From: Senator Joe S. San Agustin

Committee Chairperson

Subject: Committee Report on Bill No. 129-36 (LS) As Introduced

Transmitted herewith is the Committee Report on **BILL NO. 129-36 (LS)** - As Introduced by Telo T. Taitague and Frank F. Blas Jr. **"AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION."**

This report includes the following:

- Copy of COR Referral of Bill No. 129-36 (LS)
- Notices of Public Hearing and Other Correspondence
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet

- Committee Report Digest
- Copy of Bill No. 129-36 (LS) As Introduced
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Copy of Funding Availability Note from Office of Finance and Budget
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet, Your Attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'.

Senator Joe S. San Agustin

Chairman, Committee on Appropriations



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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

May 3, 2021

MEMO

To: Rennae Meno
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

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

Re: Referral of Bill No. 129-36 (LS)

Buenas yan Håfa adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 129-36 (LS) – Telo T. Taitague, Frank Blas Jr. - "AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION."

Please ensure that the subject bill is referred to the Committee on General Government Operations, Appropriations and Housing, chaired by Senator Joe S. San Agustin.

I also request that the same be forwarded to the prime sponsor of the subject bill.

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

Thank you for your attention to this important matter.

Respectfully,

Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules





Joe S. San Agustin <senatorjoessanagustin@gmail.com>

First Notice of Public Hearing on Friday, August 6, 20211

1 message

Rose Mesa <rose.sensorsa@gmail.com>

29 July 2021 at 15:17

To: phnotice@guamlegislature.org

Cc: Management Information System <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>

July 29, 2021

To: All Honorable Senators, Stakeholders and Media**From: Senator Joe S. San Agustin, Chairman****Subject: First Notice of Public Hearing on Friday, August 6, 20211***Buenas yan Håfa Adai!*

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a public hearing on **Friday, August 6, 2021 beginning at 5:00 p.m. in I Liheslaturan Guåhan's Public Hearing Room** (Guam Congress Building, Hagåtña).

The Committee will hear and accept testimony on the following:

5:00 p.m.**Bill No. 129-36 (LS) - Telo T. Taitague / Frank Blas Jr.**

AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.

The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117/112.4 and streamed online via *I Liheslaturan Guåhan's* live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Joe S. San Agustin at senatorjoessanagustin@gmail.com.

We look forward to your participation!

Un Dangkolo Na Si Yu'os Ma'åse'***Very Respectfully,******RoseMarie T. Mesa***

Office Manager

I Mina'trentai sais Na Liheslaturan Guåhan

(Thirty-Sixth Guam Legislature)

Senator Joe S. San Agustin

Committee on General Government Operations, Appropriations, and Housing

Office: 671-989-5445

Email: rose.senatorsa@gmail.com

To unsubscribe from this group and stop receiving emails from it, send an email to phnotice+unsubscribe@guamlegislature.org.



Catherine Leon Guerrero <cathy.senatorsa@gmail.com>

Second Notice of Public Hearing on Friday, August 6, 2021

1 message

Rose Mesa <rose.senatorsa@gmail.com>

Wed, Aug 4, 2021 at 10:32 AM

To: phnotice@guamlegislature.org

Cc: Management Information System <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>

August 4, 2021

To: All Honorable Senators, Stakeholders and Media**From: Senator Joe S. San Agustin, Chairman****Subject: Second Notice of Public Hearing on Friday, August 6, 2021***Buenas yan Håfa Adai!*

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a public hearing on **Friday, August 6, 2021 beginning at 5:00 p.m. in I Liheslaturan Guåhan's Public Hearing Room** (Guam Congress Building, Hagåtña).

The Committee will hear and accept testimony on the following:

5:00 p.m.**Bill No. 129-36 (LS) - Telo T. Taitague / Frank Blas Jr.**

AN ACT TO *ADD* A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.

The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117/112.4 and streamed online via *I Liheslaturan Guåhan's* live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

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We look forward to your participation!

Un Dangkolo Na Si Yu'os Ma'åse'***Very Respectfully,******RoseMarie T. Mesa***

Office Manager

I Mina'trentai sais Na Liheslaturan Guåhan

(Thirty-Sixth Guam Legislature)

Senator Joe S. San Agustin

Committee on General Government Operations, Appropriations, and Housing

Office: 671-989-5445

Email: rose.senatorsa@gmail.com

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Office of
SENATOR Joe S. San Agustin
I Mina' trentai Sais na Liheslaturan Guåhan Thirty-Sixth Guam Legislature

PUBLIC HEARING
Friday, August 6, 2021
Guam Congress Building Public Hearing Room

AGENDA

5:00 p.m.

Bill No. 129-36 (LS) - Telo T. Taitague / Frank Blas Jr.

AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.

Committee Chairman: General Government Operations, Appropriations, & Housing

Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913
Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com



Bill No. 129-36 (LS) - Telo T. Taitague / Frank Blas Jr. **AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.**

Page 2 of 2

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Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

COMMITTEE REPORT DIGEST

1. OVERVIEW

Bill No. 129-36 (LS) was introduced on April 28, 2021 by Telo T. Taitague and co-sponsored by Frank Blas Jr. was subsequently referred by the Committee on Rules to the Committee on General Government Operations, Appropriations, and Housing on May 3, 2021.

The Committee on General Government Operations, Appropriations, and Housing convened a public hearing on Bill No. 129-36 (LS) on Friday, August 06, 2021 @5:00P.M. utilizing / *Liheslaturan's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on (First Notice), Thursday, July 29, 2021 (5-Day Notice), (Second Notice) Wednesday, August 04, 2021 (48-Hour Notice).

Senators Present:

Senator, Joe S. San Agustin, Chairman
Senator, V. Anthony Ada, Member
Senator, Joanne Brown
Senator, Christopher M. Duenas
Senator, James C. Moylan
Senator, Telo T. Taitague

Appearing before the Committee:

Rita Franquez
Vicente Garrido
Jose Garrido
Ralph Rivera
Alejandro Gay

Written Testimony Submitted:

NONE

II. SUMMARY OF TESTIMONY AND DISCUSSION

The Public Hearing was Called-to-Order at 5:07PM.

Vice-Chairperson, Senator Amanda L. Shelton: *Hafa Adai*, The Committee on General Government Operations, Appropriations, and Housing is now called to order. We begin the on Bill 129-36. Thank you and good morning and *Hafa Adai*,

The Committee on General Government Operations, Appropriations, and Housing is now called to order for the record today is Friday, August 06, 2021. The time now is 5:07. Notice for this public hearing were disseminated via email to all senators and all main media broadcasting outlets. First public notice was issued on Thursday, July 29, 2021, and second notice was issued on Wednesday, August 04, 2021. The committee will hear and accept testimonies on Bill 129-36 introduced by Speaker Telo T. Taitague and co-sponsored by Senator Frank Blas Jr. **“AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION”**. Acknowledgements of senator of my colleagues that have joined me this evening. We have Senator Amanda Shelton, we have Senator Telo Taitague, Senator Joanne Brown, Senator Tony Ada, Senator Chris Dueñas and Senator Jim Moylan.

The conduct of this public hearing shall be as follows: We don't have anyone testifying on this bill but I know that there are many that are in support of this bill. I'd ask that if anyone would like to submit written testimony in support or in non-support of this bill, please provide it to my office. Questions and testimonies shall be confined to the substance as we discuss it among our colleagues on the bill. Personal inference after the character or mode of any senator or any individuals testifying, speaking is not permitted, any violation in general. This conduct will be to prevent you from providing any further testimony. Proper forum/quorum shall be practiced by all present in the public hearing room for these proceedings. Individuals who fail to maintain proper form/quorum may be restricted from providing any oral testimony and will be asked to leave the room. When you speak, please make sure that the microphone is on that you're speaking to the microphone, we will now begin to discuss Bill 129-36.

I have a statement from Speaker Therese Terlaje, I would read that, this is a sponsor statement on Thursday, last week, this is from Speaker to life on Thursday last week. I introduced Bill 129-36 which is.” **AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED,**

RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION. Bill No.

129-36 was co-sponsored by senator Frank Blas Jr. I'd like to thank the committee on rules for referring the bill meeting to the committee on

Vice-Chairperson, Senator Amanda L. Shelton: *Buenas yan hafa adai* everyone, good evening, The Committee on General Government Operations, Appropriations, and Housing is now called to order, for the record today is Friday, August 06, 2021 and the time now is 5:07P.M. Notices for this public hearing were disseminated via email to all senators and all main media broadcasting outlets. 1st Public Notice was issued on Thursday, July 29, 2021 and the 2nd Notice was issued on Wednesday, August 04, 2021.

The committee will hear and accept Bill Number 129-36 (LS), sponsored by Telo T. Taitague and Frank F. Blas. Jr. - **AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.**

I'd like to thank my colleagues for being here this evening, Speaker Therese M. Terlaje, Senator Telo T. Taitague, Senator Joanne M. Brown, Senator Frank F. Blas, Jr. and Senator V. Anthony Ada. *Si Yu'os ma'åse'* for joining me this evening, here are some reminders on the General Rules for this Public Hearing:

Number One. Those testifying on behalf of Bill Number 129-36 (LS) are invited to the panel tonight: They are Mr. Ralph Rivera, Mr. Joe Garrido, Mr. Vicente Garrido and Ms. Rita Franquez.

