

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
344-34 (COR)	Therese M. Terlaje	AN ACT TO <i>ADD</i> A NEW CHAPTER 51 TO TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD.	9/7/18 11:32 a.m.	9/17/18	Committee on Culture and Justice	10/29/18 2:00 p.m.	11/19/18 11:59 am.	Fiscal Note Request 9/17/18	



I Mina'trentai Kuåttro na Lihelaturan Guåhan
34th Guam Legislature

OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

November 16, 2018

The Honorable Régine Biscoe Lee

Chairwoman of Committee on Rules

I Mina'trentai Kuåttro na Lihelaturan Guåhan

34th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: Committee Report on Bill No. 344-34 (COR), As Introduced

Dear Chairwoman Lee:

Transmitted herewith is the **Committee Report on Bill No. 344-34 (COR), As Introduced** – An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

Committee votes are as follows:

<u>4</u>	TO DO PASS
<u>Ø</u>	TO NOT PASS
<u>Ø</u>	TO REPORT OUT ONLY
<u>Ø</u>	TO ABSTAIN
<u>Ø</u>	TO PLACE IN INACTIVE FILE

. Si Yu'os Ma'åse',

Therese M. Terlaje



COMMITTEE REPORT ON

Bill No. 344-34 (COR), As Introduced

“An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.”




I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

November 16, 2018

MEMORANDUM

To: All Members
Committee on Culture and Justice

From: Acting Speaker Therese M. Terlaje 
Committee Chairperson

Subject: Committee Report on Bill No. 344-34 (COR), As Introduced

Transmitted herewith for your consideration is the **Bill No. 344-34 (COR), As Introduced** - An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

This report includes the following:

- Copy of COR Referral of Bill No. 344-34 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 344-34 (COR), As Introduced
- Copy of COR Pre-Referral Checklist on Bill No. 344-34 (COR)
- Fiscal Note Waiver
- Related News Reports

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 Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUÅHAN
I MINA 'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

September 17, 2018

MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 344-34 (COR)**

Buenas yan Håfa adai.

As per my authority as Chairperson of the Committee on Rules, I am forwarding the referral of **Bill No. 344-34 (COR)**.

Please ensure that the subject bill is referred, in my name, to **Acting Speaker Therese M. Terlaje, Chairperson of the Committee on Culture and Justice**.

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 the Committee on Rules Office at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chairperson, Committee on Rules

I Mina Trentai Kuattro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CHIEF REAPPORSED	PUBLIC HEARING DATE	DATE COMMITTEE REPORTED	FISCAL NOTES	NOTES
344-34 (COR)	Therese M. Terlaje	AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDDEES WHO DIE BEFORE RECEIVING THE AWARD.	9/7/18 11:32 a.m.	9/17/18	Committee on Culture and Justice				



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

FIRST NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Mon, Oct 22, 2018 at 12:05 PM

To: phnotice@guamlegislature.org

Cc: Tom Unsioq <sgtarms@guamlegislature.org>

Hafa adai,

Please see the attached public hearing notice from the Office of Acting Speaker Therese Terlaje.

Thank you,
Jocelyn de Guia
Committee Director

October 22, 2018

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: FIRST NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

Hâfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Monday, October 29, 2018, beginning at 2:00 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

On the agenda are the following items:

- Appointment of **Dr. Michael Bevacqua** to serve as a **Member of the Council on the Arts and Humanities Agency (CAHA)**.
- **Bill No. 344-34 (COR)** - As introduced by: **Therese M. Terlaje** – An Act to add a *new* Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
- **Bill No. 346-34 (COR)** - As introduced by: **Therese M. Terlaje** – An Act to establish the *Inetnon Estudion I Umali'e' Yan Umafana' I Taotao Hiyong Yan Taotao Tano'* Commission to promote Guam's participation and Chamorro representation in the commemoration of the 500th anniversary of the arrival of Ferdinand Magellan to Guam and the Marianas Islands.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *I Liheslaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse'

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

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First notice PH 10.29.2018_Bevacqua, Bill 344 and Bill 346.pdf
202K




**OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice**

*I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature*

October 22, 2018

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Vice Speaker Therese M. Terlaje 
Chairperson, Committee on Culture and Justice

Subject: FIRST NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

Håfa Adai!

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- Appointment of **Dr. Michael Bevacqua** to serve as a **Member of the Council on the Arts and Humanities Agency (CAHA)**.
- **Bill No. 344-34 (COR)** - As introduced by: **Therese M. Terlaje** – An Act to add a *new* Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
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We look forward to your attendance and participation.

Si Yu'os Ma'åse'



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

SECOND NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Fri, Oct 26, 2018 at 10:08 AM

To: phnotice@guamlegislature.org

Bcc: lifestyleeditor@glimpsesofofguam.com, carlsonc@pstripes.osd.mil, dcrisost@guam.gannett.com, dmgeorge@guampdn.com, The Post Editor in Chief <editor@postguam.com>, editor@saipantribune.com, michael ko <gktv23@hotmail.com>, guam@pstripes.osd.mil, Jason Salas <jason@kuam.com>, John Oconor <john@postguam.com>, Jon Anderson <jontalk@gmail.com>, KISH <kstokish@gmail.com>, life@guampdn.com, mabuhaynews@yahoo.com, Masako Watanabe <mwatanabe@guampdn.com>, Guam PDN <news@guampdn.com>, Sorensen Pacific Broadcasting <news@spbgum.com>, nick@kuam.com, Bruce Hill <pacificjournalist@gmail.com>, parroyo@k57.com, KPRG Guam <pdkprg@gmail.com>, Phill Leon Guerrero <phill@spbgum.com>, publisher@glimpsesofofguam.com, rlimtiaco@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Manny Cruz <cruzma812@gmail.com>, Janela Buhain Carrera <janela@spbgum.com>, Jerick Sablan <jpsablan@guampdn.com>, K57 <news@k57.com>, KPRG <admin.kprg@gmail.com>, Krystal Paco <krystal@kuam.com>, Maria Louella Losinio <louella.losinio@gmail.com>, Pacific Island Times <pacificislandtimes@gmail.com>, cherrie@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, bryan@mvariety.com, businesseditor@glimpsesofofguam.com, Patti Rodriguez <parroyo@spbgum.com>, heugenio@guampdn.com, raygibsonshow@gmail.com, Carmen Terlaje <carmen@kuam.com>, Jamie Ward <jamie@postguam.com>, Jeffrey Marchesseault <jeffrey@spbgum.com>, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, pattiontheradio@yahoo.com

Hafa adai,

Please see the attached public hearing notice from the Office of Acting Speaker Therese Terlaje.

Thank you,
Jocelyn de Guia
Committee Director

October 26, 2018

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: SECOND NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

Hafa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Monday, October 29, 2018, beginning at 2:00 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

On the agenda are the following items:

- Appointment of **Dr. Michael Bevacqua** to serve as a **Member of the Council on the Arts and Humanities Agency (CAHA)**.
- **Bill No. 344-34 (COR)** - As introduced by: **Therese M. Terlaje** – An Act to add a *new* Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
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Chamorro representation in the commemoration of the 500th anniversary of the arrival of Ferdinand Magellan to Guam and the Marianas Islands.

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We look forward to your attendance and participation.

Si Yu'os Ma'åse'

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Lihselaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

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Second notice PH 10.29.2018_Bevacqua, Bill 344 and Bill 346.pdf
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OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

October 26, 2018

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Vice Speaker Therese M. Terlaje *TMS*
Chairperson, Committee on Culture and Justice

Subject: SECOND NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

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We look forward to your attendance and participation.

Si Yu'os Ma'åse'

You've got your mind on your money and so do we. Keep up with all things commerce, trade and corporate here. Send tips, monetary or otherwise, to editor@postguam.com.

CURRENCY EXCHANGE RATES
ON OCT. 19, 5:15 AM, 2018

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Wanda Ferragamo, who led fashion empire, dies at 96

By Matt Schudel
The Washington Post

Wanda Ferragamo, who took over her husband's shoe design and manufacturing business after his death and, with the help of her six children, expanded the company of Salvatore Ferragamo into a global fashion brand, died at her home in Italy that the weight of the body falls vertically on the arch of the foot," Wanda

Ferragamo told Women's Wear Daily in 2006. "That's how he made great yet comfortable shoes."

He also told his wife that his goal was to move beyond shoes and make the family business a full-fledged fashion house, with lines of clothing and accessories in addition to shoes. After his death, Wanda Ferragamo insisted salary. Another was that he had to have been allowed to work for the company.

Committee on
Culture and Justice



VICE SPEAKER THERESA M. TERLAJE
Ministerial Assistant to the Vice Speaker
Guam Legislature

PUBLIC HEARING • 2:00 p.m. • Monday, October 29, 2018
Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña

AGENDA:

- Appointment of Dr. Michael Bevacqua to serve as a Member of Council on the Arts and Humanities Agency (CAHA)
- **Bill No. 344-34 (COR)** – T.M. Terlaje - An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
- **Bill No. 346-34 (COR)** – T.M. Terlaje - An Act to establish the *Inetnon Estudion I Umali'e' Yan Umafana' I Taotao Hiyong Yan Taotao Tano'* Commission to promote Guam's participation and Chamorro representation in the commemoration of the 500th anniversary of the arrival of Ferdinand Magellan to Guam and the Marianas Islands.

If you require any special accommodations or for further information, please contact the Office of Vice Speaker Theresa M. Terlaje at 472-3526. Testimonies may be submitted directly to our office at the Guam Congress Building or via email at secretariat@legguam.org. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/80.4 and stream online via iLive at www.legguam.org. This ad is paid for with government funds.



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

invitation to 10.29.18 public hearing at 2pm

Senator Therese Terlaje <senatorterlajeguam@gmail.com>
To: Katherine Maraman <kamaraman@guamsupremecourt.com>
Cc: Shelterihna Alokoa <salokoa@guamsupremecourt.com>

Tue, Oct 23, 2018 at 10:19 AM

Hafa adai, Chief Justice Maraman,

Please see the attached invitation to the Committee on Culture and Justice's October 29, 2018 public hearing from Chairperson Therese Terlaje. The Committee is asking for any feedback you can provide, particularly regarding Bill No. 344-34 (COR), An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

Respectfully,
Jocelyn de Guia
Committee Director

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

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Notice for 10.29.18 Public Hearing - Judiciary invitation.pdf
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OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee

On Culture and Justice

I Mina'trentai Kuàttro na Liheslaturan Guåhan
34th Guam Legislature

October 22, 2018

Via Electronic mail

kamaraman@guamsupremecourt.com

The Honorable Katherine Maraman
Chief Justice
The Judiciary
Hagåtña, Guam 96932

Re: Notice for Public Hearing

Håfa Adai Chief Justice Maraman,

The Committee on Culture and Justice invites you to a public hearing on Monday, October 29, 2018, beginning at 2:00 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

On the agenda are the following items:

- Appointment of **Dr. Michael Bevacqua** to serve as a **Member of the Council on the Arts and Humanities Agency (CAHA)**.
- **Bill No. 344-34 (COR) - As introduced by: Therese M. Terlaje** – An Act to add a *new* Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
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We look forward to your attendance and participation.

Si Yu'os Ma'åse',

Therese M. Terlaje



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

invitation to 10.29.18 public hearing at 2pm

Senator Therese Terlaje <senatorterlajeguam@gmail.com>
To: Stephen Hattori <sphattori@guampdsc.net>

Tue, Oct 23, 2018 at 10:27 AM

Hafa adai, Attorney Hattori,

Please see the attached invitation to the Committee on Culture and Justice's October 29, 2018 public hearing from Chairperson Therese Terlaje. The Committee is asking for any feedback you can provide, particularly regarding Bill No. 344-34 (COR), An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

Respectfully,
Jocelyn de Guia
Committee Director

--

The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

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Notice for 10.29.18 Public Hearing - PDSC Invitation.pdf
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OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Lihelaturan Guåhan
34th Guam Legislature

October 22, 2018

Via Electronic mail
sphattori@guampdsc.net

Stephen P. Hattori,
Executive Director
Public Defender Service Corporation

Re: Notice for Public Hearing

Håfa Adai Attorney Hattori,

The Committee on Culture and Justice invites you to a public hearing on Monday, October 29, 2018, beginning at 2:00 PM in *I Lihelaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

On the agenda are the following items:

- Appointment of **Dr. Michael Bevacqua** to serve as a **Member of the Council on the Arts and Humanities Agency (CAHA)**.
- **Bill No. 344-34 (COR) - As introduced by: Therese M. Terlaje** – An Act to add a *new* Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
- **Bill No. 346-34 (COR) - As introduced by: Therese M. Terlaje** – An Act to establish the *Inetmon Estudion I Umali'e' Yan Umafana' I Taotao Hiyong Yan Taotao Tano'* Commission to promote Guam's participation and Chamorro representation in the commemoration of the 500th anniversary of the arrival of Ferdinand Magellan to Guam and the Marianas Islands.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *I Lihelaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Vice Speaker Therese M. Terlaje. Testimonies may be submitted via hand delivery to the Office of Vice Speaker Therese M. Terlaje at the Guam Congress Building; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910; or via email to senatorterlajeguam@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse',


Therese M. Terlaje



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

FIRST NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

Senator Therese Terlaje <senatorterlajeguam@gmail.com>
To: Guam Bar Association <info@guambar.org>

Tue, Oct 23, 2018 at 10:39 AM

Hafa adai,

Please see the attached public hearing notice from the Office of Acting Speaker Therese Terlaje.

