I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
230-36 (LS) As amended by the Committee on General Government Operations, Appropriations, and Housing; and substituted on the Floor and further amended in the Committee of the Whole.	Committee on Rules by request of *I Maga'hågan Guåhan* , the Governor of Guam, in accordance with the Organic Act of Guam.	AN ACT TO *ADD* A *NEW* ARTICLE 13.3 TO CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE IMPLEMENTATION PLAN FOR PAYMENTS FOR GUAM WORLD WAR II CLAIMS.	12/9/21 11:26 a.m.	12/9/2021	Committee on General Government Operations, Appropriations, and Housing	12/21/21 1:30 p.m.	1/24/22 11:49 a.m.	Request: 12/13/21 12/21/21	12/21/21 5:25 p.m. As amended by the Committee on General Government Operations, Appropriations, and Housing.

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
1/21/22	AN ACT TO *ADD* A NEW ARTICLE 13.3 TO CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE IMPLEMENTATION PLAN FOR PAYMENTS FOR GUAM WORLD WAR II CLAIMS TO CLAIMANTS WHO FAILED TO MEET THE ONE (1) YEAR FILING DEADLINE UNDER U.S. PUBLIC LAW 114-328.	1/28/22	1/28/22	2/9/22	36-73	2/3/22	Received: 2/3/22 Mess and Comm. Doc. No. 36GL-22-1638

Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Substitute Bill Nos. 230-36 (LS) and 83-36 (COR)

Brianne LG Dunstan <brianne.dunstan@guam.gov> Thu, Feb 3, 2022 at 1:55 PM
To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>
Cc: "GOVERNOR Lourdes A. Leon Guerrero" <governor@guam.gov>, "LT. GOVERNOR Joshua F. Tenorio" <lt.governor@guam.gov>, gcepeda@guamcourts.gov, Guam Compiler of Laws <guamcompiler@gmail.com>, libanez@guamcourts.gov, CHIEF OF STAFF Jon Junior Calvo <jon.calvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, lester.carlson@bbmr.guam.gov, BERTHA <bertha.duenas@guam.gov>, "Eliza G. Dames (Chamber)" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf (Chamber)" <shamra.chargualaf@guam.gov>, "Josephine C. Cepeda (Chamber)" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda (DCOS)" <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, "Jessica Cruz (CF)" <jessica.cruz@guam.gov>, BBMR Administrative Staff <admin@bbmr.guam.gov>, Analyn Eustaquio <analyn.eustaquio@bbmr.guam.gov>, "Michael D. Weakley" <michael.weakley@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Hafa Adai Madame Speaker,

Please find enclosed copies of statements from the *Honorable*, Joshua F. Tenorio, *Åkto Maga'låhen Guåhan* regarding two bills which were signed into public law on: February 3, 2022:

- **SUBSTITUTE BILL NO. 230-36 (LS) nka P.L. 36-73** – An Act to *Add* a New Article 13.3 to Chapter 1, Title 5, Guam Code Annotated, Relative to Amending the Implementation Plan for Payments for Guam World War II Claims to Claimants Who Failed to Meet the One (1) Year Filing Deadline Under U.S. Public law 114-328.

- **SUBSTITUTE BILL NO. 83-36 (COR) nka P.L. 36-74**– An Act to *Amend* §§ 5101, 5104, 5107, 5109(b)(1)(F), 5109(b)(2), 5109(c), 5112, 5114(c), 5114(e), 5114(f), and 5118; to *Repeal* and *Reenact* §5114(h); to Repeal §§ 5103 and 5105; and to *Add* New §§ 5119 and 5120, All of Chapter 5, Title 16, Guam Code Annotated, Relative to the Size, Weight, and Load Limitations, and Restrictions of Certain Vehicles.

The original documents will be transmitted to your office today.

Thank you.