Number Two. Written testimony shall be submitted to the Committee. Please provide my Legislative staff with your written testimony for photocopying. Testimony may be read and lengthy testimony should be summarized to about (5) five minutes.

Number Three. Those testifying will be allowed to present oral testimony. Once you are done, please remain in the room for questions, or for additional testimony, as may be desired by members of the committee.

Number Four. Question and Testimony shall be confined to the substance and nature of this Agenda, which is **Bill Number 129-36 (LS)**. Personal inference as to the character or motive of any Senator, or any individual testifying is NOT permitted. Any violations of this general rule of conduct will result in removal from Public Hearing by myself (the Chairman).

Number Five. Proper form and decorum shall be practiced by all present in today's Public Hearing Room for this proceeding. Individuals who fail to maintain proper form and decorum may be restricted from providing oral testimony and or may be asked to leave Or be escorted and removed from the room.

Number Six. When you please speak, please make sure that the microphone is "on" and that you speak into the Microphone.

Number Seven. Please state your Name and your Title for the record.

Before you begin your testimony, we will now begin discussion on **Bill Number 129-36 (LS)** I invite the sponsor of this legislation, Senator Taitague, to open.

Senator Telo T. Taitague: *Si Yu'os ma'åse'*madam speaker for the opportunity and I would like to share my opening remarks with my co-sponsor of this legislation, Senator Blas, but I'd like to thank you for scheduling this public hearing on **Bill Number 129-36** and for the opportunity to provide an overview of the measure.

Bill Number 129 creates the Government of Guam, war claims, World War II Survivor claims review commission which will be responsible for adjudicating war claims requests that did not meet the federally imposed **20 June 2028** filing deadline established pursuant to the award **World War II** loyalty recognition act the commission will comprise of public officials or their design needs namely in the bill. It had the public auditor of Guam but hence we will be making an amendment to that legisl to the bill to exclude the public order from this bill because it would be a conflict of interest that he would as he would be overseeing and auditing the account also included in this group would be the an appointee of the governor, the speaker of an appointee by the speaker of */ Liheslaturan's Guahan* , the President of the Mayor's Council and a member of the general public appointed by the Governor of Guam as well madam speaker, we will incorporate another substitute for the auditor since he will be the one auditing the commission will have two years from the date of enactment or a much shorter period if **Bill 129** is amended to accept adjudicate and issue awards to compensable victims of survivors and compensable Guam descendants madam speaker based on information provided in a legislative resolution filed this term more than 700 survivors of Guam's wartime occupation and their descendants have signed a petition since June of 2018 urging congress to remove the **June 20, 2018** deadline to file their claims by amending the **Guam World War II** loyalty recognition act if approved **Bill Number 129** appropriates no less than 6.4 million dollars from **Section 30 Funds** for war claims during fiscal year 2022 and fiscal year 2023. Recognizing that **Section 30 Funds** is the same funding source that the US

Congress identified for war claims that are approved by the foreign claims settlement commission in closing madam speaker, on my as a co-sponsor of this and in response to some of the comments I've heard concerning this and another measure that was filed after Bill Number 129, it is unclear to me if the 75th Guam Liberation War Claims Fund created by Public Law 35-61 may be used to pay for awards that were not approved in accordance with U S Public Law 114-328 moreover Public Law 35-61 included funds that are authorized to be transferred by the Governor from the general fund only during FY2019 and FY2020 as well as funds being reimbursed to Guam for U.S. Government claims that were paid in advance so, madam chair with that, I'd like to turn over the remaining of the operating remarks to my co-sponsor Senator Frank Blas,

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much senator Taitague, Senator Blas.

Senator Frank F. Blas, Jr: Thank you madam, thank you madam chair thank you as well for having this hearing, I want it's a privilege and an honor to be able to co-sponsor this piece of legislation with a good senator from Tumon. You know man, I'm chair what this legislation basically provides is an opportunity once again for closure for individuals who have waited long and prayed that this closure or this this ability to be able to change the chap this chapter of their life off to a new one by utilizing basically the same mechanism that has already been utilized that is contained that is utilized by the foreign war claims commission and what this basically provides is that in once their process expires that process continues on and that we can handle that at our level with within the Government of Guam, utilizing the same resources.

You know the Cave Act to this whole thing and basically what makes this a little bit better is as the foreign war claims commission continues to adjudicate or adjudicate its you know the war claims applications there was a fee that was being charged to the Government of Guam or the people who want for this to occur this would now then allow that money that was normally the administrative fee for that federal entity. Now to be utilized so that we can properly adjudicate and we continue to adjudicate those claims for those individuals those survivors who for many a reason may not have had the opportunity to be able to meet that filing deadline. I have met with many other many of the survivors who are eligible to be able to receive the claims during that time period but for reasons of not wanting to bring them back, the past or not ready for this or just the anxiety of this whole process weren't able to complete their application process we can allow us to be able to open that process back up again utilizing those same parameters and utilizing our money.

Basically, it is our money to be able to satisfy what should have actually been the responsibility of the United States Government, that said the end of the day it's for our survivors and I want to thank you and I want to thank you in advance, those that are here to testify today and I look forward to hearing your testimony so that we can make this bill a much better bill before it goes before the body, thank you very much madam chair.

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much Senator Blas so we'll begin with testimony from those who signed up and as a reminder please turn on your microphone, please state your name for the record and if you do have written testimony, we asked for a copy of your testimony to share with the committee and to add to the committee report. We ask that you keep your testimony within five minutes and of course we want to hear your stories and experience so please feel free to expand on your written testimony. We'll begin with Mr. Ralph Rivera.

Ralph Rivera: Hello, good evening Senator Shelton, with all due respect and with your concurrence I'd like to defer my placement in the speaking sequence to the folks that really deserve to be heard first. Off to my right.

Vice-Chairperson, Senator Amanda L. Shelton: Thank you, very much.

Ralph Rivera: Off to my right sure, thank you very much uh Mr. Rivera, we were going in the order of sign in but I do appreciate that a lot so we'll begin with Mrs. Rita Franquez.

Rita Franquez: Thank you ma'am, okay.

Vice-Chairperson, Senator Amanda L. Shelton: I would like Auntie Rita Franquez, will you please use the microphone, and we ask that you keep the mask on, please use the microphone.

Rita Franquez: Hello, okay, good afternoon senators, I think it is a great privilege and honor to stand for the CHamorro people, who suffered the dignities the ravages and plunder and the injustice of immoral wars that have been waged by many European powers, Japan, Germany, Spain and most of the European powers. I think it is about time that we settle the travesty and the immorality and the obligations and the responsibility of all those who have waged imperial wars for plunder for riches for the subjugation of other people and the acquisition of land to further increase their power who can tell the atrocities that have happened all these years and all these wars and all the travesty and justice, injustice of all these wars but we have the opportunity now to make good.

Some of the responsibilities and obligations of those wars, it is about time that we settle this war. These wars that we have been fighting for centuries upon centuries it is a long time that we settle without those before we go on with the next general genocide which is not going to be like any other war we have ever seen on this planet for there will be no winners all losers as we go forward trying to settle our differences about the COVID, the COVID tsunami is coming and percid tragedy of those it may take time but as I said, there will be no winners only losers, and perhaps a few survivors but before we go on, I think it is fair to give those who have already suffered and who have never benefited from any kind of generosity or compassion or mercy from anybody else except our own people, who also of experience the same travesty and immorality all injustices of wars so let's go on and salute these survivors and the ones who have perished but all CHamorro's who

were the victims of tragedy and immorality of all wars no matter who started it or who may have continued it so let's go on, pay them because the next war we fight there will be no winners only losers as the tsunami, the tsunami of the COVID, will overwhelm us all.

We have never seen on this planet this kind of war before so, let's put our differences aside and hang in there together because we may all perish in the next tsunami of war and there's nobody, there's no Noah's Ark to save some from the deluge we saw all perish as we have never seen mankind perish before so, let's settle what has come before as we try and pray that somehow, we may get our act together and act in the benefit of all people. I'm speaking in particular now for CHamorro's, what I would like to say that the benefits of whatever good we can do today will be received by everybody who has the faith and the guts to stay no, thank.

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much Ms. Franquez, now move on to Mr. Joe Garrido.

Joe Garrido: *Hafa Adai, by faisen hao, by nai este e chelu, gueya finéne'na hu kuentos antes di guahu sa amko' gue guahu. Chelu si Ben.*

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much and we'll now move to Mr. Vicente Garrido.