The Committee on Culture and Justice is inviting GBA members to provide testimony on any of the agenda items. Bill No. 344-34 (COR) may be of interest to some members. It is an Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

Thank you,
Jocelyn de Guia
Committee Director

October 22, 2018

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Vice Speaker Therese M. Terlaje
Chairperson, Committee on Culture and Justice

Subject: FIRST NOTICE of Public Hearing – Monday, October 29, 2018 at 2:00 p.m.

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on Culture and Justice will convene a public hearing on Monday, October 29, 2018, beginning at 2:00 PM in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

On the agenda are the following items:

- Appointment of **Dr. Michael Bevacqua** to serve as a **Member of the Council on the Arts and Humanities Agency (CAHA)**.
- **Bill No. 344-34 (COR)** - As introduced by: **Therese M. Terlaje** – An Act to add a *new* Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
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Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Vice Speaker Therese M. Terlaje at (671) 472-3586 or by sending an email to senatorterlajeguam@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'åse'

--

The Office of Vice Speaker Therese M. Terlaje

Committee on Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan

34th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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First notice PH 10.29.2018_Bevacqua, Bill 344 and Bill 346.pdf
202K



I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

Wednesday, October 29, 2018
2:00 PM

AGENDA

- Appointment of **Dr. Michael Bevacqua** to serve as a **Member** of the **Council on the Arts and Humanities Agency (CAHA)**.
- **Bill No. 344-34 (COR)** - As introduced by: Therese M. Terlaje – An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.
- **Bill No. 346-34 (COR)** - As introduced by: Therese M. Terlaje – An Act to establish the Inetnon Estudion I Umali'e' Yan Umafana' I Taotao Hiyong Yan Taotao Tano' Commission to promote Guam's participation and Chamorro representation in the commemoration of the 500th anniversary of the arrival of Ferdinand Magellan to Guam and the Marianas Islands.

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I Mina'trentai Kuáttro na Liheslaturan Guåhan
Office of the Vice Speaker
Senator Therese M. Terlaje
Committee On Culture and Justice

Date: Monday, October 29, 2018
Bill No.: 344-34 (COR)

Time: 2:00 PM

As introduced by: Therese M. Terlaje – An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

	NAME	AGENCY / ORGANIZATION	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	yes	no
1	Cathy George	Public Defender	475-8301	aguar@guamdisc.org CathyGeorge	✓	✓	✓	
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								



I Mina'trentai Kuáttro na Liheslaturan Guåhan
Office of the Vice Speaker
Senator Therese M. Terlaje
Committee On Culture and Justice

Date: **Monday, October 29, 2018**
Bill No.: **344-34 (COR)**

Time: **2:00 PM**

As introduced by: Therese M. Terlaje – An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

	NAME	AGENCY / ORGANIZATION	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	<i>HP Marano</i>	<i>Judiciary</i>				✓	✓	
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								



JUDICIARY OF GUAM

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3514 • Fax: (671) 477-3184



HON. KATHERINE A. MARAMAN
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE
JOHN Q. LIZAMA
ADMINISTRATOR OF THE COURTS

October 29, 2018

Vice Speaker Therese M. Terlaje

The Honorable Therese M. Terlaje
Acting Speaker
34th Guam Legislature
163 Chalan Santo Papa
Hagåtña, Guam 96932

OCT 29 2018

Time: 11:07

Received: [Signature]

Re: Testimony on Bill No. 344-34 (COR)

Dear Acting Speaker Terlaje:

Håfa ådai! On behalf of the Judiciary of Guam, thank you for providing us with the opportunity to submit written testimony regarding Bill No. 344-34 (COR), AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO EXPEDING DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD, which you sponsored.

The Judiciary is in support of Bill No. 344-34 (LS), which amends the Probate Code of Guam to permit expeditious administration of war claims for those cases where the war survivors have died before receiving the war claims award. The proposed legislation contemplates an expedited process at minimum cost to families in probate cases involving war claims awards. Specifically, it provides for summary distribution upon award by the Foreign Claims Settlement Commission, by requiring that the petitioner distribute the award with due diligence to those named in the petition, thereby ensuring that the heirs receive their rightful share.

I recognize that the proposed legislation also allows a judge of the Superior Court to exercise discretion and administer an estate with war claims under the new chapter. The authority to exercise this discretion will further promote the expeditious administration of probate cases with war claims awards, and bring a measure of redress for the suffering enduring during the war.

Thank you for the opportunity to provide testimony in support of Bill 344-34.

Senseramente,

[Signature]
KATHERINE A. MARAMAN
Chief Justice of Guam

EXECUTIVE DIRECTOR
Stephen P. Hattori



DEPUTY DIRECTOR
Richard S. Dirk
ADMINISTRATIVE DIRECTOR
Cathmann C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM
779 Route 4
Sinajaña, Guam 96910
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844

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Rocky P. Kingree
Zachary C. Taimanglo
Earl Anthony V. Espiritu
Theresa G. Rojas
Karlo J. Dizon

October 29, 2018

Hafa Adai Madame Speaker Therese Terlaje and Chairperson of Justice and Culture, Senator Telenia C. Nelson, Vice-Chairperson, and members of the Committee on Culture and Justice.

Buenas! I am Stephen Hattori, the Executive Director of the Public Defender Service Corporation, and I would like to thank you for the opportunity to testify in favor of Bill No. 344-34.

We are at a historic point in the administration of the World War II Claims for our *Manamko*. The application process has occurred through the help of many. Our office took on an active role in the process as we assisted many of our *Manamko* notarizing and even helping fill out applications for our WWII claimants.

Since the payment is now expected to take a few years, this piece of legislation will ensure that our *Manamko* need not wait longer than they have to in order to receive compensation, whether it be their fair share or not, of the War Claims that are way overdue. This expedited process will ensure that the estates of those claimants who die before receiving the award will receive the award in a timely and cost effective manner.

We are the Public Defender Service Corporation. We strive to serve those in our community who need legal services yet cannot afford them. We will accept the challenge of assisting our WWII survivors and estates so that they may obtain their long overdue distribution in a timely manner.

Thank you Speaker Terlaje for introducing this measure to facilitate the distribution of the World War II Claims. We at the Public Defender Service Corporation, with "service" as our middle name, are committed to providing whatever legal assistance is necessary for the *Manamko* of Guam.

Senseramente,

STEPHEN P. HATTORI
Executive Director



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

re: Support for Bill No. 344-44(COR)

Felixberto R. Dungca Jr. <guamplanner@yahoo.com>

Sun, Sep 23, 2018 at 10:10 AM

To: "Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Cc: Anthony Dungca <tjdungca@hotmail.com>, Lou Dizon <loudungca1983@gmail.com>, Terry Benavente <markandterrybenavente@gmail.com>, Barbara Dungca <barbararupleydungca@hotmail.com>, John Dungca <john.dungca@yahoo.com>, Michael Dungca <michaelrdungca@hotmail.com>, "Felixberto R. Dungca Jr." <guamplanner@yahoo.com>

**Buenas Yan Hafa Adai Acting Speaker
34th Guam Legislature**

On behalf of myself and my siblings, surviving children of Felixberto Q. Dungca, a survivor of World War II I would like to go on record as supporting your recently introduced Bill No. 344-44(COR) as written and intended.

Our father passed away on February 10, 2018 at a young age of 91 and endured physical torture during the war on Guam. We completed the application for war reparation in 2017, submitted to the federal commission in D.C. and received an assigned number on his application.

During this past year we wondered how this whole probate process will be administered when his compensation is released. Your recent bill has brought a sense of comfort and clarification and I thank you for that.

We hope that the full 34th Guam Legislature will pass your bill favorably in the coming weeks now that the Commission has started the review and award process for victims of the war.

Dankulo Na Si Yu'us Ma'ase,

Felixberto R. Dungca

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15 GCA ESTATES AND PROBATE
CH. 49 PROBATE ADMINISTRATION OF GUAM LAND CLAIMS AWARDS

CHAPTER 49
PROBATE ADMINISTRATION OF GUAM LAND CLAIMS AWARDS

NOTE: Chapter 49 was added in its entirety by P.L. 19-34:24.

- § 4901. Legislative Findings.
- § 4902. Scope and Applicability of Chapter.
- § 4903. Subsequent Administration of Land Claims Awards.
- § 4904. Distribution of Land Claims Awards Directly to Issue of Deceased Heirs.
- § 4905. Notices Concerning Administration of Land Claims Awards.
- § 4906. Notice, etc., of Claims.
- § 4907. Security for Performance of Representatives.
- § 4908. Delivery of Land Claims Award, or Share Therein, to Nonresidents.
- § 4909. Summary Distribution of Land Claims Awards Not Exceeding \$100,000.
- § 4910. Delivery of Land Claims Awards Not Exceeding \$15,000 Without Administration.
- § 4911. No Administration if Title to Condemned Land was Subject of Prior Administration.
- § 4911.1. No Further Administration in Certain Cases.
- § 4912. Discretion of Court.

§ 4901. Legislative Findings.

Pursuant to § 1424c of Title 48, United States Code, a judgment has been entered in the District Court of Guam, in Civil Action No. C-81-0112 RFP, approving the settlement of numerous claims for compensation in respect to the land acquisitions by the United States of America after World War II. Additional claims under 48 U.S.C. Section 1424c may, in the future, also be settled. There are presently proceeds of settlement in excess of \$42,000,000, with interest, awaiting distribution to approximately 5,100 former landowners, the great majority of whom are deceased. The Legislature finds that special amendments to the Probate Code of Guam permitting expeditious administration of compensation awards at a minimum of cost are in the public interest, as such will encourage the prompt release of substantial sums into the economy of the territory.

§ 4902. Scope and Applicability of Chapter.

15 GCA ESTATES AND PROBATE
CH. 49 PROBATE ADMINISTRATION OF GUAM LAND CLAIMS AWARDS

(a) the term land claims award, as used in this Chapter, shall mean any monetary compensation paid by the United States of America pursuant to 48 U.S.C. Section 1424c or a successor statute.

(b) Land awards are subject to administration in the same manner as is directed in relation to other property, except as expressly provided in this Chapter.

(c) This Chapter shall only apply in cases where it is alleged that the sole asset of a decedent's estate subject to administration is a land claims award.

(d) In cases arising under this Chapter, the Superior Court shall award reasonable attorney's fees out of the estate in lieu of statutory attorney's fees pursuant to § 2811 of this Title, without regard to the size of the award. Such reasonable fees shall be based on verified statements of time and charges filed with the court by the attorney.

SOURCE: Subparagraph (d) added by P.L. 20-7:1.

§ 4903. Subsequent Administration of Land Claims Awards.

Letters testamentary or of administration, or of administration which the will annexed, shall issue in probate cases in which an estate has been finally settled, for the purpose of administration on a land claims award. The Superior Court shall reopen the original probate proceedings and issue such letters to the persons entitled thereto in the same order and manner as is directed in relation to original letters of administration.

§ 4904. Distribution of Land Claims Awards Directly to Issue of Deceased Heirs.