Respectfully,
--

Brianne LG Dunstan
Unisifan I Maga'hågan Guåhan
Office of the Governor of Guam
Office of Legal Counsel
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
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36GL-22-1638
36GL-22-1639
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
02- 03 2022
Time: 1:55pm
Received:

COMMITTEE ON RULES
RECEIVED:
February 3, 2022
3:02 P.M.

2 attachments

22.0203 Acting Gov to Speaker Re Substitute Bill No. 230-36 (LS) nka P.L. 36-73.pdf
513K

22.0203 Acting Gov to Speaker Re Substitute Bill No. 83-36 (COR) nka P.L. 36-74.pdf
647K

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

February 3, 2022

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

Re: SUBSTITUTE BILL NO. 230-36 (LS) – An Act to *Add* a New Article 13.3 to Chapter 1, Title 5, Guam Code Annotated, Relative to Amending the Implementation Plan for Payments for Guam World War II Claims to Claimants Who Failed to Meet the One (1) Year Filing Deadline Under U.S. Public law 114-328

Hafa Adai Madame Speaker,

Substitute Bill No. 230-36 revises the Governor's Implementation Plan for payment of additional war claims to eligible survivors of Guam's occupation during World War II, as well as eligible descendants of those we lost during the war. This Substitute Bill brings to fruition our administration's efforts to recognize the suffering our people endured, and to provide them recompense. With this Substitute Bill, we can begin again the process of accepting, processing, and adjudicating claims, and paying reparations to claimants, beginning with our war survivors.

I have instructed the Department of Administration and the Guam Museum to begin operationalizing their respective responsibilities under the Substitute Bill, and will facilitate the convening of the Adjudication Committee tasked with determining the merits of the individual claims.

As the Department of Administration prepares to effectuate the Implementation Plan, I want to highlight legislative amendments to the appropriations language in Section 13.306, which identifies as a source of funding "the General Fund balance of the revenues collected in excess of the adopted Fiscal Year 2021 revenues." The Implementation Plan our administration submitted to the Legislature contained straightforward and unequivocal language that would have appropriated funds from the General Fund to the Department of Administration. But some in the Legislature advocated for the complicated and flawed language that was ultimately adopted.

The Legislature's amendment again identifies "excess" revenues as a source of funding, which, as I have pointed out in the past, is irresponsible fiscal policy and demonstrates a lack of understanding of how government finances work. This is not a time to complicate matters further at the expense of our people; it is a time to come together and work together to remedy a wrong our people have suffered for generations. Despite the Legislature's inability to agree on the fund

Doc. No. 36GL-22-0038

source, our administration is committed to making these long-awaited payments, without compromising responsible fiscal policy.

Along with Governor Leon Guerrero, it is my hope and expectation that these claims will be processed and paid efficiently, that our greatest generation will not have to wait much longer to receive the overdue acknowledgment and reparations to which they are entitled, and that this measure brings our island and its people a final measure of closure, peace and healing. I hereby sign Substitute Bill No. 230-36 into law as ***Public Law No. 36-73***.

Senseremente,

JOSHUA F. TENORIO
Åkto Maga'låhen Guåhan
Acting Governor of Guam

Enclosure: Sub. Bill No. 230-36 (LS) *nka P.L. No. 36-73*

cc via email: *Honorable* Lourdes A. Leon Guerrero, *Maga'hågan Guåhan*
Compiler of Laws

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Substitute Bill No. 230-36 (LS), "AN ACT TO *ADD* A NEW ARTICLE 13.3 TO CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE IMPLEMENTATION PLAN FOR PAYMENTS FOR GUAM WORLD WAR II CLAIMS TO CLAIMANTS WHO FAILED TO MEET THE ONE (1) YEAR FILING DEADLINE UNDER U.S. PUBLIC LAW 114-328,"** was on the 28th day of January 2022, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 28th day of January 2022, at 7:38 o'clock P .M.

pp3 CCBlas

Assistant Staff Officer
Maga'håga's Office

APPROVED:

JOSHUA F. TENORIO, ACTING GOVERNOR OF GUAM
for: Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 2-3-2022

Public Law No. 36-73

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

Bill No. 230-36 (LS)
As amended by the Committee on General Government Operations, Appropriations, and Housing; substituted on the Floor; and further amended in the Committee of the Whole.