Vicente Garrido: *Buenas, guahu si Vicente Ulloa Garrido, taotao tano hu, war survivor hu gi fino lengguahi americano. Esta muna dos semnana fan tati, mato hu gueni e by distigo put este e talo e war reparation. Mato hu gueni cha para siempre e parahu e para by sagan Kalan by hu repiti hu talo. Ya puede sina man akomprende hit mas put e war reparation. Illegna quini ge repote gueni gi bill na mas de 700-man sign petition para pun man gagao Apase ti bobo hu by respeta enao, ya mato hu gueni by suppote este, e war reparation, Ya u fan ma apse nai, eyo e tin mamaapapse, lao mahongge hu lokue, na kun todo eyu man matai tati. Gi fino americano, esta muna tacha dos semana fan mato hu geuni by distigo put este talo e war reparation. Ti bubu nai, pat hafa, mato chu gueni cha para siempre e parahu by sagan put e war reparation, ya by ma apase echo sia ti ma apapase. Lao man hongge yo, kon todú echu sia e manmati gi fino americano, English mas de trenta mas tati nai, tempon guela yan gurlo, u fan ma apse. Este e 700 ti u mine, egleta u respeta Lao cao magahet para todo este 700 malangu pat nu guaha chenatsaga u respeta enao, Chagin tisia man mato, lao tisia man hongge chu na ta hongge.*

Once and for all include everybody, way back seventy years ago up to now, and end this once and for all, gachong. *Yankin magahet si Congressman San Nicolas na illegna* you don't need an act of congress to put up a war reparation for funding under Section 30. Lao echu na by hu imbestiga, mas *dánkolo na by hu sappoti este ya hu fan ma apsie todo e* 700 sia yan I pumalo sia todo tati, yan I menagahit esta u risibi I chuku mapus na sagan. Akin un faisen onu kao magof yu, tisia hu answer hao. Tisia hu answer hao sa an

magof hu sa hu risibi 10,000.00 tisinia hu sagani cao magof hu, tisinia. Lao ta apasi todo lai, todo sia lao pu fakpó todo este. Esta mato e tempo este na war reparation esta dibi na poi fakpo' bast man alee hit esta pago gueni cha e sainata gueni, yan guaho lokue mafañagu yu antes de gera, lao tisenia by hu sagan hao pu esti. Esta debi na hu fagpo esta gueni. Hamko hu ti position hamko lao esta hu tutungo e adáthu. *Si Yu'os ma'áse'*

Vice-Chairperson, Senator Amanda L. Shelton: *Si Yu'os ma'áse'* Mr. Garrido and i will go back to Mr. Ralph Rivera.

Ralph Rivera: Thank you.

Joe Garrido: *Fana'an ti un k'omprede*, madam chair I hafa elecku geya hago, ge finu CHamoru. Nu? Sina Ladd by continue? Si Jose Garrido, Mafango yu gi lanchu, gi masasagan, Radio Barrigada, e lanchu tataou bihu. Mapu ha guenao by sangan hamyu. Huga war survivor hu, lao hoben hu na war survivor. Ti parahu yu an si Tan Rita sa amko gue guahu ya mas quicha put e penadesi.

I would like to concentrate on why I'm here on this bill, in reading this bill, first of all I want to express myself and that I support this bill, I support any bill that is for the interests of the war survivors, it does not matter under what circumstances but let me explain to you that even if I support this bill a hundred percent. I recognize that there is an improvement that needs to be made to this bill because I recognize that this bill is specifically for the compensation of those that signed the petition, the more than 700 people that signed the petition who missed the deadline of 2018.

I believe that the language of this view is specifically for those war survivors in the past test public hearing. I had actually requested that to please find a language in this bill to include those that passed away before December 20, on or before December 26th 2016 and because they died on or before that date. They were not qualified for reparation, these 700 that signed or the more than 700 that signed the petition were these people that were determined to be qualified for our reparation but they did not meet the deadline and so they were asking to extend the deadline so they could be allowed to submit their application as I testified before that. Why do we need to have a deadline? Why the objective is to compensate every, some more war survivors who suffered on Guam during World War II until there are no longer anyone left to be compensated. I understand the deadline but, in our case, we have gone almost 80 years waiting for our reparation and then we provide our people deadline to submit their application and obviously this bill reinforced that the sense that the deadline was in itself an injustice for the people here so this bill if I am very, if I'm correct only compensate those that were in this petition and thus I cannot find a language that extend the compensation to those also who passed away before 2016, that those people that passed away perhaps number in the thousands and it appears that justice for those thousands that passed away and were not qualified was okay with us, It should not be okay we must be angry about it and I know that during the course of this war reparation, discussion with congress, that our people whoever is

the representative, we were basically forced by congress to accept that ridiculous and unjust agreement because we've been asking for our reparation for 80 years and so I am not faulting or blaming Senator Delegate Madeleine Bordallo for accepting that.

I feel sorry because congress forced her to accept that agreement that people, that died before on or before 201, December 26 are not qualified and all the war reparation I was thinking whether the same agreement was impressed upon the Jewish people by the United States because the United States funded the war reparation for the Jewish people for the holocaust and I don't think they provided any similar requirements that if that Jew died before this date, they would not be compensated i don't know why we ended up with this kind of agreement but please bear with me that I be I am asking you to insert some language that includes our people who passed away before 2016 and make them allow their families to submit the application as well. I know that to some people all they are thinking is how much it's going to cost but value and cost is nothing is not equal to the torture and murder and beheading and atrocities that our people suffer and so I ask you to please find a space in this bill to do that.

Now when I was reading the pages, I read the remarks from Delegate Michael San Nicholas and I think that he is right although he could have said it in a different way it is not confusion, we're not you know to establish, I mean it to say that it doesn't make sense to provide war reparation for people, it's just absolutely an incredible remark and I'm telling you that anything that has to do with what CHamorro reparation is an act of congress because what we're discussing was an act of congress that the treaty with Japan was ratified by congress and it is because of that treaty that were sitting here discussing the war reparation so I'm sorry to tell Delegate Michael San Nicolas that it absolutely requires an act of congress because congress on behalf in care of the military signed that treaty with Japan.

I think I should just cut what I'm going to say, I'm only asking please include those people that were deemed that were disqualified because they died before 2016 and just thinking am I to believe that Ms. Emsley was disqualified because she died before 2016, my God, if anyone should receive while reparation, it should be those that were killed and people like Ms. Emsley whose neck was almost chopped off and then for congress to pressure us to accept that it's just unbelievable *in tungo este sia na clasen kenana e desdeki e problemata ni ti problemata depotsi lao todo e tiempo ta fafana e benaba sia, todo e tiempo.*

Nihi fan cha ta fan dañia ya ta fan metgot yan gen senia ta sagane e estados omedo, munga, munga, hahit estague malago mame. Jo para este sia u para este sia na bineda gachong, e todo teimpo tafan dedemo ah na taotao ki menan. Ti mamapo este e war reparation contodo Japan, ben memo talo yan Japan put este e war reparation, con todo e stania. Ti manmamapo hit, atan ha problemata. Dunkolo na Si Yu'os ma'ase', hamyo ni mangaige guenao hulu. Lao hasuge na este na suntto e ta tutuka pago na dia. Ti politica gachong, na human rights, our human rights thank you very much.

Vice-Chairperson, Senator Amanda L. Shelton: *Si Yu'os ma'ase'* Mr. Garrido, again now Mr. Ralph Rivera.

Mr. Ralph Rivera: Thank you Senator Ada, Senator Blas, Senator Brown, Senator Terlaje, Senator Shelton, madam speaker, Terlaje, thank you for allowing us this platform this evening to talk about a special generation of people that has humbled me, when you listen to what they talk about, what they share, my name is Ralph Rivera, my father well let me start with my mother, she's my mother is in Engrasia Rivera although she's not here, she watches from above, my father is Jesus Rivera although he's not here he watches from Channel 21. It says hold for applause, when I walked in here, I met this lovely young lady out in the lobby and we had a brief conversation and we were passing notes back and forth, she asked me if I would go first and obviously, I deferred, she was nervous about what she was going to talk about I'm in awe Ms. Rita you are awesome, I respect you and your command of the English language and your narrative is spot on. I respect that, I applaud you, the Garrido's although I don't speak CHamorro, very limited. I don't need to understand every word that you've uttered, just hearing the passion in it puts me in the story I have a front row seat of what it felt like to live through that although I am I wasn't there, the stories they tell is reminiscent of the stories we hear around the campfire, it's intriguing, it's profound, this generation has a lot of important things to say if we would only listen and we take the time to understand what it is that drives their passion, you can tell by the tone, by the cadence, by the passion in which they provide testimony here that they truly believe and they make sense.

They make sense to a guy like me, that was born 15 years after the war I was never there, never the only thing I remember about the war is Washington on you tube, that's my generation but they bring it to the forefront you can feel it Senator Taitague, Senator Blas, thank you for putting pen to paper thank you for inking this bill. There's more meat on the bones with this and I appreciate the work that was put into it a little bit more thought process thank you for that as I commend the both of you and the rest of the body, I'm sure you agree with me and concur with me that there's more work to be done all we have to do is listen to this generation you don't have to ask any questions they'll let you know if you're willing collectively to listen I shared this before in an earlier testimony my friend Fidel say it then do it. I believe in that I call it the kiss philosophy, keep it simple fill in the blank say it then do it. That's all it's called so my dad taught me, my mom told me that too they call it common sense. I promised my dad after the first performance that I would be less pejorative in my testimony. I am not going to try to conflate the two bills, I think this one bill is a stove top issue. I appreciate the effort placed into it and to be quite honest when my dad tells me his stories and my mom before she had passed and my grandparents for that matter both of them are from *Malessso* and Agat and they would share stories with me when I was young back in the 60s or what they went through I know couldn't have done that myself. I am not that strong but they were through their sacrifice and their courage and their willingness to survive.