(a) No separate administration on the share of a deceased heir, legatee or devisee in a land claims award shall be necessary; such share shall instead be distributed directly to his heirs at law, provided that the following conditions are met:

(1) The petition for letters testamentary or of administration, or administration with the will annexed, or if a personal representative has already been appointed as of the effective date of this Chapter, then the first petition for preliminary or final distribution to be filed after the effective date of this Chapter, shall include the names, addresses, relationships and ages of the heirs at law of each deceased heir;

15 GCA ESTATES AND PROBATE
CH. 49 PROBATE ADMINISTRATION OF GUAM LAND CLAIMS AWARDS

(2) Said petition shall state, as to each deceased heir whose share will be distributed directly, that to the best of the petitioner's knowledge the deceased heir died intestate and that no proceedings for administration upon said heir's estate are pending;

(3) Notice of the hearing on said petition shall be given as provided in § 4905 of this Title, and said notice shall list the estates of all deceased heirs whose shares will be distributed directly to their heirs at law;

(4) Notice of the hearing on said petition shall also be given to the heirs at law of each deceased heir;

(5) Notice of the hearing on said petition shall also be given to the creditors of each deceased heir in the manner provided and to the same extent required by § 4906 of this Title in relation to awards subject to separate administration; and

(6) No party interested in the estate of any deceased heir named in the petition requests administration on the share of the deceased heir in the ordinary course, provided that said request is made in writing and is served upon the petitioner or the Clerk of the Superior Court before the entry of a decree of preliminary or final distribution.

(b) In the event a timely request is made for administration in the ordinary course in the share of a deceased heir, by a party interested in said share, or if a valid and timely creditor's claim is filed against the share of any deceased heir, the share shall be distributed to the personal representative of the estate of the deceased heir or, if none has been appointed, deposited in the name of said estate with the Clerk, Superior Court of Guam.

(c) The delivery of a land claims award, or any share therein, directly to the heirs at law of a deceased heir, in accordance with a decree of preliminary or final distribution made under the provisions of this section, is a full discharge of the personal representative in relation to the sum so delivered, and when the decree becomes final it binds and concludes all parties in interest with respect to both the decedent's estate and the estate of the deceased heir.

§ 4905. Notices Concerning Administration of Land Claims Awards.

15 GCA ESTATES AND PROBATE
CH. 49 PROBATE ADMINISTRATION OF GUAM LAND CLAIMS AWARDS

(a) Notice of the hearing on a petition for letters testamentary or of administration with the will annexed, or for an order setting aside a land claims award pursuant to § 4909 of this Chapter, or for preliminary or final distribution filed under § 4904(a)(1) of this Chapter, shall be given by publishing notice of such hearing in a daily newspaper of general circulation in Guam for one (1) day, not more than ten (10) calendar days prior to the date set for such hearing. Notice of the hearing on any of the aforesaid petitions, on any petition for preliminary or final distribution, or on any other petition, application or other paper for which a hearing is required, shall also be given as provided in § 3401(b) of this Title, except that such notice shall be served personally or delivered by first class U.S. mail, postage prepared, not less than thirty (30) calendar days prior to the time set for hearing the petition. Registered or certified mailing of said notice shall not be required. The aforesaid notices shall contain the name of the estate, the name of each deceased heir's estate if direct distribution is requested, the name of the petitioner, applicant or moving party, the nature of the petition, application or paper (referring to the petition, application, or paper for further particulars), and shall state the time and place at which the petition, application or other paper will be heard.

(b) Proof of the giving of notice, as provided in this section, must be made at the hearing; and if it appears to the satisfaction of the Superior Court that said notice has been regularly given, the Superior court shall so find in its order, and such order, when it becomes final, shall be conclusive upon all persons.

(c) The inability of a petitioner or personal representative to deliver or mail notice of a petition for letters or for a decree of preliminary or final distribution to each person entitled to such notice shall not preclude the issuance of letters or entry of a decree of preliminary or final distribution, if the Superior Court determines that notice cannot with due diligence be given for lack of information concerning the identity, location or mailing address of every person entitled to notice.

(d) Notice required to be given to a minor or incompetent person who has no legal guardian may be given as provided in the preceding subsection (a) to such minor or incompetent person in care of a parent or, if none, then in care of any person of legal age with whom the minor or incompetent person resides. An award, or share therein, distributed to minor or incompetent person who has no legal guardian shall be delivered as provided in § 3023 of this Title.

§ 4906. Notice, etc., of Claims.

(a) Notice, presentation and payment of creditor's claims shall be undertaken in proceedings governed by this Chapter, except as follows:

(1) In the case of proceeding re-opened under § 4903 of this Chapter, or in the case of a deceased heir's estate previously subject to probate administration as to which direct distribution of the deceased heir's share of an award is proposed, no notice to creditors shall be given and no creditor's claims shall be allowed or approved; provided, however, that if a creditor's claim approved in the original proceedings remains unsatisfied, notice by registered mail of the reopened proceedings shall be given to such creditor and the balance of his approved claim shall be paid if a written request for payment is filed or presented within sixty (60) days of said mailing.

(2) In original proceedings, and in the case of a deceased heir's estate that was not previously subject to probate administration, as to which direct distribution is proposed, notice to creditors shall be given as provided in Chapter 25 of this Title, except that notice shall be published, pursuant to §§ 2503 and 2505 of this Title, in only one (1) issue of a daily newspaper of general circulation in Guam. In proceedings under § 4904 of this Chapter, such notice shall also list the estates of each deceased heir whose share is proposed to be distributed directly, and shall require all persons having a claim against any of said estates to file, before the entry of a decree of preliminary or final distribution, a written request for separate administration on the deceased heir's estate, with the Clerk of the Superior Court.

(b) Nothing herein shall be construed as permitting revival of a creditor's claim barred by any statute of limitations or other rule of law.

§ 4907. Security for Performance of Representatives.

The provisions of Chapter 20, Subchapter B, of this Title, concerning security for the faithful performance of a personal representative shall not apply to this Chapter, provided that the land claims award is deposited with a federally insured depository under a court order prohibiting any charge or withdrawal except as may be directed in a certified order or decree of the Superior Court.

§ 4908. Delivery of Land Claims Award, or Share Therein, to Nonresidents.

A land claims award, or any share therein, assigned or distributed upon administration of a decedent's estate to a person residing out of Guam may be delivered by registered or certified U.S. mail, postage prepaid, with return receipt, to the last known address of the nonresident assignee or distributee, and upon such mailing the personal representative shall not be personally liable for any loss arising from nonreceipt thereof, except for willful misconduct. If the award or any share therein, after mailing as aforesaid, is returned to the personal representative unclaimed, the same shall be deposited with the Clerk of the Superior Court in the name of the nonresident assignee or distributee, pursuant to § 3023 of this Title, unless the Superior Court orders delivery by such other means as it deems appropriate, compliance with which shall also discharge the personal representative from any liability whatsoever.

§ 4909. Summary Distribution of Land Claims Awards Not Exceeding \$100,000.

(a) A land claims award not exceeding \$100,000 after deduction of costs and attorney's fees awarded or authorized by the District Court of Guam may be set aside to a decedent's heirs at law, provided that no proceedings for administration upon the decedent's estate are then pending.

(b) A verified petition, together with a prayer that the award be set aside as provided herein, may be presented by any heir at law of the decedent or any heir at law of a deceased heir. The petition shall contain allegations showing that this section is applicable and shall state the names, mailing addresses, relationships and ages of each heir at law of the decedent, as well as each heir at law of any deceased heirs, and their respective fractional interests in the award. The petition shall further state, without qualification, that if the petition be granted the petitioner will distribute the award with due diligence to the persons named in the petition, according to their respective interests.

(c) No person to whom an award, or any portion thereof, is set aside pursuant to this section shall be personally liable for the unsecured debts of the decedent or the debts of any deceased heir whose share of the award is paid directly to his heirs at law, unless an action at law or proceeding in equity or in probate to recover such debts is commenced within one (1) year from entry of the decree setting aside the award. Such liability shall not, in any event, exceed the amount received by the person

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charged the debts as his share of the award. If an action at law or proceeding to collect such debts is commenced within the time allowed, as aforesaid, the person or persons charged may assert any defenses, counterclaims or set-offs that would have been available to the decedent or deceased heir if he had not died.

(d) Notice of the hearing on the petition authorized by this section shall be given as provided in § 4905 of this Chapter.

(e) If, upon hearing the petition authorized in this section, the Superior Court finds that the award, after deduction of all costs and attorney's fees allowed by the District Court of Guam, does not exceed the sum of \$100,000, it shall by appropriate decree assign the award to the petitioner with a directive to pay the same to the persons named in the petition according to their respective interests therein. The decree shall further direct that proof of compliance therewith, by affidavit or declaration under penalty of perjury, be filed by the petitioner within thirty (30) days after entry of said decree.

(f) An award set aside pursuant to this section, or any share therein, may be disbursed, in accordance with the Superior Court's decree, to nonresident persons as provided in § 4908 of this Chapter.

(g) No person shall be liable for nondelivery of any award set aside pursuant to this section, or of a share therein, except for willful misconduct, unless an action at law or proceeding in equity or in probate to recover the same is commenced within three (3) years from entry of the decree setting aside the award.

(h) If any award set aside pursuant to this section, or share therein, cannot be paid or delivered in accordance with the Superior Court's decree, for lack of information as to the identity, location or mailing address of the person entitled thereto, the same shall be deposited in the name of such person with the Clerk of the Superior Court; such deposit is a full discharge of the petitioner as to any liability whatsoever in relation to the sum so deposited.

(i) No administrator's fees shall be allowed, nor shall any court fees pursuant to Rule 91, Superior Court Rules of Civil Procedure, be assessed, with respect to an award set aside pursuant to this section. If a private attorney has been retained, the Superior Court shall award reasonable attorney's fees out of the estate.

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(j) The Public Defender is directed to assist the decedent's heirs at law in obtaining distribution of land claim awards pursuant to this section and § 4910 of this Title, but nothing shall prevent such heirs from using private attorneys for such purpose.

SOURCE: Repealed and Reenacted by P.L. 20-7:2.

§ 4910. Delivery of Land Claims Awards Not Exceeding \$15,000 Without Administration.

(a) No probate administration is required upon a land claims award not exceeding \$15,000 after deduction of costs and attorney's fees awarded or authorized by the District Court of Guam (the "Court").

(b) Any successor to the decedent entitled to the award or a portion thereof is authorized to collect and distribute the award to the proper heirs or distributees upon filing with the Court a certified copy of the death certificate of the decedent and an affidavit stating that:

(1) The award does not exceed \$15,000 after deduction of costs and attorney's fees awarded or distributed by the Court;

(2) No probate proceedings or petition to commence such proceedings are pending in Guam;

(3) The applicant is a successor-in-interest of the decedent entitled to collect the award or a part thereof and explaining the relationship of the applicant to the decedent;

(4) The names and mailing addresses (if known) of the persons entitled to share in the award, their relationship to the decedent, and their respective interests in the award;

(5) Not less than thirty (30) days before filing the affidavit with the Court, the applicant will send by pre-paid mail, certified or registered, return receipt requested, a copy of the affidavit to each person entitled to share in the award for whom a mailing address is known, together with notice that if such a person objects to the proposed plan of distribution he shall file a written objection with the Court before the expiration of the thirty-(30)-day period; the applicant shall file with such affidavit sworn proof of such mailing.

(6) Either the Public Defender, an attorney member of the office of the Attorney General, a judge of the Superior Court, or a judge pro tem, appointed by the presiding judge of the Superior Court to assist in such cases, (which representative shall also exe-

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cute the affidavit) finds the applicant's plan of distribution to be fair and equitable.

(7) The applicant will, upon collection of the award, endeavor in good faith and with reasonable diligence to distribute the award to those entitled by the Guam laws of succession to shares therein.

If any person entitled to the award or any portion thereof cannot be found (therefore making it impossible to distribute same to him), such award or portion thereof allocable to him shall be deposited in a trust account in the Superior Court of Guam for a period not to exceed five (5) years. At the expiration of five (5) years if the person cannot be found the Clerk of Court shall distribute the award pro rata to those entitled thereto by the laws of succession;

(c) No person delivering an award exempt from administration under this section shall be liable for any loss or damage whatsoever to anyone, or be responsible for seeing to the proper distribution of the award, or is required to inquire into the truth of any statement in the affidavit. Any person to whom an award is delivered pursuant to this section is answerable and accountable therefor to any personal representative of the decedent's estate or to any other person having a right to the award or any portion thereof.

SOURCE: Repealed and Reenacted by P.L. 20-7:3.

§ 4911. No Administration if Title to Condemned Land was Subject of Prior Administration.