Introduced by: Committee on Rules
by request of *I Maga'hågan Guåhan*, the Governor of Guam, in accordance with the Organic Act of Guam

AN ACT TO *ADD* A NEW ARTICLE 13.3 TO CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE IMPLEMENTATION PLAN FOR PAYMENTS FOR GUAM WORLD WAR II CLAIMS TO CLAIMANTS WHO FAILED TO MEET THE ONE (1) YEAR FILING DEADLINE UNDER U.S. PUBLIC LAW 114-328.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. The Implementation Plan for Payments for Guam World War II Claims shall be consistent with Public Law 36-62, the "Guam World War II Reconciliation Act of 2021." Payments authorized under Public Law 36-62 or Article 13.3 of Chapter 1, Title 5, Guam Code Annotated, shall be limited to claimants who failed to file a claim with the Foreign Claims Settlement Commission of the United States on or before June 20, 2018 under U.S. Public Law 114-328.

Section 2. Implementation Plan for Payments for Guam World War II Claims. A new Article 13.3 is hereby *added* to Chapter 1, Title 5, Guam Code Annotated to read:

"ARTICLE 13.3

IMPLEMENTATION PLAN FOR PAYMENTS

FOR GUAM WORLD WAR II CLAIMS

§ 13.301. Definitions.
§ 13.302. Payments for Certified Guam World War II Claims.
§ 13.303. Filing Period for Claims and Notice.
§ 13.304. Adjudication and Eligibility.
§ 13.305. Appeals.
§ 13.306. Funding Source for Payment of Claims.
§ 13.307. Office.
§ 13.308. Limited Compensation for Provision of Representational Services.
§ 13.309. Affidavit.
§ 13.310. Release of Related Claims.
§ 13.311. Memorandum of Agreement.
§ 13.312. Repository.
§ 13.313. Privacy of Claims Information.
§ 13.314. Schedule and Exhibits to the Schedule.

§ 13.301. Definitions.

For purposes of this Chapter:

(a) *Compensable Guam decedent* means an individual determined by the Adjudication Committee pursuant to § 13.304 of this Article 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 (U.S. Public Law 79-224) or U.S. Public Law 114-328 if a timely claim had been filed under the terms of the Guam

Meritorious Claims Act of 1945 (U.S. Public Law 79-224) or U.S. Public Law 114-328.

(b) *Compensable Guam victim* means an individual who is not deceased as of the date of the enactment of the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, and who is determined by the Adjudication Committee pursuant to § 13.304 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:

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

(2) forced labor or a personal injury not under item (1) of this Subsection, such as disfigurement, scarring, or burns.

(3) forced march, internment, or hiding to evade internment.

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

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

§ 13.302. Payments for Certified Guam World War II Claims.

(a) Payments for Death, Personal Injury, Forced Labor, Forced March, and Internment. After the Director of the Department of Administration (Director) receives the certification from the Chairperson of the Adjudication Committee as required under § 13.304(f), the Director shall make payments, subject to the availability of funds, to compensable Guam victims and survivors of compensable Guam decedents as follows:

(1) Compensable Guam Victim. Before making any payments under Subsection(a)(2) of this Section, the Director shall make payments to compensable Guam victims as follows:

(A) In the case of a victim who has suffered an injury described in § 13.301(b)(1), Fifteen Thousand Dollars ($15,000).

(B) In the case of a victim who is not described in Subsection (a)(1)(A) of this Section, but who has suffered an injury described in § 13.301(b)(2), Twelve Thousand Dollars ($12,000).

(C) In the case of a victim, who is not described in Subsection (a)(1)(A) or Subsection (a)(1)(B) of this Section, but who has suffered an injury described in § 13.301(b)(3), Ten Thousand Dollars ($10,000).