The atrocities and be here today speaks to their fortitude and their just their perseverance and the teachings that they're teaching us. All of us, if we would just bother listening and

taking it to heart not only when it counts that we bark at the moon and talk about x y and z as far as legislation, how we're going to help the people, you do stuff like this you've got me on board but there's more work to be done, my mom passed in 2012 fits under the category before 2016. I don't know how to speak to that other than he's exactly right why is there an arbitrary line drawn in the sand that says well only these are eligible but not these group of people. They all suffered the same it's the same level of suffering the same level of atrocities, the same level and then somebody puts a line in the sand and says this to there is okay but this to here not so much we still can't answer that question and why not? Is it that elephant in the room is it that 800-pound gorilla? That nobody wants to talk about but every day this is the second time and I suspect that this isn't the first time he's brought it up at some point, let's have that discussion as painful as that might be let's have that discussion, let's have it out in the open and let's just have Frank common sense discussion on making this right somebody pick up the can and if no one's willing to do that maybe I can help, I commended Ms Rita on her youthful looks. I said to her, I said I'm sorry I can't believe that you are part of that generation, you look too young. She looks at me and she goes are you running for Senator? Maybe, I said no, if there's one thing your generation taught me is how to be respectful. I wish when it's time for me to reach your age Ms Rita, I look just as outstanding as you when I reach your age.

I want to stand up there with a mic on TV and in front of our leaders and speak your heart. I want that and I think that's what keeps you young am I right? Am I right that passion right one day when I grow up, I want to be just like her at some point at some point I commit to this group, this generation that on behalf of my father and my mother and the special generation is you can count on me to join with you, I will be right behind you folks because if there's one thing, I've learned from this generation it's about respect and courage need to make this right all of us together collectively we need to make it right because right matters thank you all for your service, thank you all for your leadership thank you.

Vice-Chairperson, Senator Amanda L. Shelton: *Si Yu'os ma'ase'* Mr. Rivera, and I know there are still some folks outside who are here to testify if I can invite them in just wait if you don't mind you don't all have to leave. I think there's just one more who's going to join us at the table so you can stay inside yes please? If we can just get one extra chair to put Okay, thank you very much, before we open up to questions from my colleagues for the panel before us, I'd like to invite Mr. Alejandro Gay to testify.

Alejandro Gay: Mic check one two hey mic test Hafa *Adai*, day ladies and gentlemen, thank you, lady, everyone for being here. I must say my attendance tonight it comes two-fold first and foremost I want to be very clear I'm here to support and definitely show support for this bill and it's unfortunate that we got to open up wounds over 70 years ago. the atrocities and crimes committed against our people; I bear witness to my grandparent's life as a child. I've seen how it affected them. I saw for myself the wound of my grandfather on his stomach from a bayonet to his gut. I saw the intolerance of my grandmother against the Japanese people and it's about time that we started doing

something, we started doing more and as the previous speakers have said let's add in language to support beyond 2016 before it needs to be done and as I sit here I listen to the stories that I've heard many times as a child, it really pains me to open up these wounds again today because of the inaction and ignorance is congress that we have no control of although we may have a representative, we are silenced by congress very unfortunate situations however for the rest of the CNMI, they have gotten their war reparations to their people. Guam is the only one that has always been shafted in history it pains me to know that it that today in the history books for most military people that come out here, they know not of Guam just that we're one big military base, a movement starts needs to take place somewhere so that Guam can be recognized in congress and all over the states if we here on Guam know what an apple is, if we here in Guam know the capital of each state.

Why doesn't the United States know the capital of our home, where we're at what we are, who we are, and i fear for the most part and I've always said this how does anyone acknowledge a race if it's never been acknowledged how do you erase a whole entire race by simply just not acknowledging it or putting it on any paper a lot of people don't know our history, it sucks, it really sucks again i am very glad I applaud the efforts of the legislature to try and move this and correct over 70 years of wrong and it's unfortunate that we the people have to do it for ourselves.

It's unfortunate that we got to look at congress and say look at us our contribution the sacrifices that our people have gone through, we need to make more noise in congress yes, like a little pebble in a pond that creates ripples that little pebble needs to start, we start to need we need to start making those rippling effects so that we can be heard. We can sit down here all the time and talk to each other about this. Some parts it does count here but where it really counts and we all know this is back in the states in congress and I challenge anybody to start that little pebble in the pond to create those ripples to create that ripple in the pond, be the first person to cast the pebble so that way the stillness of the pond will be woken up and we create the ripples so that everybody can hear and resound our voices here in Guam, the efforts that we have committed to the United States, we look at every July 21st as Liberations Day, our people were liberated on July 21st but at the same time we were also oppressed and still to this very day we are oppressed because we are not acknowledged. We are silenced in congress; we need to make a bigger effort with today's technology with the minds of today.

We need to start moving forward, one of those ways is right here with the war claims making it right congress should be involved in this although tunnel-minded visions back their tunnel-minded individuals who are ignorant to acknowledge the past because they never lived us. They've never lived out here, they've never seen here as far as they know we're just one big military base so thank you, we the people applaud you and now comes the second part of my presence my attendance here now comes the scary part today we are under attack, our freedoms are under attack not by any foreign government not by any international ballistic missile no, we are attacked by our own government our

freedoms are being hindered. I've called many offices my name is Alejandro Gay, I've always said this, what I need, the government to do is protect our rights and civil liberties. We do not need the government to be our doctors, we have healthcare providers for that. Yes, we are in what is a so-called pandemic but these masks if you continuously use this, I don't know how many of you have used this thing continuously, you will pass out the human body was not meant to be muzzled, we did not sign up to be nurses or doctors to wear these 30 stupid things, yes, this is theater for safety I get it but then again, the common flu did we forget what the symptoms of the common flu were or what it is I guess we forgot that when we still when we so much live-in fear how about I've not seen in the news media reports any recovery people who have contracted COVID what is a recovery rate on a flu that is 99.97 recoverable right if we're going to give out vaccines.

Ladies and gentlemen then why don't we give out insulin?

Vice-Chairperson, Senator Amanda L. Shelton: Mr. Gay, yes ask that you please keep your testimony to the bill, okay?

Alejandro Gay: Thank you once again, I am in full support of this bill, that's all I have to say thank you.

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much Mr. Gay and to all of our panel who came out tonight to testify in support of **Bill number 129-36**, our heartfelt thanks and gratitude to all of you especially for those who have shared their stories and experience and I'd like to open the floor now to my colleagues if they have any questions for any of the folks here to testify tonight, we'll begin with the author of the bill, Senator, oh we'll begin with Speaker Therese Terlaje.

Speaker, Senator Therese M. Terlaje: Thank you I just want to say I'm honored first of all that we have before us again Mr. Vicente Ulloa Garrido, Mr. Jose (Joe) Garrido, Rita Franquez, these are some of the greatest fighters for justice for Guam, at least in my generation that I have been had the privilege to witness. I want to thank you for taking the time to be here, I know you have done this all your lives and maybe you know you haven't grown tired or you have your love for the people enough and you made the time to come here and so I'm very grateful for that. Mr. Rivera, Mr. Gay, you both are very eloquent and I want to thank you also for making very excellent points on the war claims and on behalf of your families.

Jesus, I do want to say that you know we did consider other measures today and so we finished voting and we voted on a resolution that would ask the president to extend that application deadline. We voted on another resolution that would ask congress to extend the application deadline but here before us we have a bill that will allow Guam and a commission on Guam to use some of the section 30 monies which is actually the source that is being used by the treasury department right now to pay claims to adjudicate claims here and pay those claims just as they did back there but to do it here since they've when you know when they stop doing that right and so I guess I just want to ask you I mean so

that's a big thing right? It's a shift in like the process but I do agree with you Mr. Garrido, I want to say regarding the that we are not angry enough I think maybe all of you have made this point and the pebble, right? What can we do and that we should continue to recognize that all war survivors who were present during the occupation have the right to war reparations regardless of their time of death in other words they survived the war they survived the atrocities but they did not survive the wait for congress to act they did not survive the errors that congress had in their different efforts to provide war claims. They did not survive that but they were able to survive the atrocities of war and that is it's beyond sad it's tragic it's terrible and you know congress in its report to on the war reparations commission clearly outlined the errors that it made over and over when it was trying to do war claims and it just failed and but if I could just echo a few of your concerns by reading just a couple passages from that war reparations commission report. It talked about what they, what testimonies they had heard, what the people had said and it talked about the details but then they conclude in different parts and they say the local inhabitants were treated in the most brutal cruel and despicable manner, many of the survivors testified that they continue to endure the psychological effects of the war the review commission is not aware of any comparable situation other than Guam, where virtually the entire population was either interned in hiding to avoid capture or subjected to forced march at one time or another while under Japanese occupation during world war II, and then it talks about their failed earlier war claims in 1948 because it covered only claims of persons who were united states citizens during the world war II and as you know the people in Guam did not become United States citizens until 1950 and that those acts were not you know applicable to the people of Guam, it also talked about the commission finds that the US Navy put forth vigorous good-faith efforts to address war damage and lost claims of residents but that it was hampered by the ongoing build-up of forces on the island in preparation for the allied assault on Japan, by the frequent turnover of Navy personnel as evidenced by the fact that before 1950 a total of seven land and claims commissions were successfully appointed and by the fact that at the same time the Navy was dealing with the claims, it was also responsible for conducting a large-scale land acquisition program on the island under which the U.S. government eventually came to occupy nearly three-fourths of the island and so the commission affirms that there is a moral obligation on the part of on our national government to pay compensation for war damages in order to ensure to the extent possible that no single individual or group of individuals bears more than a just part of the overall burden of war

The commission finds that the Japanese occupation of Guam was particularly cruel oppressive and brutal and that the loyalty and steadfastness shown by the people of Guam in the face of the atrocities and barbarism inflicted on them by their Japanese occupiers was all the more extraordinary in the circumstances in which they were forced to live when you read this report I feel like you know how can you come to the conclusion that some can be excluded and how can you come to this conclusion of some arbitrary date you know that they have to live through that living through all of those atrocities was not enough especially with all the other findings in here about you know compared to the rest of the world the land that was being taken at the same time and so I just wanted to know I agree with you and I hear you and I want to thank you most especially for being

here. I want to thank you for educating generations of CHamorro's like me with all of your work and your efforts. Mr. Jose Garrido, I want to tell you so on one of the resolutions I took your recommendation and I did add in the language that whereas that you suggested that all war survivors present during the occupation have the right to war reparations regret regardless of time of death but I agree that we can make more noise we can be louder and we should, as we should learn from you and all of your efforts and take those on ourselves thank you madam's chair.