A decree of preliminary or final distribution purporting to distribute a parcel of real property that had been condemned either before or after the decedent's death, but prior to entry of such decree, passes title to the land claims award with respect to the property taken to those persons to whom the parcel is distributed by the decree, and is a binding and conclusive determination of the persons entitled to the land claims award for said property; no further administration is required upon the decedent's estate in respect of said award. The Superior Court may reopen the proceedings for the sole purpose of consolidating administration upon the estates of deceased heirs, pursuant to §§ 4903 and 4904 of this Chapter, but shall not vacate, set aside or in any way modify the terms of the prior decree purporting to distribute the condemned land, except in

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case of fraud, misrepresentation made to the court, heirs omitted from the proceedings, or lack of notice.

§ 4911.1. No Further Administration in Certain Cases.

A decree of preliminary or final distribution, an order setting aside a land claims award, or an affidavit filed pursuant to § 4910 of this Title passes title to any additional sums awarded by the District Court of Guam with respect to the parcel identified in the decree, order or affidavit. No further administration is required upon the decedent's estate in respect of such additional awards and the person authorized in the decree, order or affidavit to collect and distribute the original award is authorized to collect and distribute any additional awards for said parcel to the same heirs and in the same proportions as provided in the decree, order or affidavit.

NOTE: Compiler has recodified § 4911a added by P.L. 21-14:16 to § 4911.1.

§ 4912. Discretion of Court.

Notwithstanding the provisions of this Chapter, any judge of the Superior Court may determine and order, at his or her discretion, that a particular estate with land claims be administered under the provisions of this Code applicable to other estates without land claims.

Guam War Claims Program instructions, downloadable form in English

Pacific Daily News Published 8:27 a.m. ChT June 20, 2017 | Updated 1:14 p.m. ChT June 20, 2017

The screenshot shows the top portion of a form titled 'STATEMENT OF CLAIM'. It includes a header for the 'FOREIGN CLAIMS SETTLEMENT COMMISSION' and a section for 'PERSONAL INFORMATION' with fields for name, address, and contact details. The form is bilingual, with English and Chamorro text.

(Photo: Screen shot)

Here are the instructions issued by the federal government for filing for Guam war claims compensation. Scroll to the bottom to find downloadable forms in English and Chamorro.

FOREIGN CLAIMS SETTLEMENT COMMISSION

GUAM CLAIMS PROGRAM PURSUANT TO THE GUAM WORLD WAR II LOYALTY RECOGNITION ACT, TITLE XVII, PUBLIC LAW 114-328 (DECEMBER 23, 2016)

INSTRUCTIONS FOR COMPLETING

STATEMENT OF CLAIM (FCSC-2 and FCSC-2C)

Please read these instructions carefully.

STATEMENT OF CLAIM

to the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328 (December 23, 2016) (Guam Act or Act), the Commission has been authorized to adjudicate certain claims arising from the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces. Claims for compensation under the Act must be submitted to the Commission using the Statement of Claim form, which is available in both English and Chamorro (forms FCSC-2 and FCSC-2C respectively). The Statement of Claim form can be downloaded from the Commission's website and completed using either Adobe Reader or Adobe Acrobat. The Statement of Claim must be completed, printed, signed, and submitted by mail to the Foreign Claims Settlement Commission, 600 E Street N.W., Room 6002, Washington, D.C. 20579. (For claimants without online access, a hard copy of the form will be mailed upon request.) The claimant should complete all sections of the Statement of Claim that apply to his or her claim.

DEADLINE FOR SUBMITTING CLAIM

The deadline for submitting the Statement of Claim and all supporting documents and evidence to the Commission is June 20, 2018. If a claimant is unable to obtain supporting documents or evidence before the deadline expires, he or she must nevertheless submit the Statement of Claim and any available evidence by the filing deadline.

A claimant must file the Statement of Claim before the deadline for submitting a claim even if other papers, forms, or documents concerning the claim have been filed previously with the Commission, the Department of State, or any other agency or government.

ELEMENTS REQUIRED TO ESTABLISH A VALID CLAIM

The Guam Act authorizes compensation for claims submitted by (a) Survivors of a Compensable Guam Decedent and (b) Compensable Guam Victims. Claimants will be required to prove the following elements based on the type of claim submitted.

Survivor of a Compensable Guam Decedent:

To be eligible for a payment as a Survivor of a Compensable Guam Decedent, the claimant must establish the following:

- (1) the claimant was alive on the date of enactment of the Act, December 23, 2016;
- (2) the claimant is a survivor (i.e. spouse, child, or parent) of a resident of Guam who died as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces ("decedent"); and
- (3) the decedent's death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) if a timely claim had been filed under the terms of that law.

Compensable Guam Victim:

To be eligible for a payment as a Compensable Guam Victim, the claimant must establish the following:

- (1) the claimant was alive on the date of enactment of the Act, December 23, 2016; and
- (2) the claimant suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:
 - (A) rape or severe personal injury;
 - (B) forced labor or personal injury not amounting to severe personal injury;
 - (C) forced march, internment, or hiding to evade internment.

Pursuant to the Act, the Commission has promulgated regulations defining the terms "personal injury" and "severe personal injury." The Commission's regulations define those terms as follows:

Personal injury means a discernible injury (such as disfigurement, scarring, or burns) that is more serious than a superficial injury.

Severe personal injury means loss of a limb, dismemberment, paralysis, or any injury of a similar type or that is comparable in severity.

45 CFR §510.1

EXHIBITS AND DOCUMENTS IN SUPPORT OF CLAIM

The Guam Act provides that a claimant may establish a prima facie case of eligibility for a payment under the statute if the Statement of Claim form is accompanied by an affidavit that attests to all of the material facts required for establishing eligibility, including a detailed account of the injury or harm that the claimant alleges to have suffered and the level of payment sought. In order for a statement to qualify as an affidavit under the statute, it must be sworn or affirmed before a notary. The Statement of Claim form may be used as an affidavit for this purpose if it is executed before a notary public. Alternatively, claimants may submit a separate notarized affidavit with their Statement of Claim form.

The Statement of Claim refers to other evidence, which claimants may submit to further support their claims. While such additional evidence is not required, it is recommended that it be submitted especially in claims for personal injury, where the Commission may award differing levels of compensation based upon the severity of an individual's injury.

DOCUMENTS SUBMITTED IN A FOREIGN LANGUAGE

Verified translations into English must accompany all documents written in a foreign language. The person making the translation must submit the following certification:

"I hereby certify that I am thoroughly familiar with the [-----] language; that I have read the attached document written in said language; and that the attached English translation thereof was made by me and is a true and accurate translation."

Signed _____

(Translator's Name)

(Translator's Address)

REPRESENTATION BEFORE THE COMMISSION

A claimant may represent himself or herself before the Commission, or may be represented by an attorney. While the Commission's regulations do not require claimants to have legal representation, attorneys who represent claimants before the Commission must be licensed to practice law in a State or Territory of the United States, or in the District of Columbia. Attorney's fees for claims brought under the Act may not exceed 1% of the total amount paid on any award certified by the Commission.

CLAIMS PROCESS

The Commission will review the Statement of Claim in due course once it is filed and will advise claimants if more information is needed. After all information is submitted, the Commission will issue a Proposed Decision on the claim. A copy of the Proposed Decision will be sent to the claimant or, if the claimant is represented by an attorney, to the claimant's attorney. Unless an Objection is timely filed with the Commission, the Proposed Decision becomes the Final Decision of the Commission 30 days after the Proposed Decision is delivered to the claimant or his or her attorney.

A claimant may file a Notice of Objection within 15 days of delivery of the Proposed Decision. The Notice of Objection should explain why the claimant believes the Commission erred in its decision, and should include any additional supporting evidence to be considered by the Commission. A claimant is also entitled to an oral hearing; requests for oral hearings must be made at the same time as the Objection. At the hearing, the claimant or claimant's attorney may present arguments, additional evidence, and live statements by witnesses. The Commission will consider the Objection as well as the testimony and evidence presented at the hearing, if a hearing is held. The Commission will then issue its Final Decision on the claim. A copy of the Final Decision will be sent to the claimant or claimant's attorney, as applicable.

After the Final Decision is issued, a claimant may request that the Commission reopen the claim if new evidence is discovered that could change the result reached in the Final Decision. The claimant must file the petition to reopen immediately upon obtaining the new evidence. No such petition will be entertained unless the following conditions are satisfied: newly discovered evidence came to the claimant's knowledge subsequent to the date of issuance of the Final Decision; it was not for want of due diligence that the evidence did not come sooner to the claimant's knowledge; the evidence is material, and not merely cumulative; and reconsideration of the matter on the basis of the evidence would produce a different decision.

PAYMENT OF CLAIMS

After a decision approving a claim becomes final, the Commission will certify the decision to the Secretary of the Treasury, who is authorized to make payments from the claims fund established under the Guam Act subject to the availability of appropriations.

FOR MORE INFORMATION

If a claimant has questions or needs help completing the Statement of Claim form, the claimant may call the offices of the Commission at (202) 616-6975, Monday through Friday, 9:00 a.m. to 5:00 p.m. Eastern Standard Time (EST). Claimants may also contact the Commission by e-mail addressed to info.fcsc@usdoj.gov. The Commission's mailing address is:

Foreign Claims Settlement Commission

600 E Street, N.W. Room 6002

Washington, D.C. 20579

OMB Approval Number: 1105-0102
Expiration Date: June 19, 2020

**U.S. DEPARTMENT OF JUSTICE
FOREIGN CLAIMS SETTLEMENT COMMISSION**

(FOR FCSC USE ONLY)
CLAIM NO. _____

STATEMENT OF CLAIM

**FOR FILING OF CLAIMS IN THE GUAM CLAIMS PROGRAM PURSUANT TO
THE GUAM WORLD WAR II LOYALTY RECOGNITION ACT, TITLE XVII,
PUBLIC LAW 114-328 (DECEMBER 23, 2016)**

CONTACT INFORMATION

1. CLAIMANT

Name of Claimant _____
(Last) (First) (Middle)

(Street Address) _____

(City) _____ (State/Territory) _____ (Zip Code) _____

Work Phone _____ Home Phone _____

Email _____

Date of Birth _____

2. LEGAL REPRESENTATIVE (if any)

Name of Legal Representative _____
(Last) (First) (Middle)

Name of Law Firm _____

(Street Address) _____

(City) _____ (State/Territory) _____ (Zip Code) _____

Phone _____ Fax _____

Email _____

Paperwork Reduction Act Statement: This information collection has been cleared under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. Control No. 1105-0102. Under 44 U.S.C. 3506(c)(1)(i)(IV)(b)(v), an agency may not conduct or sponsor, and a person may not be required to respond to, an information collection request unless the information collection form bears a valid control number. Completion of this form is mandatory in order to obtain compensation. The estimated burden associated with this collection of information is 2.0 hours per respondent or recordkeeper.

FORM FCSC-GUAM

BASIC CLAIM INFORMATION

3. TYPE OF CLAIM

I hereby submit a claim for payment under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328 (December 23, 2016) as a: (check all that apply)

Read or Share this story: <http://www.guampdn.com/story/news/2017/06/19/guam-war-claims-program-instructions-forms-english/410668001/>

ELECTRONIC CODE OF FEDERAL REGULATIONS**e-CFR data is current as of November 9, 2018**

Title 45 → Subtitle B → Chapter V → Subchapter C → Part 509 → §509.5

Title 45: Public Welfare

PART 509—FILING OF CLAIMS AND PROCEDURES THEREFOR

§509.5 Procedure for determination of claims.

(a) The Commission may on its own motion order a hearing upon any claim, specifying the questions to which the hearing shall be limited.

(b) Without previous hearing, the Commission or a designated member of the staff may issue a Proposed Decision in determination of a claim. This Proposed Decision will set forth findings of fact and conclusions of law on the relevant elements of the claim, to the extent that evidence and information relevant to such elements is before the Commission. The claimant will have the burden of proof in submitting evidence and information sufficient to establish the elements necessary for a determination of the validity and amount of his or her claim.

(c) The Proposed Decision will be delivered to the claimant or the claimant's attorney of record in person or by mail. Delivery by mail will be deemed completed 5 days after the mailing of the Proposed Decision addressed to the last known address of the claimant or the claimant's attorney of record. A copy of the Proposed Decision will be available for public inspection at the offices of the Commission, except in cases where public disclosure of the names of claimants is barred by statute.

(d) It will be the policy of the Commission to post on a bulletin board and on its World Wide Web site (<http://www.usdoj.gov/fcsc>), any information of general interest to claimants before the Commission.