(2) Survivors of Compensable Guam Decedents. In the case of a compensable Guam decedent, the Director shall pay Twenty-five Thousand Dollars ($25,000) for distribution to survivors of the decedent in accordance with Subsection (b) of this Section. The Director shall make payments under this Subsection only after all payments have been made under Subsection (a)(1) of this Section.

(b) Distribution of Survivor Payments. A payment made under Subsection (a)(2) of this Section to the survivors of a compensable Guam decedent shall be distributed as follows:

(1) In the case of a decedent whose spouse is living as of the date of the enactment of the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, but who had no living children as of such date, the payment shall be made to such spouse.

(2) In the case of a decedent whose spouse is living as of the date of the enactment of the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, and who had one (1) or more living children as of such date, fifty percent (50%) of the payment shall be made to the spouse and fifty percent (50%) shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(3) In the case of a decedent whose spouse is not living as of the date of the enactment of the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, and who had one (1) or more living children as of such date, the payment shall be made to such children, to be divided among such children to the greatest extent possible into equal shares.

(4) In the case of a decedent whose spouse is not living as of the date of the enactment of the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, and who had no living children as of such date, but who:

(A) had a parent who is living as of such date, the payment shall be made to the parent; or

(B) had two (2) parents who are living as of such date, the payment shall be divided equally between the parents.

(5) In the case of a decedent whose spouse is not living as of the date of the enactment of the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, who had no living children as of such date, and who had no parents who are living as of such date, no payment shall be made.

§ 13.303. Filing Period for Claims and Notice.

(a) Filing Period. An individual filing a claim for a payment under § 13.302 shall file such claim not later than twelve (12) months after the date on which the Adjudication Committee publishes the notice described in Subsection (b) of this Section.

(b) Notice of Filing Period. Not later than thirty (30) days after the date of the enactment of this Act, the Adjudication Committee shall publish a notice of the deadline for filing a claim described in Subsection (a) of this Section in a newspaper of general circulation, radio, television media in Guam and the Guam Public Notice website.

§ 13.304. Adjudication and Eligibility.

(a) The Adjudication Committee established pursuant to Public Law 36-62 shall adjudicate claims and determine the eligibility of individuals for payments under § 13.302.

(b) Eligibility.

(1) An individual shall not be eligible for payment under § 13.302 unless the individual submits a timely claim in such manner and form and containing information as required by the Adjudication Committee.

(2) An individual who filed a claim under the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, with the Foreign Claims Settlement Commission of the United States, on or before June 20, 2018, shall not be eligible to receive payments under Public Law 36-62 or this Act.

(3) An individual who received payment under the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, shall not be eligible to receive payments under Public Law 36-62 or this Act.

(c) The decision of the Adjudication Committee on each claim filed under this Act shall:

(1) be by majority vote;

(2) be in writing;

(3) state the reasons for the approval or denial of the claim; and

(4) if approved, state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(d) The Adjudication Committee shall deduct, from a payment made to a compensable Guam victim or survivors of a compensable Guam decedent under this Section, amounts paid to such victim or survivors under the Guam Meritorious Claims Act of 1945 (U.S. Public Law 79-224) before the date of the enactment of the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328.

(e) No interest shall be paid on payments made by the Adjudication Committee under § 13.302.

(f) After a decision approving a claim becomes final, the Chairperson of the Adjudication Committee may certify such decision to the Director of the Department of Administration (Director) for authorization of a payment under § 13.302.

§ 13.305. Appeals.

Objections and appeals of decisions of the Adjudication Committee shall be filed with the Adjudication Committee, who may consult with the Office of the Attorney General, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

§ 13.306. Funding Source for Payment of Claims.

(a) Claims approved by the Adjudication Committee and certified by the Chairperson shall first be paid from the Seventy-Fifth (75th) Guam Liberation War Claims Fund (Guam War Claims Fund) as set forth in § 13.206 of Article 13.2, Chapter 1, 5 GCA, Public Law 36-62, and established by Public Law 35-61.