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much, Speaker Terlaje Senator Taitague. Okay thank you very much Senator Joanne Brown?

Senator Joanne M. Brown: Thank you very much, madam chair, certainly thank you to all of you, who've come and provide your testimony I know some of you have come repeatedly over the years to provide your testimony with regards to the issue of war claims and certainly appreciate your time and effort certainly Ms. Rita for you for the Garrido brothers that have come before us for everyone who's come here to testify Mr. Rivera, you know for me the war claims issue has always been a very emotional issue and I'm certainly going to try to hold myself because even though I did not live through the war obviously those of us of a younger generation I'm a third generation removed you know are you talking about those that have died and I concur with the speaker the only thing for those that didn't survive is that they just didn't live long enough to even be recognized and have recognition of what they went through you know we'd like to think it's about the money but it's more so the acknowledgement and we've been put in a very strange situation because of you know the actions of the United States in essentially removing the responsibility of the government of Japan to address compensation for the atrocities that were brought upon our people and many of those as you mentioned, they're not here today, majority of our people that suffered through the war did are no longer here today I don't think any of us who had parents or grandparents that lived through the war. You know we've all heard the stories even though we ourselves have not lived through it. We've all heard those stories sometimes very painful very difficult to talk about your Matt brought up about Ms Emsley, who I have some very close feelings for because I had the opportunity to work with Ms Emsley on the war reparations commission 32 years ago. How long that has been 32 years ago imagine the amount of people that have died since then as well that I helped or worked through feeling in their applications to submit for their acknowledgement of what they went through her and twin Pete Cruz the late former Mayor Vicente Bernardo of Yona and I mentioned in our comments on the resolution the speaker talked about.

I attended every single one of their funerals you know especially the three of them who made that you know they were already up in the age when they went to congress to testify and talk about their stories I don't think there was a dry eye in the house that day especially when Ms Emsley talked about the atrocity that she went through they were representative of many of the thousands of our people including I mean my own grandparents you know we talk about those that have passed I mean I was sitting here adding up the years it's been 36 years since my grandfather passed away. My grandfather

was in his 40s when the war happened, who had a family who had children who had a spouse and had to start all over again it's been 71 years since my grandmother who I never met who survived the war but passed away several years later from an illness and I know many of us have those stories and experiences in our life because they never had the opportunity to receive that acknowledgement. I'm very supportive of this legislation certainly, I think it's been unfair as we look at the history of how much time our people were given to file a claim especially after the war and it can't be about the money anymore because the what is the money now it's certainly of no use to those that needed it the most after the war that are no longer here. Your words I really hear your words what you're saying what you're relaying is how do, how do we put this issue to rest in a few years everyone who's been through the war will have passed on and because the federal government has waited so long to address this issue so many have been disenfranchised from this process and how do we come to terms with that, how do we address that how do we make this fair that's a real difficult question. How do we do that especially for a generation that now has so many have passed away that will never get what they needed then when they needed it the most when they needed this support the most you know the reason even in the past when we dealt with HR 2024 when congressman Blas introduced this legislation unfortunately at the time this was the closest any reparations legislation ever got in congress up until that point.

We know that this started since the late Congressman Won Pat and certainly continued on after Congressman Blaz with Congresswoman Bordallo, one of the main reasons it did move forward at the time was one our local leaders disagreed on the compensation amounts ultimately even after all that effort of holding public hearings throughout the island of collecting the forms and petitions by the war survivors. Our local leadership could not agree on the amounts that term of congress ended and no further action was taken. I mean we had hearings on Guam we had hearings in California to try to reach out to our fellow islanders that had moved and had lived in California to testify and yet we couldn't come to resolution, the other issue that was debated was whether or not those that have passed away should be compensated and the position was relayed that if we did that this legislation would never see the light of day in congress and here we are all these years later the mechanism under which our people are being compensated are our funds that otherwise the federal government would still give Guam because of section 30. There's no special appropriation from the U.S. congress to pay the compensation to our people it's literally being taken out of the plate that we have today maybe some might say it's not a big deal as long as the money is paid but it's a sad story again that the fact that it's literally being no additional monies have been taken out of the federal government to acknowledge this. They're taking out the money from what they already would be giving Guam for what we already should be getting and that's the irony of this whole situation it's a very sad one because I know that even if we were to address it and I'm open to that discussion you know, do we address compensation to those that have died, because the only thing that they failed to do was survive the length of time it's taken the federal government to acknowledge this of our you know this injustice to our people it's a further injustice after everything that was endured during the war our people were the

innocent bystanders, they weren't as Ms Rita relayed you know weren't really part of this whole issue in the bigger world politics so i certainly appreciate the efforts of my colleagues in introducing this I certainly support the extension of the timeline I'm open to the discussion of how can we address justice to those that have passed away because I know majority as we know and acknowledge majority of our own people have since passed away you know for the compensation the federal government did to the Aleutian islanders for those that survived. They paid them compensation for those that passed away they set up scholarship funds for educational opportunities for descendants of those that had since passed away and that was the vehicle that they used and I certainly as I mentioned I'm open to that I'm hoping to that discussion even though I know this money is not something that my grandparents who needed it most they're no longer here to receive it I don't know if the justices that their descendants receive it on their behalf am I deserving thank you very much madam speaker of our madam chair for the opportunity to comment on this bill but thank you again for providing your testimony,

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much Senator Brown. Senator Blas.

Senator Frank F. Blas, Jr.: Thank you madam chair and once again thank you to all of you for taking the time out of your Friday to be able to come down and be able to provide. I have to listening to my colleagues and some of the concerns and some of your concerns as well once you're brought up I you know I'm reminded of some of the things that have happened over the last 70 years that has basically got us to this point. There was a Hopkins report that was put that was published back in 1948, in 1947, 1948 because at that time the federal, the United States government felt that there should be a need to be able to recompense to compensate individuals. The survivors of the occupation you know further troubles for what they had to go through and it's quite interesting because you know in 1947 there was some payout there, was there was some compensation to provide Albeit there was, it was nominals with menio but there was most importantly what I saw as well is that the United States government itself back in 1948 says that the federal that there was a responsibility of the United States government to be able to make the people of Guam whole those survivors pass forward now to about 77 years later and look at where we're sitting right here discussing a bill to be able to use our own money not their money, our money to be able to do this and to try to find ways to be able to make to hold on that promise that the federal government, itself made to the people of Guam.

This wasn't something that was done by the Guam legislature you know was it done by any of our congressional representatives as far back as congressman Won Pat, they were just trying to follow up on you made this promise back in 1947 where is it at today, and it's sad that we have to sit in, we have to start to think about okay how we're going to use our own money to be able to pay for their responsibility so I agree with you and thank you, you know, the men and I used to work together, I'm honored sir, to have been able to work with you in the capacity, we worked for before believe it or not he used to be a youth investigator, okay. I'm honored sir thank you but thank you for the testimony

Ms Rita thank you very much for again being articulate in it. Mr. Gay, I agree with your sentiment and your frustration thank you and it was necessary so that we can get the sentiment and the frustration from the represented from the people but I just needed to bring that up is you know as we sit in, we talk and I was reminded of it from the testimony from Joe okay and here we're talking about the responsibility that was somehow handed over to us. I was honored to be able to stand before on to testify before congress in 2011 about war claims within you know, the late Speaker Ben Pangilinan and to represent the frustration but it's quite interesting how now they've somehow washed their hands and put it into our court so I believe you're right, we need to have a stronger voice okay, there has to be that stronger voice and maybe that this is the vehicle to be able to do that thank you for that learning lesson tonight, your presence here and your testimony here did not go in vain because as senators that's what this hearing is for, it's a public hearing to hear from the public and I'm glad to have been here tonight to hear you to speak to this thank you. very much thank you madam chair.