(e) When the Proposed Decision denies a claim in whole or in part, the claimant may file notice of objection to the denial within 15 days of delivery of the decision. If the claimant wishes to appear at an oral hearing before the Commission to present his or her objection, the claimant must request the oral hearing at the time of submission of his or her objection, stating the reasons for objection, and may request a hearing on the claim, specifying whether for the taking of evidence or for oral argument on the legal issues which are the subject of the objection.

(f) Copies of objections to or requests for hearings on Proposed Decisions will be available for public inspection at the Commission's offices.

(g) Upon the expiration of 30 days after delivery to the claimant or claimant's attorney, if no objection under this section has in the meantime been filed, a staff Proposed Decision, upon approval by the Commission, will become the Commission's final determination and decision on the claim. A Proposed Decision issued by the Commission will become final 30 days after delivery to the claimant or the claimant's attorney without further order or decision by the Commission.

(h) If an objection has in the meantime been filed, but no hearing requested, the Commission may, after due consideration thereof:

(1) Issue a Final Decision affirming or modifying its Proposed Decision,

(2) Issue an Amended Proposed Decision, or

(3) On its own motion order hearing thereon, indicating whether for the taking of evidence on specified questions or for the hearing of oral arguments.

(i) After the conclusion of a hearing, upon the expiration of any time allowed by the Commission for further submissions, the Commission may proceed to issue a Final Decision in determination of the claim.

(j)(1) In case an individual claimant dies prior to the issuance of the Final Decision, that person's legal representative will be substituted as party claimant. However, upon failure of a representative to qualify for substitution, the Commission may issue its decision in the name of the estate of the deceased and, in case of an award, certify the award in the same manner to the Secretary of the Treasury for payment, if the payment of the award is provided for by statute.

(2) Notice of the Commission's action under this paragraph will be forwarded to the claimant's attorney of record, or if the claimant is not represented by an attorney, the notice will be addressed to the estate of the claimant at the last known place of residence.

(3) The term *legal representative* as applied in this paragraph means, in general, the administrator or executor, heir(s), next of kin, or descendant(s).

(k) After the date of filing with the Commission no claim may be amended to reflect the assignment thereof by the claimant to any other person or entity except as otherwise provided by statute.

(l) At any time after a final Decision has been issued on a claim, or a Proposed Decision has been entered as the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with the program under which such claim is filed, a petition to reopen on the ground of newly discovered evidence may be filed. No such petition will be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition subsequent to the date of issuance of the Final Decision or the date on which the Proposed Decision was entered as the Final Decision; that it was not for want of due diligence that the evidence did not come sooner to the claimant's knowledge; and that the evidence is material, and not merely cumulative, and that reconsideration of the matter on the basis of that evidence would produce a different decision. The petition must include a statement of the facts which the petitioner expects to prove, the name and address of each witness, the identity of documents, and the reasons for failure to make earlier submission of the evidence.

Need assistance?

ELECTRONIC CODE OF FEDERAL REGULATIONS**e-CFR data is current as of November 9, 2018**

Title 45 → Subtitle B → Chapter V → Subchapter D → Part 510

Title 45: Public Welfare

PART 510—FILING OF CLAIMS AND PROCEDURES THEREFOR

Contents

§510.1 Definitions.

§510.2 Time for filing.

§510.3 Applicability of administrative provisions concerning claims under the International Claims Settlement Act of 1949.

AUTHORITY: Sec.1705(a)(2), Pub. L. 114-328, 114th Cong., 130 Stat. 2644.

SOURCE: 82 FR 16126, Apr. 3, 2017, unless otherwise noted.

[⬆ Back to Top](#)**§510.1 Definitions.**

For purposes of this subchapter:

Personal injury means a discernible injury (such as disfigurement, scarring, or burns) that is more serious than a superficial injury.

Severe personal injury means loss of a limb, dismemberment, paralysis, or any injury of a similar type or that is comparable in severity.

[⬆ Back to Top](#)**§510.2 Time for filing.**

Claims for payments under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328 (the "Act"), must be filed not later than one year after the date on which the Commission publishes the notice described in section 1705(b)(2)(B) of the Act.

[⬆ Back to Top](#)**§510.3 Applicability of administrative provisions concerning claims under the International Claims Settlement Act of 1949.**

To the extent they are not inconsistent with the provisions of the Act, the following provisions of subchapter C of this chapter shall be applicable to claims under this subchapter: §§509.2, 509.3, 509.4, 509.5, and 509.6.

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Need assistance?

CURRENT PROGRAMS

[Guam Claims Program](#) | [Iraq Claims Program](#) | [Albania Claims Program](#) |

COMMISSION MEETINGS AND HEARINGS

THE COMMISSION'S NEXT PUBLIC MEETING TO BE HELD OCTOBER 25, 2018

The Commission will hold its next open meeting on October 25, 2018, at 10:00 am. During this meeting the Commission expects to consider the following claims:

Issuance of Proposed Decisions in claims against Iraq:

IRQ-II-227, IRQ-II-228, IRQ-II-242, IRQ-II-321, IRQ-II-353, and IRQ-II-400.

Issuance of Proposed Decisions in 124 claims under the Commission's Guam World War II Loyalty Recognition Program:

GUAM-0614, GUAM-0616, GUAM-0617, GUAM-0628, GUAM-0637, GUAM-0642, GUAM-0653, GUAM-0657, GUAM-0659, GUAM-0660, GUAM-0662, GUAM-0676, GUAM-0677, GUAM-0687, GUAM-0690, GUAM-0692, GUAM-0693, GUAM-0694, GUAM-0701, GUAM-0702, GUAM-0706, GUAM-0714, GUAM-0725, GUAM-0737, GUAM-0746, GUAM-0749, GUAM-0751, GUAM-0756, GUAM-0759, GUAM-0766, GUAM-0769, GUAM-0770, GUAM-0774, GUAM-0775, GUAM-0776, GUAM-0789, GUAM-0795, GUAM-0805, GUAM-0807, GUAM-0809, GUAM-0810, GUAM-0813, GUAM-0817, GUAM-0820, GUAM-0823, GUAM-0824, GUAM-0825, GUAM-0828, GUAM-0829, GUAM-0834, GUAM-0838, GUAM-0845, GUAM-0847, GUAM-0851, GUAM-0853, GUAM-0854, GUAM-0858, GUAM-0860, GUAM-0866, GUAM-0867, GUAM-0876, GUAM-0877, GUAM-0883, GUAM-0890, GUAM-0894, GUAM-0895, GUAM-0896, GUAM-0897, GUAM-0899, GUAM-0900, GUAM-0905, GUAM-0907, GUAM-0908, GUAM-0912, GUAM-0913, GUAM-0917, GUAM-0921, GUAM-0924, GUAM-0933, GUAM-0976, GUAM-0939, GUAM-0945, GUAM-0950, GUAM-0963, GUAM-0970, GUAM-0981, GUAM-0993, GUAM-1002, GUAM-1006, GUAM-1013, GUAM-1026, GUAM-1031, GUAM-1037, GUAM-1043, GUAM-1047, GUAM-1057, GUAM-1060, GUAM-1069, GUAM-1076, GUAM-1079, GUAM-1085, GUAM-1090, GUAM-1099, GUAM-1110, GUAM-1118, GUAM-1129, GUAM-1148, GUAM-1159, GUAM-1164, GUAM-1170, GUAM-1185, GUAM-1193, GUAM-1201, GUAM-1213, GUAM-1223, GUAM-1230, GUAM-1246, GUAM-1255, GUAM-1267, GUAM-1275, GUAM-1282, GUAM-1313, GUAM-1329, GUAM-1337.

This meeting will be held at the Foreign Claims Settlement Commission, 601 D Street, NW, Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 601 D Street, NW, Suite 10300, Washington, DC 20579. Telephone: (202) 616-6975.

GUAM CLAIMS PROGRAM

On December 23, 2016, President Obama signed into law the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328, which authorizes the Commission to conduct a supplemental war claims compensation program for victims and survivors of the attack and occupation of Guam by Imperial Japanese military forces during World War II and the liberation of Guam by United States military forces. The Act, the relevant portions of which are provided below, covers claims for death, rape, personal injury, severe personal injury, forced labor, forced march, internment, and hiding to evade internment.

Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328 (December 23, 2016)

SEC. 1704. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—After the Secretary of the Treasury receives the certification from the Chairman of the Foreign Claims Settlement Commission as required under section 1705(b)(8), the Secretary of the Treasury shall make payments, subject to the availability of appropriations, to compensable Guam victims and survivors of a compensable Guam decedents as follows:

(1) COMPENSABLE GUAM VICTIM.—Before making any payments under paragraph (2), the Secretary shall make payments to compensable Guam victims as follows:

(A) In the case of a victim who has suffered an injury described in subsection (c)(2)(A), \$15,000.

(B) In the case of a victim who is not described in subparagraph (A), but who has suffered an injury described in subsection (c)(2)(B), \$12,000.

(C) In the case of a victim who is not described in subparagraph (A) or (B), but who has suffered an injury described in subsection (c)(2)(C), \$10,000.

(2) SURVIVORS OF COMPENSABLE GUAM DECEDENTS.—In the case of a compensable Guam decedent, the Secretary shall pay \$25,000 for distribution to survivors (parent, spouse, child) of the decedent living as of the date of the enactment of this Act (December 23, 2016), in accordance with subsection (b). The Secretary shall make payments under this paragraph only after all payments are made under paragraph (1).

[. . .]

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term “compensable Guam decedent” means an individual determined under section 1705 to have been a resident of Guam who died as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term “compensable Guam victim” means an individual who is not deceased as of the date of the enactment of this Act (December 23, 2016) and who is determined under section 1705 to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

Regulations: The Commission has published regulations detailing the procedures for the Commission's adjudication of claims under this program. You may access those regulations at [45 C.F.R. § 510](#).

IRAQ CLAIMS PROGRAM

Claims Under the October 7, 2014 Referral

Under 22 U.S.C. § 1623(a)(1)(C), the Commission has authority to adjudicate claims of U.S. nationals against a foreign government that are included in a category of claims referred to it by the Secretary of State. On October 7, 2014, the Legal Adviser of the U.S. Department of State referred to the Commission for adjudication three categories of claims within the scope of the *Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq* (“CSA”), signed on September 2, 2010. The categories referred are as follows:

Category A: This category shall consist of claims by U.S. nationals for hostage-taking by Iraq in violation of international law prior to October 7, 2004, provided that the claimant was not a plaintiff in pending litigation against Iraq for hostage taking at the time of the entry into force of the Claims Settlement Agreement and has not received compensation under the Claims Settlement Agreement from the U.S. Department of State.

Category B: This category shall consist of claims of U.S. nationals for death while being held hostage by Iraq in violation of international law prior to October 7, 2004.

Category C: This category shall consist of claims of U.S. nationals for any personal injury resulting from physical harm to the claimant caused by Iraq in violation of international law prior to October 7, 2004, provided that the claimant: 1) had pending litigation against Iraq arising out of acts other than hostage taking; 2) has not already been compensated pursuant to the Claims Settlement Agreement; and 3) does not have a valid claim under and has not received compensation pursuant to Category B of this referral.

On October 23, 2014, the Commission published notice in the *Federal Register* announcing the commencement of adjudication of claims under this program. *Notice of Commencement of Claims Adjudication Program*, 79 Fed. Reg. 63,439 (October 23, 2014). The Commission has set a deadline of October 23, 2015 for the filing of claims. Anyone with a claim falling within the above described categories may submit a Statement of Claim along with any documents or other evidence which supports his or her claim.

ADJUDICATION STATUS

The status of the Commission's adjudication under this Referral, as of October 23, 2018, is detailed below. For more detailed information, please refer to the [program index](#).

	Referral Category A	Referral Category B	Referral Category C
Claims Received	337	1	2
Decisions Issued	301	0	2
Total Value of Awards	\$108,000,000*		\$0

* Some decisions are subject to objection and, therefore, these values are subject to change

ALBANIA CLAIMS PROGRAM

Pursuant to the [U.S.-Albanian Claims Settlement Agreement](#) of March 1995, the FCSC retains authority to adjudicate claims of U.S. nationals for expropriation, confiscation and other loss of property suffered at the hands of the Communist regime which seized power in Albania at the end of the Second World War. A fund of \$2 million was provided by Albania under the 1995 agreement from which to pay the Commission's awards, and over \$1 million remains available in this fund. Accordingly, anyone with a potential uncompensated property claim against the Albanian government is encouraged to submit his or her claim without delay.