(b) Upon full expenditure of such funds under Subsection (a) of this Section, the sum of Ten Million Dollars ($10,000,000) is hereby appropriated from the General Fund balance of the revenues collected in excess of the adopted Fiscal Year 2021 revenues to the Guam War Claims Fund for payment of claims approved by the Adjudication Committee and certified by the Chairperson. *I Maga'hågan Guåhan* shall submit a Fund Transfer Report regarding each transfer from the General Fund to the Guam War Claims Fund. Section 30 funds made available in Fiscal Year 2023 may be used to reimburse the General Fund to recoup all amounts authorized by this Subsection as identified in the Fund Transfer Report executed by *I Maga'hågan Guåhan.* A copy of such written report shall be delivered to *I Liheslaturan Guåhan* within fifteen (15) days upon execution. This Fund shall be

exempt from the Governor's transfer authority; and any funds remaining shall be subject to legislative appropriation.

(c) Funds appropriated under this Section shall not lapse and shall continue to be available until fully expended.

§ 13.307. Office.

The Director shall serve as the Administrative Officer of the Adjudication Committee. Five Hundred Thousand Dollars ($500,000) may be allocated by the Adjudication Committee from the funding sources in § 13.306 of this Article for administrative costs or expenses necessary to carry out the mandates of this Article. Amounts allocated under this Section shall not lapse and continue to be available to the extent necessary to carry out the mandates of this Article.

§ 13.308. Limited Compensation for Provision of Representational Services.

(a) Any agreement under which an individual who provided representational services to an individual who filed a claim for a payment under this Article that provides for compensation to the individual who provided such services in an amount that is more than one percent (1%) of the total amount of such payment shall be unlawful and void.

(b) Whoever demands or receives any compensation in excess of the amount allowed under Subsection (a) of this Section shall be fined not more than Five Thousand Dollars ($5,000) or imprisoned not more than one (1) year, or both.

§ 13.309. Affidavit.

(a) An individual filing a claim pursuant to this Act shall execute a valid affidavit declaring, under penalty of perjury, that the information provided in his or her application and requisite forms is true and correct and that he or she is an eligible claimant under this Article.

(b) The Adjudication Committee shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing the eligibility of such individual for payment under such section as establishing a prima facie case of the eligibility of the individual for such payment without the need for further documentation, except as the Adjudication Committee may otherwise require. Such material facts shall include, with respect to a claim for payment made under § 13.302(a) of this Article, a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

§ 13.310. Release of Related Claims.

Acceptance of a payment under § 13.302 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945, U.S. Public Law 79-224, the implementing regulations issued by the United States Navy pursuant to U.S. Public Law 79-22, the Guam World War II Loyalty Recognition Act, U.S. Public Law 114-328, Public Law 36-62, or this Act.

§ 13.311. Memorandum of Agreement.

The Department of Administration is hereby authorized to enter into a Memorandum of Agreement (MOA) with the Foreign Claims Settlement Commission or the U.S. Department of the Treasury to verify whether individuals filing claims pursuant to this Act received payments from the U.S. Department of the Treasury pursuant to the Guam World War II Loyalty Recognition Act enacted by U.S. Public Law 114-328 or the Guam Meritorious Claims Act of 1945 in order to determine eligibility and payments for claims under this Act.

§ 13.312. Repository.

The Guam Museum shall be the repository of all public records and materials pertaining to war claims for Guam. The Adjudication Committee shall transfer all of its public documents upon completion of its work to such repository.

(a) Documents or information concerning the identity of war survivors, decedents, and their application for war claims shall be protected, shall remain confidential, and not subject to public disclosure. An application for war claims shall include, but not be limited to, any Statement of Claim, material(s), document(s), form(s), photograph(s), recording(s), written testimony(s), and information submitted relating to or in support of a claim. Confidentiality under this Section may be waived by the compensable Guam victim or spouse of a compensable Guam decedent.