Vice-Chairperson, Senator Amanda L. Shelton: *Si Yu'os ma'ãse'* Senator Blas, Senator Ada

Senator V. Anthony Ada: Thank you madam chair, just like to thank Mr. Gay and Mr. Rivera, for the testimonies here tonight, Auntie Rita, Uncle Ben thank you for your testimonies tonight as well. I look forward for this bill of hitting the floor so that we can be able to pass and get this very sensitive and important piece of legislation before us onto the floor perhaps maybe one of the amendments that we should look at or in the committee markup madam chair, is that on page 3 line 21, the commission shall within two years after the enactment of this act, perhaps we should change that from two years to one year you know, I don't know how much more time our people have, how much more waiting do they have to do, if we're going to do this as a government on our locally then let's put our people straight to the fire so that we can go ahead and start moving this, get these claims adjudicated and get our people paid. We don't have any more time to keep, waiting time is of essence again, I thank you all for your testimony tonight madam chair, I look forward for the markup on this piece of legislation and any amendments that will go with it so, that the commission can act immediately, once this piece of legislation is signed into law, thank you, thank you to the authors as well for introducing this legislation

Vice-Chairperson, Senator Amanda L. Shelton: *Si Yu'os ma'ãse'* Senator Ada, Senator Taitague.

Senator Telo T. Taitague: *Si Yu'os ma'ãse' madam, Speaker,* I'd like to thank the Senators, that are here today, who's taking the time out of their schedule. They were in session most of the day today and then but something as important as this Legislation, I'd like to thank those who are here today, right now sitting in front but most especially those who came to testify. I really greatly appreciate you being here, Mr. Garrido, Joe you're absolutely right on this, I leaned over and talked to my colleague next to me and said let's do it, let's find a way that we can recognize those who've passed away, definitely the

legislation does not only just include those who signed the petition, no not at all, the bill is not intended for that, I think it's pretty sure but there's nothing stopping me from the making sure it's solid, that it's not confusing and it's ensured that it's anybody who missed that deadline but I'm looking at something bigger. I'm really looking at something much bigger than that, those who passed away and how we can do it, maybe on a you know, yearly basis, a certain amount of money is set aside and to be recognized either through a scholarship that was brought up or some kind of way to recognize those who passed away. You know I like my colleagues said, you know someone said it's very sensitive. This topic and I think you know when Rita, you were talking earlier about this, may be the last war that we can recognize it's actually, it's unsettling to just know that and to hear that but most specially to clear up what was in the past. Let's fix this one right now, we have the opportunity to do so, let's do it you know Mr. Rivera, I had the great honor after meeting you and talking to and writing letters with you. You're just your passion and what gives me so much confidence that this is not going to stop is that, you're young as well as Mr. Gay, to be the next generation to fight just as hard as these three individuals have done throughout the years and I'm so happy to see we have the young generation in here to keep this rolling, to keep this going.

I know it's going to give make the other the *manhamko*, that are here today, breathe a little easier to know that their torch is going to be carried on and I made a promise to you too that I would continue on Mr. Rivera so, you promised me that you'll continue to fight as well so, Ms madame chair, I again thank my colleagues who are here taking the time , I don't want to extend it too far but I appreciate all that you said today and you will take note of it and like my colleague said there was that one section for when taking it to one year, absolutely you know, if we can go in less time to put this commission together but before I do close management. I'd like to ask you, Mr. Garrido, Jose, since we're taking out the person at OPA because it's a conflict of interest in order to monitor or you know review an audit, is there anyone else you would recommend to sit on this commission, that would be included in this bill? We already have one that's appointed by the speaker one appointed by the governor, a representative and then we have one other person from the public but is there's anyone else, if not, I don't mean to put you on the spot, Mr. Garrido, and I know you're a man who likes to think things out so, if you know my email address but if you have a comment right now, I'd be happy to hear it, if not then I'll, we'll keep in touch.

Jose Garrido: I really don't have at this time but quickly across my mind, I am thinking of some person at the commission, on the colonization.

Senator Telo T. Taitague: Okay, that's a good idea.

Jose Garrido: You know that, the honorable B.J. Cruz, was a member of the previous war,

CHamorro War Claim Commission, I don't know if that commission is dead, it probably is still in the books because the war reparation has not yet, it has not been completed and I believe that public law that created that commission, it said that commission shall cease to exist when the war reparation issues and is complete and we're not complete so, I don't know whether this is, we might want to venture into looking into that public law that created the previous war claims commission, where the late Senator Unpingco, and B.J. Cruz, I believe and there was another person, where they're still alive.

I know that senator delayed late Unpingco passed away but B.J. Cruz is still alive, why would it be a conflict because he would be monitoring the account because we in the bill it creates an account and as a public auditor, he would have to audit those accounts. I really, that's why I really put him on there not so much because he was in OPA because of his history with regards to the war claims and but unfortunately when I did meet with former Speaker B.J. Cruz to talk to him about that and though he would want to, he can't because of that conflict of interest you know, being able to monitor the account so but it's a great suggestion Mr. Garrido, definitely take that under advisement. I know that Senator Brown had worked on that commission as well so we can find somebody in that arena so I greatly appreciate your time and madam speaker, I think you know bill what we're trying to do with Bill 129 is in, is too close to bring peace and bring closure to those, not those who just passed away as well but especially those who are alive and the families of those who passed away who remember the stories, who remember what their family had gone, their parents their grandparents had gone through in the war and they feel that they too need to basically let's not forget those stories and I think this next generation as I spoke about earlier will keep those stories alive to remind us you know, what they went through and to give them peace as they rest in peace thank you madam speaker. Thank you, madam chair.

Vice-Chairperson, Senator Amanda L. Shelton: *Si Yu'os Ma'ase*, Senator Taitague, I'd like to again thank everyone for being here tonight for your testimony, for everything that you've shared and the committee will continue to hear testimony on bill what number 129-36, you can send your testimonies via email to senatorjoessanaguston@gmail.com or deliver it to the office located at Ran Care Building, Second Floor, Suite 3, CBU#230, 761 South Marine Corps Drive, Tamuning, Guam 96913, **Bill Number 129-36** has been duly heard, the time now okay, I'm sorry, I understand that Ms Franguez wants to make a comment very quickly please go ahead ma'am.

Rita Franquez: Hello, thank you for this second opportunity but it would be remiss of me not to mention the name of one man who has honored and respected the CHamorro people, you don't hear about him very much but his name is Dwight Look, Dwight Look, he gave, I talked him into giving some land to preserve Manaegon and he said Well do you have anything left Dwight and he said I think so, I said Hey how about saving some of that for the CHamorro people who were camped there I was thinking more in terms of

but there's not one descendant of any CHamorro living anywhere that does not owe his survival and his inheritance from the CHamorro's who were forced from Inalahan to Yigo all forced to march under the bayonets to Manaegon, died they suffered along the way, they were buried and gave birth along the way too but Manaegon and to me, I wish there was some maybe this would be a good project to see that C is put on the historic land because it certainly is historic, it is island-wide a whole race of people and his name again is Dwight Look, he gave 47 acres, I talked him into it, I didn't realize how much he had left because he made so much money selling that golf resort in under and so he said well, Rita, I'll check and see if there's anything left but I promise you can have it. I said no it's not for me, I said I want it for the CHamorro people who would know where to go to see where all their parents and their ancestors were marched to under great suffering so he gave 47 acres of land, how much would that trust translate into millions of dollars that's quite a bit and yet he gave it so willingly at the suggestion of a just a girl a young girl, a young lady at the time that said OKAY you should save this for the CHamorro people. He said Well would you like some? I said no it's not for me, just save a little bit for the CHamorro people so they know where Manaegon is and I didn't realize it but he said when he came back after we got to this house in Sinajana, he said hey, I have 47 acres, I said oh wow that's great he said, you could have it, I said, I just about had to sit down all of that and I knew that was a lot of land so Dwight Look remember I'd like to put this into your record books. Dwight Look honored all to CHamorro's living anywhere in this world that he honored them with the only way he knew, how to do it by giving something of his just magnanimously and without any self-interest, gave it willingly to preserve the suffering and the memories and the injustice and of course the remission so do I look. I'd like to put that in to your record book that he honored and respected and preserved the name and suffering of the CHamorro people, thank you.

Vice-Chairperson, Senator Amanda L. Shelton: *Si Yu'os Ma'åse* Ms Franquez and yes, we will have that included in the record. The importance of that property and the significance of that land and what happened there for the CHamorro people, thank you very much and with that yes Mr. Gay?

Alejandro Gay: I think what Ms Rita is trying to emphasize and what I'd like to see included and what I've been waiting for from many legislatures of the past is in order to preserve what we have of our uncles our aunties our grandparents, great grandparents. I do believe that somewhere there is, there are stories there are video and audio stories somewhere in government archives and I think what we like to see is something of like a hall of history where people can come and as well as our children our grandchildren, so on and so forth where they can come to this hall, play a video, play an audio something that the people can see and connect to so, that way when our elders have long since passed, their memories their stories, the experiences that they've gone through are well preserved within these archives and I hope to see that soon before we pass away and unfortunately no legislature before has ever thought of that once you know, we hear the stories, we hear

the testimonies but not once did any legislators say hey, we need to have like a hall of archive, to commemorate to our people to show so that way when they see it for themselves, when they hear it for themselves through audio or video, they see the faces, they hear the names, our people are forever preserved in history and that part will never be gone although in my mind. I'm already over 40 years old and some of the stories that my grandparents have told me are kind of rusty. I would have loved to have some kind of audio or video of their time and their experiences throughout the war and from the work moving into Guam's development and that I think that's what Ms Rita is trying to point out right?