Important Documents

- [January 2005 FCSC Form 1-04 Statement of Claim Form](#) (PDF)
- [Instructions for FCSC Form 1-04 Statement of Claim Form](#) (PDF)

Updated October 24, 2018

Was this page helpful?

Yes No




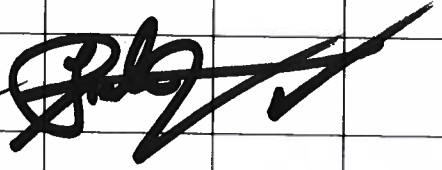



I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

COMMITTEE VOTE SHEET

Bill No. 344-34 (COR), As Introduced - An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Vice Speaker Therese M. Terlaje Chairperson		 11/15/18				
Senator Telena Cruz Nelson Vice Chairperson		11/16/18				
Senator Régine Biscoe Lee Member						
Senator FRANK B. AGUON, JR. Member	 11/16/18					
Senator Joe S. San Agustin Member						
Senator Louise B. Muña Member						
Senator Fernando Esteves Member	F.B.E.	 11/16/18				



OFFICE OF THE VICE SPEAKER

THERESE M. TERLAJE

Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 344-34 (COR), As Introduced – Introduced by: T.M.Terlaje – An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award.

The Committee on Culture and Justice convened a public hearing on 10/29/18 at 2:00 PM in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 344-34 (COR).

Public Notice Requirements

Notices for this public hearing were disseminated via email to all senators and all main media broadcasting outlets on October 22, 2018 and again on October 26, 2018. The notice was also published in the Guam Daily Post on October 22, 2018.

Senators Present

Acting Speaker Therese M. Terlaje, Chairperson
Senator Telen Cruz Nelson, Vice Chairperson

Appearing Before the Committee

Chief Justice Katherine Maraman
Cathy Gogue, Public Defender Service Corporation

Submitted Written Testimony

Chief Justice Katherine Maraman

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Stephen Hattori, Public Defender Service Corporation
Felixberto R. Dungca Jr.

II. SUMMARY OF TESTIMONY & DISCUSSION

Acting Speaker Therese Terlaje, Chairperson of the Committee on Culture and Justice, called the public hearing to order at 2:02 p.m. The Chairperson presented the agenda items that would be heard during the hearing and then took a moment to recognize the Committee members present. Bill No. 344-34 (COR), introduced by Acting Speaker Therese Terlaje was the second item on the agenda.

Acting Speaker Therese Terlaje:

We're going to move on to Bill No. 344-34 (COR). I want to thank all of you who've been waiting to testify on this. The next item on our agenda Bill No. 344-34 (COR) is an act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award. If I could please invite the Chief Justice to join us and thank you for your patience Madam Justice and Cathy Gogue from the Public Defender's office and if there's anyone else who wishes to testify on this bill. I'm going to introduce the bill very briefly. The Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328, signed on December 23, 2016, authorized the Foreign Claims Settlement Commission (FCSC) to conduct a supplemental war claims compensation program for victims and survivors of the attack and occupation of Guam during World War II. The Act covers claims for death, rape, personal injury, severe personal injury, forced labor, forced march, internment, and hiding to evade internment. Approximately, 3,656 World War II survivors and their families from Guam have filed war claims with the FCSC and are awaiting the final decisions from FCSC. Payments for compensation are based on what the claimant has endured: \$15,000 for rape or severe personal injury, \$12,000 for forced labor or a personal injury, \$10,000 for forced march internment or hiding to evade, and \$25,000 to be distributed to living descendants of individuals killed during the occupation. My office and I provided assistance to some war survivors and their families in completing the applications for compensation. One of those survivors that we assisted in Merizo passed away a few months ago which was the impetus for this legislation. We have watched numerous members of this greatest generation pass on before seeing any compensation for the hardships that they experienced during the war. They deserve all of the help that we can offer them. Although we can't help those

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that Congress already excluded, those were the war survivors that passed away before December 23, 2016, we can do our best for those who were allowed to submit a claim. It is my hope that this bill can shorten the wait and the cost for the families of any war claims applicants who died before receiving their award. The bill would streamline the distribution of war claims awards for survivor awardees. It would ensure that families or the heirs of the eligible war claimants can obtain the recipient's award expeditiously and at minimum cost. The bill would remove the requirement for an all-out probate hearing, remove the court costs, and cap attorney's fees at no more than \$300 if necessary. It would also direct that the Public Defender Service Corporation assists these claimants' families in this process. In a Pacific Daily News article yesterday the Foreign Claims Settlement Commission issued final decisions for 32 war claims for \$10,000 each on October 9th. After the Commission approves the war claims payment amounts will be forwarded to the Department of Treasury for processing. Chief Justice please if you could present your testimony.

Chief Justice Katherine Maraman

Thank you. Good afternoon. We have submitted written testimony. My primary reason to be here today is to answer any questions. I would like to remind those of you that have a long memory a similar process was used when the land claims were paid from the District Court I believe in the late 80's or early 90s and that went well. I think this would also be an appropriate way to handle those anticipated payments coming in but I'm available to answer any questions. Thank you.

Written testimony from Chief Justice Katherine Maraman is attached.

Acting Speaker Therese Terlaje:

Thank you. Ms. Gogue?

Cathy Gogue

Hafa adai Madam Speaker Terlaje, Chairperson of Justice and Culture and Vice Chairperson Telena Nelson. We wanted to thank you for the opportunity to provide pertinent testimony on behalf of our Executive Director Stephen Hattori with the Public Defender Service Corporation on Bill No. 344-34 (COR). We would like to begin by thanking the Committee for the opportunity to testify in favor of Bill No. 344-34 (COR). *Written testimony from Executive Director Stephen Hattori is attached.*

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Acting Speaker Therese Terlaje

Si Yu'os Ma'ase'. Senator did you want to ask any questions?

Senator Telena Nelson

I just wanted to say thank you very much to the Judiciary and the Public Defender's office for their support on this bill and ensuring that the war claims are handled in a timely and efficient manner with minimal cost because they're basically receiving pennies for the suffering that they've experienced. I'd like to thank you Speaker for introducing this measure to help our Manamko, those that survived World War II. Thank you.

Cathy Gogue

My boss here Chief Justice Maraman reminded me to advise the Legislature that we will waive any of fee. We've never charged for any of our notaries and will continue to assist in any way we possibly can. We've had such a great relationship with the Legislature and when you call us and say we need you, we're there. So we'll continue with the outreach that we had with the Congresswoman as well as the Legislature in making this happen.

Acting Speaker Therese Terlaje

Yes and I want to thank your office also for actually being present at several outreaches. One was sponsored by Independent Guahan at UOG. And I know that your office was there helping to process claimants, helping to notarize. We have looked around for notaries and when we were in an urgent situation for those claimants, that you have always answered and you have been willing to even come outside to the car if necessary for the manamko. I very much appreciate that and so please thank all your staff and your director Mr. Hattori and of course you who is organizing this. And Chief Justice thank you because I know that the Public Defender is under your purview and I want to thank you for your testimony today and especially your insight as to the Land Claims process because that is what I was looking at also to pattern how we could do this. So I appreciate your testimony and for your being here today.

Chief Justice Katherine Maraman

I might add that we got an email from the Bureau of Budget Management and Research regarding a cost impact to the court. We don't believe there will be any need to although we still have our general request for a new judge, we don't see this as impacting the budget or causing increased costs to the court.

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Acting Speaker Therese Terlaje

Thank you. That's great to hear. Thank you very much. Si Yu'os Ma'ase'.

Thank you all again for your patience.

The next item on the agenda was heard. The public hearing was adjourned at 3:38 p.m.

III. FINDINGS & RECOMMENDATIONS

The Committee on Culture and Justice finds that **Bill No. 344-34 (COR), As Introduced**, would streamline the probate process and reduce the costs for heirs of war claims recipients in order to expedite what has already been a difficult and lengthy process for the war survivors and their families.

The Committee on Culture and Justice hereby reports out **Bill No. 344-34 (COR), As Introduced** – Introduced by: T.M.Terlaje – An Act to add a new Chapter 51 to Title 15 of Guam Code Annotated, relative to expediting distribution of Guam World War II Claims to awardees who die before receiving the award to *I Mina'trentai Kuáttro na Liheslaturan Guåhan*, with the recommendation

TO DO PASS

I MINA 'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 344-34 (cor)

Introduced by:

Therese M. Terlaje 

**AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15 OF
GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING
DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO
AWARDEES WHO DIE BEFORE RECEIVING THE
AWARD**

2018 SEP -7 PM 11:32 AM

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A *new* Chapter 51 is hereby *added* to Title 15, Guam Code
Annotated to read as follows:

“CHAPTER 51

**PROBATE ADMINISTRATION OF GUAM WORLD WAR II
CLAIMS**

§ 5101. Legislative Intent and Findings.

§ 5102. Scope and Applicability of Chapter.

§ 5103. Delivery of War Claims Award, or Share Therein, to
Nonresidents.

§ 5104. Summary Distribution of War Claims Awards

§ 5105. Discretion of Court.

§ 5101. Legislative Intent and Findings.

The Guam World War II Loyalty Recognition Act, Title XVII, Public
Law 114-328, signed on December 23, 2016, authorized the Foreign Claims

1 Settlement Commission (FCSC) to conduct a supplemental war claims
2 compensation program for victims and survivors of the attack and occupation
3 of Guam during World War II. The Act covers claims for death, rape,
4 personal injury, severe personal injury, forced labor, forced march,
5 internment, and hiding to evade internment. Approximately, 3,640 World
6 War II survivors and their families from Guam have filed war claims with the
7 FCSC. *I Liheslaturan Guåhan* finds that special amendments to the Probate
8 Code of Guam are necessary to permit expeditious administration of war
9 claims awards at a minimum cost for Guam's war survivors who die before
10 receiving the award and their families.

11 **§ 5102. Scope and Applicability of Chapter.**

12 (a) The term "war claims award", as used in this Chapter, shall mean
13 any monetary compensation paid by the United States of America pursuant to
14 Title XVII of Public Law 114-328 or a successor statute.

15 (b) War claims awards are subject to administration in the same manner
16 as is directed in relation to other property, except as expressly provided in this
17 Chapter.

18 **§ 5103. Delivery of War Claims Award, or Share Therein, to**
19 **Nonresidents.**

20 A war claims award, or any share therein, set aside pursuant to this
21 Chapter or assigned or distributed upon administration of a decedent's estate
22 to a person residing out of Guam may be delivered by registered or certified
23 U.S. mail, postage prepaid, with return receipt, to the last known address of
24 the nonresident assignee or distributee, and upon such mailing the personal
25 representative shall not be personally liable for any loss arising from
26 nonreceipt thereof, except for willful misconduct. If the award or any share
27 therein, after mailing as aforesaid, is returned to the personal representative

1 unclaimed, the same shall be deposited with the Clerk of the Superior Court
2 in the name of the nonresident assignee or distributee, pursuant to § 3023 of
3 this Title, unless the Superior Court orders delivery by such other means as it
4 deems appropriate, compliance with which shall also discharge the personal
5 representative from any liability whatsoever.

6 **§ 5104. Summary Distribution of War Claims Awards**

7 (a) When a war claims awardee dies before receiving the award, a war
8 claims award awarded by the Foreign Claims Settlement Commission may be
9 set aside to a decedent's heirs at law without further administration pursuant
10 to this Title, provided that no probate proceedings or petition to commence
11 such proceedings for administration upon the decedent's estate are then
12 pending.

13 (b) A verified petition, together with a prayer that the award be set aside
14 as provided herein, may be presented by any heir at law of the decedent or any
15 heir at law of a deceased heir. The petition shall contain allegations showing
16 that this section is applicable and shall state the names, mailing addresses,
17 relationships of each heir at law of the decedent, as well as each heir at law of
18 any deceased heirs, and their respective fractional interests in the award. The
19 petition shall further state, without qualification, that if the petition be granted
20 the petitioner will distribute the award with due diligence to the persons
21 named in the petition, according to their respective interests.

22 (c) No person to whom an award, or any portion thereof, is set aside
23 pursuant to this section shall be personally liable for the unsecured debts of
24 the decedent or the debts of any deceased heir whose share of the award is
25 paid directly to his heirs at law.

26 (d) Not less than thirty (30) days before filing the petition with the
27 Superior Court, the applicant will send by pre-paid mail, certified or

1 registered, return receipt requested, a copy of the petition to each person
2 entitled to share in the war claim award for whom a mailing address is known,
3 together with notice that if such a person objects to the proposed plan of
4 distribution he shall file a written objection with the Superior Court before the
5 expiration of the thirty-(30-)day period; the applicant shall file with such
6 petition sworn proof of such mailing. In lieu of mailing, the applicant may
7 submit written consent to the proposed plan of distribution signed by the
8 person entitled to share in the war claims award.