In the case of a compensable Guam decedent whose spouse is not living as of the date of enactment of this Act, and who had one (1) or more living children, such child or children may waive confidentiality by unanimous vote under this Section.

§ 13.313. Privacy of Claims Information.

(a) Information provided by the United States government to the Government of Guam concerning the identity of war survivors, decedents, and their application for war claims shall be protected and shall not be part of the public record. An application for war claims shall include, but not be limited to, any Statement of Claim, material(s), document(s), form(s), photograph(s), recording(s), written testimony(s), and information submitted relating to or in support of a claim.

(b) Information concerning the identity of war survivors, decedents and their application for war claims shall be protected and shall not be part of the public record unless waived by the compensable Guam victim or spouse of a compensable Guam decedent. An application for war claims shall include, but not be limited to, any Statement of Claim, material(s), document(s), form(s), photograph(s),

recording(s), written testimony(s), and information submitted relating to or in support of a claim. In the case of a compensable Guam decedent whose spouse is not living as of the date of enactment of this Act, and who had one (1) or more living children, such child or children may elect to waive confidentiality by unanimous vote under this Section.

(c) The Adjudication Committee is authorized to collect the information requested in Exhibit A, Statement of Claim form; Exhibit B, Beneficiary Designation form; and Exhibit D, Electronic Fund Transfer form or information requested at any other time regarding a claim, under U.S. Public Law 114-328, Public Law 36-62, or Article 13.3 of Chapter 1, Title 5, Guam Code Annotated. The information collected shall be used to enable the Committee to carry out its statutory responsibility to determine the validity and amount of the claims submitted to it under Public Law 36-62 or Article 13.3 of Chapter 1, Title 5, Guam Code Annotated. Furnishing the requested information to the Committee is voluntary; however, failure to provide such information may result in either a delay in adjudication or denial of the claim. Information collected may be disclosed only:

(1) to the Department of Administration Division of Accounting in connection with the payment of claims;

(2) to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Government of Guam, when necessary to accomplish an agency function related to their system of records;

(3) to a Member of the Legislature or staff acting upon the Member's behalf, when the Member is requesting information on behalf of the individual who is the subject of the information requested;

(4) where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law that is criminal,

civil, or regulatory in nature, the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(5) in an appropriate proceeding before the Committee, or before a court, grand jury, or administrative or adjudicative body, when the Committee determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; or

(6) to the Office of Public Accountability for auditing purposes.

(d) All agents implementing this Chapter shall undergo disclosure and confidentiality training and shall be in compliance with Guam law.

§ 13.314. Schedule and Exhibits to the Schedule.

(a) *I Liheslaturan Guåhan* hereby adopts the attached schedule and exhibits thereto, labeled Exhibit A, Exhibit B, Exhibit C, and Exhibit D, subject to the provision of this Act. Any provision or requirement contained in such schedule or exhibits inconsistent with this Act shall be null and void.

(b) Such adopted schedule and exhibits thereto shall be amended by the Adjudication Committee prior to the publication of the notice of the deadline for filing a claim to conform with the requirements under this Act, notwithstanding the Administrative Adjudication Law.

(c) The Notice of Disclosure contained in Exhibit A, "Statement of Claim" shall contain the following language: The information provided in this Statement of Claim and in any attachments, and any material and information submitted relating to or in support of the claim, will be protected and kept confidential, except when public disclosure of such information is authorized under Public Law 36-62, Public

Law 35-61, Article 13.3 of Chapter 1, Title 5, Guam Code Annotated, or federal law. Any decision issued by the Adjudication Committee in relation to this Statement of Claim may be made publicly available after redacting all information exempted from public disclosure by Public Law 36-62, Public Law 35-61, Article 13.3 of Chapter 1, Title 5, Guam Code Annotated, or federal law."

Section 3. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.