Vice-Chairperson, Senator Amanda L. Shelton: Thank you very much Mr. Gay, thank you I know that we have had these stories featured at the Guam museum, we've had exhibits there. I know that folks like Senator Blas's, group association has been documenting these stories, has published books, has put out exhibits and so these things do exist in our community and we're very grateful for them and we know that we can do a better job of having a permanent home for all of them that we hope to see one day so we appreciate that from you the time now is 6:46 P.M. and I'd like to once again thank all of you my colleagues and everyone who has been here to testify today. We look forward to moving this bill forward on behalf of Senator Joe San Augustin *Si Yu'os Ma'åse* and this public hearing is now adjourned.

This Public Hearing is now adjourned @6 :46P.M.

III. Findings and Recommendations:

The Committee on General Government Operations, Appropriations, and Housing hereby reports on Bill 129-36 (LS) *As Introduced by Senators: Telo T. Taitague and Frank Blas Jr.* -" AN ACT TO ADDA NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION ." with recommendation TO REPORT OUT ONLY.

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 129-36 (LS)

Introduced by:

Telo T. Taitague *TT*
Frank Blas, Jr. *FB*

AN ACT TO *ADD* A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that U.S. Public Law 114-328 included the Guam World War II Loyalty
4 Recognition Act which provides for a claims program, administered by the U.S.
5 Department of Justice through the Foreign Claims Settlement Commission of the
6 United States, for Compensable Guam Victims or Survivors of Compensable
7 Guam Descendants. Claims are funded by a portion of Section 30 revenue that is
8 assigned to Guam annually. As of December 31, 2019, the Foreign Claims
9 Settlement Commission issued 1,419 Final Decisions, with awards totaling
10 \$14,780,000.

11 *I Liheslaturan Guåhan* also finds that according to Guam Legislature
12 Resolution 54-36 (COR), more than seven hundred (700) survivors of Guam's
13 wartime occupation and their descendants have signed a petition since June of

1 2018 urging Congress to remove the June 20, 2018 deadline to file their claim, by
2 amending the Guam World War II Loyalty Recognition Act. In response to the
3 petition effort, Guam's Delegate to the U.S. House of Representatives was quoted
4 in a local media article published on January 28, 2020 arguing, "*It wouldn't make*
5 *any sense to repeat any of this over again. The local government should establish a*
6 *local process for new claimants and filers using the same funding source,*
7 *otherwise, they are going to repeat all of this same confusion. The legislature can*
8 *appropriate Section 30 money locally, it doesn't require an Act of Congress.*"

9 It is, therefore, the intent of *I Liheslaturan Guåhan* to develop a local
10 adjudication process for survivors of Guam's wartime occupation and their
11 descendants. This Act authorizes individuals who were eligible to apply for
12 compensation pursuant to U.S. Public Law 114-328, but were unable to submit
13 required documents to the Foreign Claims Settlement Commission of the United
14 States on or before June 20, 2018, to apply for compensation through the
15 Government of Guam World War II Survivor Claims Review Commission.

16 *I Liheslatura* further proposes to fund war claims that are approved by the
17 Guam World War II Survivor Claims Review Commission utilizing a portion of
18 Section 30 revenue Guam receives annually, including Section 30 funds which
19 have been set aside pursuant to U.S. Public Law 114-328 and remain available.

20
21 **Section 2.** A new Article 14.1 is *added* to Chapter 1, Division 1, Title 5,
22 Guam Code Annotated, to read:

23
24 **"ARTICLE 14.1**
25 **GOVERNMENT OF GUAM WORLD WAR II**
26 **SURVIVOR CLAIMS REVIEW COMMISSION**
27

1 **§ 14.101. Commission Established.**

2 (a) There is hereby established the Government of Guam World War II
3 Survivor Claims Review Commission (Commission) responsible for adjudicating
4 through a formal application process, war claims compensation requests from
5 individuals who were eligible to apply for compensation pursuant to U.S. Public
6 Law 114-328, but were unable to submit required documents to the Foreign Claims
7 Settlement Commission of the United States on or before June 20, 2018.

8 The Commission shall consist of five (5) members: 1.) the Public Auditor of
9 Guam or his/her designee; the Governor of Guam or his/her designee; the Speaker
10 of I Liheslaturan Guåhan or his/her designee; the President of the Mayors Council
11 of Guam or his/her designee; and, a member of the general public appointed by the
12 Governor of Guam. A Chairperson shall be elected from among the members of
13 the Commission.

14 The Commission may establish rules and regulations, procure goods and
15 services, and solicit personnel assistance and other administrative support from the
16 Governor of Guam and the Speaker of I Liheslaturan Guåhan as may be necessary
17 to effectively and efficiently administer the provisions of this Act. Decisions by the
18 Commission shall require a majority vote.

19 **§ 14.102. Consistency with Established Guidelines, Rules and**
20 **Regulations, and Award Limits.**

21 The Commission shall within two (2) years after the enactment of this Act,
22 adjudicate all applications submitted by Compensable Guam Victims or Survivors
23 of Compensable Guam Descendants as defined by the *Guam World War II Loyalty*
24 *Recognition Act*, enacted through U.S. Public Law 114-328.

25 All rules and regulations and decisions rendered by the Commission, shall
26 be consistent with program guidance and award limits established pursuant to U.S.
27 Public Law 114-328.

1 **§ 14.103. Government of Guam World War II Survivor Claims Review**
2 **Commission Fund.**

3 (a) There is hereby created, separate and apart from other funds of the
4 Government of Guam, the Government of Guam World War II Survivor Claims
5 Review Commission Fund (Fund) which shall be administered by the Department
6 of Administration. The Fund shall not be subject to the Governor's transfer
7 authority and shall not be commingled with the General Fund.

8 (b) Notwithstanding any other provision of law, *I Liheslaturan Guåhan* shall
9 appropriate to the Fund no less than Six Million Four Hundred Thousand Dollars
10 (\$6,400,000.00) from Section 30 funds transmitted by the U.S. Treasury to the
11 Government of Guam during Fiscal Year 2022 and Fiscal Year 2023. Additionally,
12 and after all approved claims have been paid by the Foreign Claims Settlement
13 Commission of the United States, the balance of any claims fund administered by
14 the U.S Government pursuant to U.S. Public Law 114-328 shall be deposited into
15 the Government of Guam World War II Survivor Claims Review Commission
16 Fund. A portion of the Fund may be used by the Commission for administrative
17 and legal assistance, and any funds remaining shall be subject to legislative
18 appropriation.

19 (c) The Department of Administration and the Bureau of Budget and
20 Management Research shall submit a report every six (6) months to *I Liheslaturan*
21 *Guåhan* and the Governor of Guam on the status of applications, awards, and Fund
22 expenditures authorized pursuant to this Article. Information concerning the
23 identity of war survivors and their application for war claims shall be protected and
24 shall not be part of the public record."

25
26 **Section 3. Severability.** *If any provision of this Act or the application to*
27 *any person or circumstance is found to be invalid or contrary to law, such*

1 invalidity *shall not* affect other provisions or applications of this Act that can be
2 given effect without the invalid provision or application, and to this end the
3 provisions of this Act are severable.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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

May 17, 2021

MEMO

To: Rennae Meno
Clerk of the Legislature

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

Re: Fiscal Notes

Buenas yan Håfa adai.

Attached, please find the fiscal notes for the following bills:

Bill No. 129-36 (LS)
Bill No. 133-36 (COR)
Bill No. 136-36 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

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

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 129-36 (LS)

AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION I, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.

Department/Agency Appropriation Information

Dept./Agency Affected: Government of Guam Wide	Dept./Agency Head: Lourdes A. Leon Guerrero, Governor
Department's General Fund (GF) appropriation(s) to date:	\$630,111,951
Department's Other Fund (Specify) appropriation(s) to date: All Special Funds per P.L. 35-99	\$210,717,690
Total Department/Agency Appropriation(s) to date:	\$840,829,641

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2020 Unreserved Fund Balance		\$0	\$0
FY 2021 Adopted Revenues	\$0	\$0	\$0
FY 2021 Appro. (P.L. 35-99 thru)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes / X/ No
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / X/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ / X/ N/A
3. Does the Bill establish a new program/agency? / X/ Yes / / No
 If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / X/ No
 Is there a federal mandate to establish the program/agency? / / Yes / X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes / X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X/ Yes / / No
 / / Requested agency comments not received by due date / / Other:

Analyst: <u>Jason Baza</u>	Date: <u>5/14/21</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>MAY 17 2021</u>
Jason Baza, BMA Supervisor		Lester L. Carlson, Jr., Director	

Notes:

1/ The proposed legislation intends to establish the Government of Guam World War II Survivor Claims Review Commission (WWSCRC) and subsequently appropriate Six Million Four Hundred Thousand Dollars (\$6,400,000) from Section 30 Funds transmitted by the U.S. Treasury to the Government of Guam for FY 2022 and FY 2023 into a newly established World War II Survivor Claims Review Commission Fund (WWSCRCF). It should be noted that the legislation authorizes newly established WWSCRC to establish rules and regulations (consistent with U.S.P.L. 114-328), procure goods and services, and solicit personnel assistance/administrative support to administer the provisions of this Act.