9 (e) If the Superior Court finds the petitioners' plan of distribution to be
10 fair and equitable, it shall by appropriate decree assign the war claims award
11 to the petitioner with a directive to pay the same to the persons named in the
12 petition according to their respective interests therein. The decree shall further
13 direct that proof of compliance therewith, by affidavit or declaration under
14 penalty of perjury, be filed by the petitioner within thirty (30) days after entry
15 of said decree.

16 (f) A war claims award set aside pursuant to this Chapter, or any share
17 therein, may be disbursed, in accordance with the Superior Court's decree, to
18 nonresident persons as provided in § 5103 of this Chapter.

19 (g) No person shall be liable for nondelivery of any war claims award
20 set aside pursuant to this section, or of a share therein, except for willful
21 misconduct, unless an action at law or proceeding in equity or in probate to
22 recover the same is commenced within three (3) years from entry of the decree
23 setting aside the award.

24 (h) No person delivering an award exempt from administration under
25 this section shall be liable for any loss or damage whatsoever to anyone, or be
26 responsible for seeing to the proper distribution of the award, or is required to
27 inquire into the truth of any statement in the petition. Any person to whom an

1 award is delivered pursuant to this section is answerable and accountable
2 therefor to any personal representative of the decedent's estate or to any other
3 person having a right to the award or any portion thereof.

4 (i) If any award set aside pursuant to this section, or share therein,
5 cannot be paid or delivered in accordance with the Superior Court's decree,
6 for lack of information as to the identity, location or mailing address of the
7 person entitled thereto, the same shall be deposited in the name of such person
8 with the Clerk of the Superior Court; such deposit is a full discharge of the
9 petitioner as to any liability whatsoever in relation to the sum so deposited.

10 (i) No administrator's fees shall be allowed, nor shall any court fees be
11 assessed, with respect to an award set aside pursuant to this section. If a private
12 attorney has been retained, the Superior Court may award reasonable
13 attorney's fees out of the estate in lieu of statutory attorney's fees pursuant to
14 15 GCA §2811, without regard to the size of the award. Such reasonable fees
15 shall be based on verified statements of time and charges filed with Court by
16 the attorney and shall not exceed (\$300) Three Hundred Dollars.

17 (j) The Public Defender is directed to assist the decedent's heirs at law
18 in obtaining distribution of war claims awards pursuant to this Chapter, but
19 nothing shall prevent such heirs from using private attorneys for such purpose.

20 **§ 5105. Discretion of Court.**

21 Notwithstanding the provisions of this Chapter, any judge of the
22 Superior Court may determine and order, at his or her discretion, that a
23 particular estate with war claims awards be administered under the provisions
24 of this Code applicable to other estates without war claims awards.”

25 **Section 2. Effective Date.** The Act shall take effect immediately upon
26 enactment.

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUÅHAN
I MINA 'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

PRE-REFERRAL CHECKLIST

BILL NO. 344-34 (COR)

AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD.

Introduced by: Therese M. Terlaje

(A) Legal Bureau	<p>(1) One subject matter? [SR § 6.01 (a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p>	<p>Notice to Legal Bureau: <u>Fri., Sept. 7, 2018 @ 1:37p.m.</u></p> <p>Completed by Legal Bureau: <u>Mon., Sept. 17, 2018 @ 11:45am.</u></p>
(B) Office of Finance & Budget (OFB)	<p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Notice to OFB: <u>Fri., Sept. 7, 2018 @ 1:37p.m.</u></p> <p>Completed by OFB: <u>Fri., Sept. 14, 2018 @ 12:29p.m.</u></p>
COR Action	<p>Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Completed by: <u>[Signature] 9.14.18 @ 12:30pm.</u></p>

PRE-REFERRAL CHECKLIST

BILL NO. 344-34 (COR)

AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD.

Introduced by: Therese M. Terlaje

(C) DEBT

(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time) 9.14.18 @ 12:30pm.
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	Completed by: (Signature, Date & Time) 9.14.18 @ 12:30pm.
COR Action	<input type="checkbox"/> Return to Prime Sponsor <input checked="" type="checkbox"/> Refer to: <div style="font-size: 1.2em; margin-top: 10px;"> Cmt on Culture and Justice (TMT) </div>	Date & Time: 9.14.18 @ 1pm.

For COR Office Use Only	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Initial: <div style="text-align: center; margin-top: 10px;"> </div> If NO: Provide letter of explanation (see attached).
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Senator Thomas C. Ada,
Vice Chairperson

Acting Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUÅHAN
I MINA 'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

September 26, 2018

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chairperson, Committee on Rules

Re: Fiscal Note Waiver

Buenas yan Håfa adai.

Attached, please find the fiscal note waiver for the following bill:

Bill No. 344-34 (COR)

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

For any questions or concerns, please feel free to contact Committee on Rules Office at 472-2461.

Thank you for your attention to this important matter.





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
DEPUTY DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

SEP 26 2018

Senator Régine Biscoe-Lee
Legislative Secretary and Chairperson, Committee on Rules
I Mina'Trentai Kuáttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai! Senator Biscoe-Lee:

The Bureau requests that Bill No. 344-34 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Legislative Bill No. 344-34 is seeking to add a new Chapter 51 to Title 15 of the Guam Code Annotated, which intends to create special amendments to the Probate Code of Guam in order to permit the expeditious administration of war claims awards at a minimum cost for Guam's war survivors who die before receiving the award and their families.

The proposed amendments are administrative in nature and would not fiscally impact the appropriations for FY 2019.

Si Yu'os Ma'asa


LESTER L. CARLSON, JR.

War claims expected to be paid next fiscal year

Jerick Sablan, Pacific Daily News

Published 5:46 p.m. ChT Aug. 22, 2018



(Photo: Rick Cruz/PDN)

Those who applied for war claims can expect payments by next fiscal year, which begins Oct. 1.

A federal commission already has met and approved a \$10,000 payment for an unnamed woman who lived in Sumay when World War II started.

More: [Delinking tax code, land return, war claims in Bordallo address \(/story/news/2018/08/02/de-linking-tax-code-land-return-war-claims-bordallo-address/887092002/\)](#)

More: [U.S. Mint to release new quarter featuring Guam's War in the Pacific National Historical Park \(/story/news/2018/08/15/new-quarter-feature-war-pacific-park-guam/993355002/\)](#)

Guam Delegate Madeleine Bordallo, in a letter to Speaker Benjamin Cruz, wrote that \$6.4 million will be deposited into the War Claims Fund for the payment of claims.

"This amount will be withheld from the government of Guam's estimate of \$78,500,478 for Section 30 advance payments for fiscal year 2019," Bordallo wrote.

The Guam World War II Loyalty Recognition Act requires the Treasury to deposit into the Guam War Claims Fund federal taxes collected from U.S. military and federal civilian personnel stationed on Guam in excess of amounts collected during fiscal year 2014, she wrote.

ADVERTISEMENT

War claims for WWII survivors

According to the law, the surviving spouse or children of a Guam resident who died during the Japanese occupation, or as Guam was being liberated by the U.S. military, can claim \$25,000.

Wartime survivors who suffered rape or severe personal injury, such as loss of a limb, dismemberment or paralysis, can claim \$15,000; those forced to labor or with a personal injury not specified above, such as disfigurement, scarring or burns, can claim \$12,000; and those forced to march, or placed in internment or who went into hiding to evade internment can claim \$10,000.

The Treasury, in consultation with the Office of Insular Affairs and Internal Revenue Service, determined \$68.6 million in federal taxes were collected fiscal year 2015, Bordallo wrote.

3,640 WWII survivors, families filed claims

The Office of Insular Affairs informed Bordallo that the Treasury collected \$75,045,765 in fiscal year 2015 and that it will withhold \$6,442,665 to deposit into the War Claims Fund.

She wrote that the IRS continues to reconcile data used to calculate Section 30 remittance for fiscal year 2019, which could affect how much is given to GovGuam.

The Foreign Claims Settlement Commission in Washington, D.C., is now working to adjudicate war claims, after which payment amounts will be forwarded to the Department of Treasury for processing. The process may take some time because of the volume of applications sent, Bordallo has said.

Bordallo has said 3,640 World War II survivors and their families have filed war claims.

The Commission met Aug. 9 (<https://www.justice.gov/fcsc/current-programs>) to discuss proposed decisions for 33 applications, according to its website.

The website lists one decision (<https://www.justice.gov/fcsc/page/file/1087386/download>) already filed under "Final Opinions and Orders" (<https://www.justice.gov/fcsc/final-opinions-and-orders-5>) for an unnamed applicant who was awarded \$10,000 for her wartime suffering.

Unnamed woman from Sumay

The unnamed woman was living in the village of Sumay when the war first started and was forced to march to Manenggon, the decision states.

She and her family went up to Tenjovista to seek safety in the mountains, where they hid in fear and stayed there to stay hidden from the Japanese, the decision states.

According to the decision, the commission reviewed death records from the Social Security Administration and other databases to determine if the woman was still living on Dec. 23, 2016 as required by the federal law.

"In sum, this claim meets the standards for forced march, interment, and hiding to evade interment, and claimant is thus entitled to compensation," the decision states.

The decision is dated July 10.

READ MORE:

Mayors: Debris main cause of Tuesday flooding

(<https://www.guampdn.com/story/news/2018/08/22/mayors-debris-main-cause-tuesday-flooding/1059594002/>)

GPA signs contract for 60 MW solar plant

(<https://www.guampdn.com/story/news/2018/08/22/gpa-signs-contract-60-mw-solar-plant/1058956002/>)

Read or Share this story: <https://www.guampdn.com/story/news/2018/08/22/war-claims-expected-paid-next-fiscal-year/1059934002/>

Bill seeks to nix probate hearing for faster award of some war claims

Haidee V Eugenio, Pacific Daily News

Published 6:28 p.m. ChT Sept. 7, 2018



(Photo: Rick Cruz/PDN)

A World War II survivor's recent death prompted a senator to propose a faster way to distribute war claims to heirs of those who die before receiving their award.

The proposal would remove the required probate hearing and court costs, and would cap attorney fees at \$300.

Vice Speaker Therese Terlaje on Friday introduced Bill 344, which she hopes can shorten the wait and the costs for the families of any war claims applicants who die before receiving their awards.

The senator said she decided to introduce the bill after the recent death of a war survivor from Merizo, whom her staff was helping complete the war claims application.

"We have watched numerous members of this greatest generation pass on before seeing any compensation for the hardships that they experienced during the war. They deserve all of the help that we can offer them," Terlaje said in a statement.

The bill seeks to ensure that the families or heirs of eligible war survivors can obtain the recipient's award expeditiously and at minimum cost by removing the requirement for a probate hearing, removing court costs, and capping attorney fees at \$300.

"Although we can't help those that Congress already excluded, war survivors who passed away before December 23, 2016, we can do our best for those who were allowed to submit a claim," Terlaje said.

A federal commission already has met and approved a \$10,000 payment for an unnamed woman who lived in Sumay when World War II started.

The claims filed by 3,639 other war survivors and their families are still undergoing adjudication and payment. The Foreign Claims Settlement Commission in Washington, D.C., adjudicates the war claims, after which payment amounts will be forwarded to the Department of Treasury for processing.

2-year term limit for agency heads, board members

Terlaje also introduced on Friday a bill seeking to limit to two years the terms of members of boards and commissions, as well as heads of executive branch agencies and public corporations in order to promote greater accountability in government.

"Limiting terms to two years will require more frequent confirmation hearings on appointments to these positions of public trust, significantly increasing the opportunity for the public to comment on the performance of public servants and for legislative oversight to take place," Terlaje said in a statement.

Executive branch agency heads and board and commission members are appointed for terms between three and six years.

The lengthy terms represent an attempt to remove political pressure from boards, commissions and directors, Terlaje said. But these terms have also insulated some agency heads, especially in autonomous agencies, from public scrutiny, the senator said.

The senator said under the Competitive Wage Act of 2014, most directors receive a minimum of \$90,000 a year, but receiving pertinent and timely information from agencies is difficult. Terlaje said senators have resorted to Freedom of Information Act requests for information that should be made readily available.