The Bureau notes that the U.S. Treasury currently withholds funds from the Government of Guam's annual Section 30 transmittal and deposits those funds withheld into the World War II Claims Fund, administered by the U.S. Treasury. To date, the U.S. Treasury has withheld and deposited a total of \$39,685,986.67 into the World War II Claims Fund. As such, the proposed appropriation of \$6,400,000 into the WWSCRCF from the Government of Guam's Section 30 transmittal in both FY 2022 and FY 2023 may not be necessary, as the Section 30 transmittal is net of the U.S. Treasury's withholding of deposits into the World War II Claims Fund. Additionally, appropriating \$6,400,000 from Section 30 would reduce the funding available for Government of Guam operations in both FY 2022 and FY 2023.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

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May 4, 2021

VIA E-MAIL

lester.carlson@bbmr.guam.gov

admin@bbmr.guam.gov

Lester L. Carlson, Jr.

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

Re: Request for Fiscal Notes for Bill Nos. 127-36 (LS) through 131-36 (LS)

Håfa Adai Director Carlson,

Transmitted herewith is a listing of *I Mina'trentai Sais na Liheslaturan Guåhan's* most recently referred bills:

Bill No. 127-36 (LS)

Bill No. 128-36 (LS)

Bill No. 129-36 (LS)

Bill No. 130-36 (LS)

Bill No. 131-36 (LS)

Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Thank you for your attention to this important matter.



OFFICE OF FINANCE AND BUDGET

STEPHEN J. GUERRERO, DIRECTOR

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COMMITTEE ON GENERAL GOVERNMENT OPERATIONS,
APPROPRIATIONS AND HOUSING

I Minutrentai Sais Na Liheslaturan Guahan

SENATOR JOE S. SAN AGUSTIN

Tel: (671) 989-5445 / Fax: (671) 969-6737

Email: senatorjoessanagustin@gmail.com

MEMORANDUM

To: Senator Joe S. San Agustin
Chairman, Committee on General Government Operations, Appropriations, and Housing

From: Stephen J. Guerrero
Director, Office of Finance and Budget

Re: Funding Availability Note: Bill No. 129-36 (LS)

Hafa Adai Senator San Agustin,

Pursuant to the Standing Rules of the 36th Guam Legislature, the Committee on Appropriations and/or the Office of Finance and Budget (OFB) shall determine in writing if the funding source cited in Appropriation or Authorization for Appropriations bills are sufficient.

The Office has received Bill No. 129 -36 (LS), AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION.

Bill No. 129-36 (LS) seeks to establish the Government of Guam World War II Survivor Claims Review Commission (Commission) as well as the Government of Guam World War II Survivor Claims Review Commission Fund (Fund), which shall be administered by the Department of Administration.

The Bill, if passed, would require \$6,400,000 from Section 30 funds remitted by the U.S. Treasury to the Government of Guam during FY 2022 and FY 2023 to be deposited into the Fund. In addition, after the settlement of all claims by the U.S. Government pursuant to U.S. Public Law 114-328, any balance of claim funds shall be deposited into the Fund.

As of March 2021, BBMR estimated that for FY 2022 one last reduction in Section 30 revenue amounting to \$12M will occur and Guam's full Section 30 funding will begin in Fiscal Year 2023. The Governor's Executive Budget Request for Fiscal Year 2022 estimates gross General Fund revenues of \$754M, which is \$20.5M less than the FY 2021 adopted revenue levels. Of the \$754M, \$65M represents Section 30 revenues. Reducing this level by an addition \$6,400,000 will further affect funding needed for Government of Guam operations in FY 2022.


Based on information provided by BBMR, as of May 2021, the U.S. Treasury has withheld and deposited a total of \$39,685,987. As of March 4, 2021, a total of 2,718 claims were approved totaling an award amount of \$28,784,080. While 1,056 claims were pending a decision, if all 1,056 claimants were approved at an average award of \$10,590 per claim (\$28,784,080/2,718 claims), this would result in an estimated amount of \$11,183,040 for these pending claims. Therefore, the total amount of awards to be processed by the U.S. Government is estimated at \$39,967,120 (\$28,784,080 + \$11,183,040).

With \$39,685,987 collected as of May and additional \$12M to be collected in FY 2022, it is estimated that the Claims Fund pursuant to P.L. 114-328 would collect approximately \$51,685,987 and pay out \$39,967,120 resulting in a balance of \$11,718,867 to be deposited into the Government of Guam World War II Survivor Claims Review Commission Fund.

Additionally, BBMR has indicated that at least 700 individuals could be impacted with an average individual war claim of \$10,000, therefore, resulting in the need for less than \$10M. As such the required funds will be available from the balance of claims paid pursuant to U.S. P.L. 114-328.

Other relevant cost would arise from the authorization for the Commission to establish rules and regulations, procure goods and services, and solicit personnel assistance and other administrative support to administer the provisions of this Act. However, such costs cannot be determined at this time.

Respectfully,


Stephen J. Guerrero



Office of
SENATOR Joe S. San Agustin

I Mina' trentai Sais na Liheslaturan Guåhan Thirty-Sixth Guam Legislature

COMMITTEE VOTE SHEET

BILL NO. 129-36 (LS) - As Introduced by Telo T. Taitague and Frank F. Blas Jr. "AN ACT TO ADD A NEW ARTICLE 14.1 TO CHAPTER 1, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE ADJUDICATION AND SETTLEMENT OF OUTSTANDING WAR CLAIMS, BY ESTABLISHING AND FUNDING THE GOVERNMENT OF GUAM WORLD WAR II SURVIVOR CLAIMS REVIEW COMMISSION."

Committee Members	Signature	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Joe S. San Agustin <i>Chairman</i>						
Senator Amanda L. Shelton <i>Vice Chairperson (Gen Govt Operations, Appr & Housing)</i>						
Senator Clynton E. Ridgell <i>Vice Chairman (Appropriations) Member</i>						
Speaker Therese M. Terlaje <i>Member</i>						
Vice-Speaker Tina Rose Muña Barnes <i>Member</i>						
Senator V. Anthony Ada <i>Member</i>						
Senator Frank F. Blas Jr. <i>Member</i>						
Senator Jose "Pedro" Terlaje <i>Member</i>						
Senator Mary Camacho Torres <i>Member</i>						

Committee Chairman: General Government Operations, Appropriations, and Housing

Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913

Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com



Catherine Leon Guerrero <cathy.senatorsa@gmail.com>

PRESS RELEASE: Senators Taitague and Blas Propose Local Program to Adjudicate and Pay for Outstanding War Claims

1 message

Senator Telo Taitague <senatortelot@gmail.com>

Bcc: phnotice@guamlegislature.org

Wed, Apr 28, 2021 at 2:40 PM

Hafa adai All,

Please see Press Release below.

Senators Taitague and Blas Propose Local Program to Adjudicate and Pay for Outstanding War Claims

Today, Senators Telo Taitague and Frank Blas, Jr. introduced Bill 129 creating the Government of Guam World War II Survivor Claims Review Commission (Commission) – to adjudicate war claims requests that did not meet the federally imposed June 20, 2018 filing deadline established pursuant to the Guam World War II Loyalty Recognition Act.

Members of the Commission include public officials (or their designees) namely the Public Auditor of Guam, the Governor of Guam, Speaker of *I Liheslaturan Guåhan*, President of the Mayors Council of Guam, and a member of the general public appointed by the Governor of Guam. The Commission will have two years from the enactment of Bill 129 to accept, adjudicate, and issue awards to Compensable Victims or Survivors of Compensable Guam Descendants.

According to Guam Legislature Resolution 54-36 (COR), more than 700 survivors of Guam's wartime occupation and their descendants have signed a petition since June of 2018 urging Congress to remove the June 20, 2018 deadline to file their claim, by amending the Guam World War II Loyalty Recognition Act. If approved, Bill 129 appropriates no less than \$6.4 million from Section 30 funds for war claims during Fiscal Year 2022 and FY 2023. This is the same funding source the U.S. Congress identified for war claims that are approved by the Foreign Claims Settlement Commission of the United States, which is the entity responsible for adjudicating war claims submitted in accordance to the Guam World War II Loyalty Recognition Act.

“Bill 129 proposes a solution at the local government level to assist war survivors and descendants of survivors who did not submit their applications to the Foreign Claims Settlement Commission on or before the June 20, 2018 deadline. While many others were able to submit their information, we must be understanding and compassionate to those who for reasons they alone can explain did not meet the federally imposed deadline. Whether it was due to a lack of information on the issue or time to compile their personal records – or because they weren’t emotionally prepared to relive the pain and suffering endured during World War II – Bill 129 intends to honor and bring peace and closure to our greatest generation,” Senator Taitague stated.

“Bill 129 provides the opportunity to the survivors who missed the federal deadline to have their claims reviewed and adjudicated. Since we have been forced to use the Section 30 funds to pay for claims, we want to make sure that the money that was set aside is used to appropriately compensate our survivors who would have been made whole had they not missed the June 2018 deadline,” commented Senator Blas, Jr.

For additional information regarding this press release, please contact Senator Taitague’s office at 989-8356 or send an e-mail to senatortelot@gmail.com.

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Attachment: Bill 129-36 (LS)

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

36th Guam Legislature

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238 Archbishop Flores St.

Hagatna, Guam 96910

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Email: senatortelot@gmail.com

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 **Bill No. 129-36 (LS).PDF**
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