Reporter Haidee Eugenio covers Guam's Catholic church issues, education, government, business and more. Follow her on Twitter @haidee_eugenio (https://twitter.com/haidee_eugenio). Follow Pacific Daily News on Facebook/GuamPDN (<http://www.facebook.com/guampdn/>) and Instagram @guampdn (<http://instagram.com/GuamPDN/>).

More: [Here's where Section 30 funds will go: \\$77M for GovGuam, \\$6.4M for war claims \(/story/news/2018/08/30/heres-where-section-30-funds-go-77-m-govguam-6-4-m-war-claims/1141855002/\)](#)

More: [War claims expected to be paid next fiscal year \(/story/news/2018/08/22/war-claims-expected-paid-next-fiscal-year/1059934002/\)](#)

Read or Share this story: <https://www.guampdn.com/story/news/2018/09/07/faster-award-some-world-war-ii-claims-sought/1219488002/>

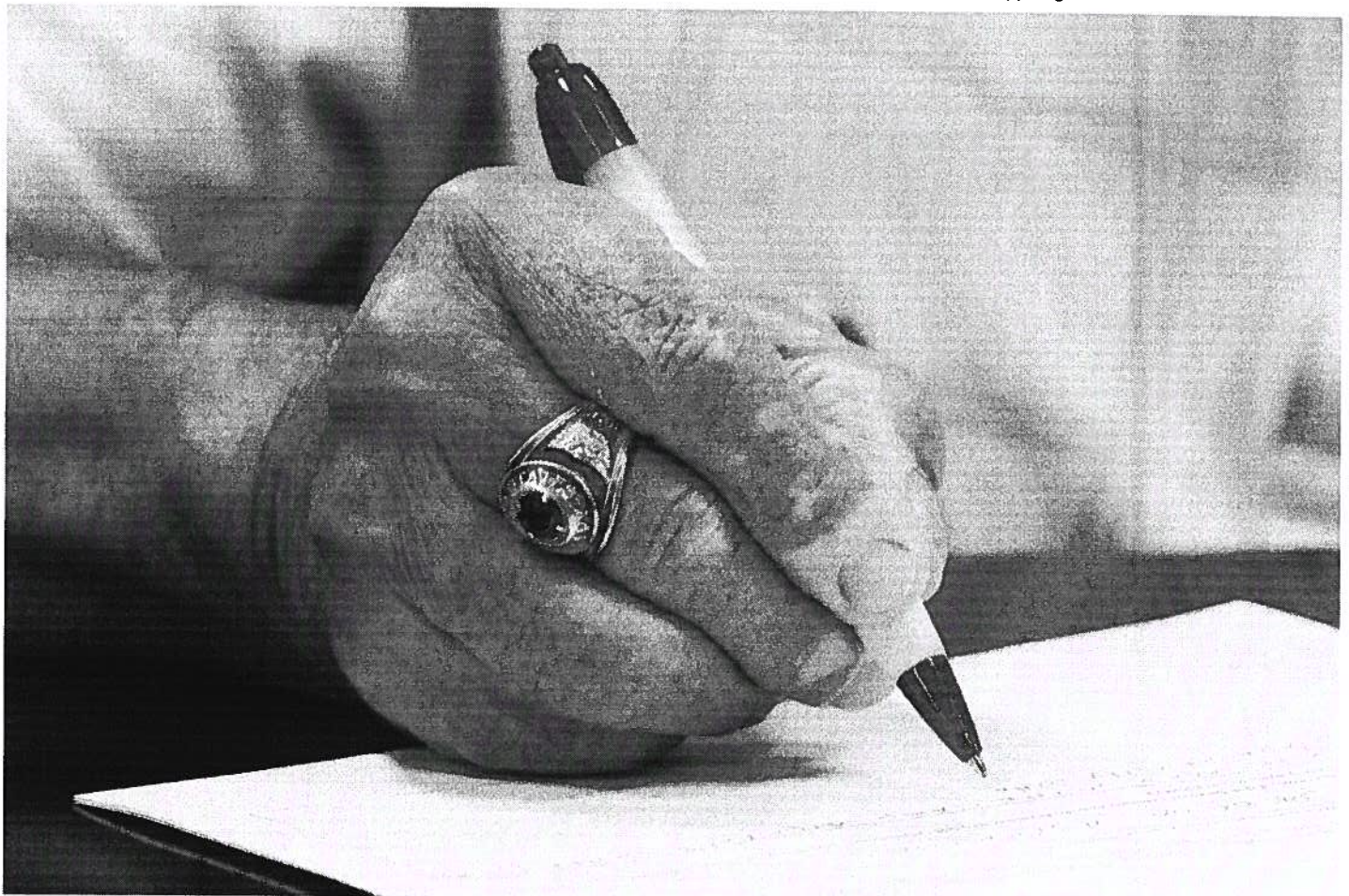
https://www.postguam.com/news/local/legislation-seeks-to-streamline-war-reparations-payment/article_f6e1e1ea-b277-11e8-86f4-b3189a7840a1.html

Legislation seeks to streamline war reparations payment

Daily Post Staff Sep 8, 2018



Therese Terlaje



CLAIM: Jose "Bill" Perez Benavente fills out a claim form for Del. Madeleine Bordallo Monday in Hagåtña. Wednesday is the last day to file for war claims. David Castro/The Guam Daily Post

Newly introduced legislation proposes to streamline the distribution of war claims awards for survivor awardees who die before receiving their reparation.

Vice Speaker Therese Terlaje announced Friday she introduced Bill 344-34, which she stated will ensure that the families or the heirs of eligible World War II survivors can obtain the recipient's award expeditiously and at minimum cost.

The bill would remove the requirement for a lengthy probate hearing, remove court costs and cap attorney fees at no more than \$300.

The impetus for the bill was the news of the recent death of one of the war survivors from Merizo who Vice Speaker Therese Terlaje and her staff assisted in filing a war claims application.

"We have watched numerous members of this greatest generation pass on before seeing any compensation for the hardships that they experienced during the war," Terlaje stated. "They deserve all of the help that we can offer them."

Although the Legislature can't help those that Congress already excluded – war survivors who died before Dec. 23, 2016 – she stated, "We can do our best for those who were allowed to submit a claim."

"It is my hope that this bill can shorten the wait and the costs for the families of any war claims applicants who die before receiving their war claims award."

Federal payments

Federal Public Law 114-328 authorizes the Foreign Claims Settlement Commission, which is aligned with the U.S. Justice Department, to conduct a supplemental war claims compensation program for victims and survivors of the attack and occupation of Guam by Imperial Japanese military forces during World War II. The law covers claims for death, rape, personal injury, severe personal injury, forced labor, forced march, internment and hiding to evade internment, the commission states.

This year, \$6.4 million will be deposited into the War Claims Fund, Del. Madeleine Bordallo has stated. This is the first time since the law went into effect that money is being set aside.

This money will come from the federal government's remittance of Section 30 funds to the government of Guam. Section 30 funds are income taxes collected from military personnel and federal government civilian workers stationed on Guam, which are remitted to the local government for its use.

Guam is asking the U.S. government to pay, instead of Japan, because the United States Treaty of Peace in 1951 waived U.S. reparations claims against Japan.

Tiers of compensation amounts range from \$10,000 to \$25,000.

"We have watched numerous members of this greatest generation pass on before seeing any compensation for the hardships that they experienced during the war. They deserve all of the help that we can offer them."

– Vice Speaker Therese Terlaje

Senator Thomas C. Ada,
Vice Chairperson

Acting Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUÅHAN

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

COMMITTEE REPORT CHECKLIST

Part 1 / 1

BILL NO. 344-34 (COR)

AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD.

Introduced by: Therese M. Terlaje

REFERRED TO:

Acting Speaker Therese M. Terlaje
Committee on Culture and Justice

**(A) FISCAL NOTE or
WAIVER**

(1) Requested by COR

☒ YES ☐ NO

Date & Time:

Mon, Sept. 17, 2018 @ 4:24 pm.

(2) Received by COR

☒ YES ☐ NO

Date & Time:

Wed, Sept. 26, 2018 @ 2:02 pm.

(3) Waived by COR

☐ YES ☒ NO

Date & Time:

(4) Bill contains appropriations or authorizations for appropriations from any fund sources?

☐ YES ☒ NO

If YES:

(4/5)(a) Funding Availability Note/Waiver (OFB) attached?

☐ YES

☐ NO (Unable to file CMTE Report)

(4/5)(b) Funding source identified?

2 GCA § 9101

☐ YES

☐ NO (Proceed to (A)(6))

(4/5)(c) Funds available and sufficient?

2 GCA § 9101

☐ YES

☐ NO (Proceed to (A)(6))

(5) Bill contains an authorization to expend government funds?

☐ YES ☒ NO

(6) Restrictions Against Unfunded Appropriations (2 GCA § 9101)

☐ Identifies specific alternate funding source

☐ De-appropriates from previous appropriation with available funds and fiscal note

☐ Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community"

If no boxes checked:

**UNABLE TO PLACE ON SESSION
AGENDA**

2 GCA § 9102

Committee Report Checklist on
 Bill No. 344-34 (COR)
 Part 1 / 1

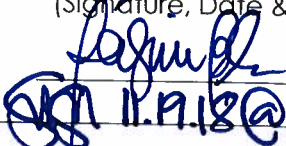
(B) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (A L Senators & ALL Media)	Date and Time of Notice: Mon, Oct. 22, 2018 @ 12:06pm
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: Fri, Oct. 26, 2018 @ 10:09am.
	(2) Date and Time of Hearing: Mon, Oct. 29, 2018 @ 2p.m.	or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If YES: Attach memo indicating WAIVER
	(3) Location: Public Hearing Room, Guam Congress Building	
	(5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b)	
	(a) Committee elects to substitute bill? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(3) Public Hearing noticed? <input type="checkbox"/> YES <input type="checkbox"/> NO
	(b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO
	COR Chair	

Committee Report Checklist on
 Bill No. 344-34 (COR)
 Part 1 / 1

(C) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES: Date & Time: Mon., Nov. 19, 2018 @ 9:31am.		Notes: As introduced.	If NO: UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Date & Time:			
	(2) LAND LEGISLATION			
	(a) Bill involves government taking, transfer, purchase, or lease of land? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A		If YES: ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b)	
	(a)(1) Please indicate on both columns: <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease </td> <td style="width: 50%;"> (ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government </td> </tr> </table>			
	(i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government		
	(b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A		If YES: INCLUDE Land Zoning Consideration Report 2 GCA § 2110	
	(b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A		If YES: INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)]	
(b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A				

(D) COMMITTEE	(3) G.A.R.R. LEGISLATION SR § 6.04(c)(1)
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Committee Report Checklist on
 Bill No. 344-34 (COR)
 Part 1 / 1

REPORT (continued)	5 GCA §§ 9301 and 9303	
	a) Bill involves approving or amending Rules and Regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Economic Impact Statement 5 GCA §§ 9301(d), 9301(e), 9301(f)
(4) COMMITTEE REPORT COMPONENTS		
	(a) Front Page Transmittal to Speaker	X
	(a)(1) COR Chair Signature Line	X
	(b) Title Page	X
	(c) Committee Chair Memo to All Committee Members	X
	(d) COR Referral Memorandum	X
	(e) Notice of Public Hearing & Other Correspondence	X
	(f) Public Hearing Agenda	X
	(g) Public Hearing Sign-in Sheet	X
	(h) Written Testimonies & Additional Documents	X
	(i) Committee Vote Sheet(s)	X
	(j) Committee Report Digest(s)	X
	(k) Bill History	X
	(k)(1) Copy of Bill as introduced	X
	(k)(2) COR Pre-Referral Checklist	X
	(k)(3) Copy of Bill as corrected by Prime Sponsor (if applicable)	<input type="checkbox"/>
	(k)(4) Copy of Bill as amended/substituted by Committee (if applicable)	<input type="checkbox"/>
	Substitute/Amended Mark-Up Version	<input type="checkbox"/>
	Substitute/Amended Word-Version Emailed to COR?	<input type="checkbox"/>
	(l) Fiscal Note <u>Waiver</u> and Funding Availability Note (OFB) B&MR	X
	(m) Two (2) Property Appraisals (if applicable)	<input type="checkbox"/>
	(n) Related News Reports (optional)	X
	(o) Miscellaneous (optional)	<input type="checkbox"/>
	(p) Committee Report Checklist(s)	X
	Originals	X
	Single-Sided	X
	Letter Size	X
	No Staples/ Paper Clips	X
(E) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time)  11.19.18 @ 10am.

N/A
 N/A
 N/A
 N/A
 N/A
 N/A