

**I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN  
RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE AUTHORS REPORT FILED	NOTES
21-37 (COR)	Tina Rose Muña Barnes Roy Anthony Benavente Quinata William A. Parkinson Joe S. San Agustin Jesse A. Lujan Dwayne T. D. San Nicolas Frank Blas, Jr.	RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.	1/31/23 2:49 p.m.			2/1/23	Author	3/2/23 9:00 a.m.	3/15/23 8:00 a.m.	



Office of the Vice Speaker  
**TINA ROSE MUÑA BARNES**  
*I Mina'trentai Siette na Liheslaturan Guåhan*  
**37<sup>th</sup> Guam Legislature**

March 14, 2023

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

**VIA: The Honorable Chris Barnett**  
Chairperson, Committee on Rules

DS

**RE: Author's Report on Resolution No. 21-37 (COR)**

*Buenas yan Háfa adai Speaker Terlaje,*

Transmitted herewith is the Author's Report on **Resolution No. 21-37 (COR)** - "RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA."

Sincerely,

**Vice Speaker Tina Rose Muña Barnes**  
**Author**



**COMMITTEE ON RULES**

Received:  
March 14, 2023.  
2:33 p.m.

*Joaquin 'Quin' P. Taitague*



Office of the Vice Speaker  
**TINA ROSE MUÑA BARNES**  
*I Mina'trentai Siette na Liheslaturan Guåhan*  
**37<sup>th</sup> Guam Legislature**

## **AUTHOR'S REPORT**

### **Resolution No. 21-37 (COR),**

**Introduced by Tina Rose Muña Barnes, Roy A. B. Quinata, William A. Parkinson, Joe S. San Agustin, Jesse A. Lujan, Dwayne T. D. San Nicolas, Frank Blas, Jr.**

**“RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.”**



## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature

February 1, 2023

**To:** **RennaeVanessa C. Meno**  
Clerk of the Legislature

**Attorney Darleen Hiton**  
Legislative Legal Counsel

**From:** **Senator Chris Barnett**   
Chairperson, Committee on Rules

**Subject:** **Referral of Resolution No. 21-37 (COR)**

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*Håfa Adai yan Biba Guåhan!*

As per my authority as Chairperson of the Committee on Rules and subject to §§ 7.03(e), and 7.04(b) Rule VII of our Standing Rules, and 2 GCA § 2103(b), I am forwarding the referral of **Resolution No. 21-37 (COR)** – Tina Rose Muña Barnes, Roy Anthony Benavente Quinata, William A. Parkinson, Joe S. San Agustin, Jesse A. Lujan , Dwayne T. D. San Nicolas, Frank Blas, Jr. – “Relative to Expressing the support of H.R. 256, introduced in the United States House of Representatives, which seeks to extend coverage of the Supplemental Security Income (SSI) Program to qualified individuals who reside on Puerto Rico, the United States Virgin Islands, Guam, And American Samoa.”

Please ensure that the subject resolution is referred to Vice Speaker Tina Rose Muña Barnes, Author of the Resolution. I also request that the same be forwarded to Management Information Services (MIS) for posting on our website.

A copy of the resolution is available on our legislative website <https://guamlegislature.com/index/37th-guam-legislature-resolutions/>.

Should you have any questions or concerns, please feel free to contact Joaquin ‘Quin’ P. Taitague, Committee on Rules Director at 671-472-2461.



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**FIRST NOTICE OF PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.**

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Vice Speaker Tina Rose Muña Barnes &lt;senatormunabarnes@guamlegislature.org&gt;

Thu, Feb 23, 2023 at  
11:48 AM

To: phnotice@guamlegislature.org

February 23, 2023

**MEMORANDUM**

**TO:** All Senators, Media, and Stakeholders  
**FROM:** Vice Speaker Tina Rose Muña Barnes  
**SUBJECT:** FIRST NOTICE OF PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

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*Buenas yan Håfa Adai!* Please be advised the Committee on Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs will convene a public hearing on **Thursday, March 2, 2023, at 9:00 a.m.** in the Public Hearing Room of the Guam Congress Building, on the following:

**Bill No. 6-37 (COR)** - William A. Parkinson, Dwayne T.D. San Nicolas, Tina Rose Muña Barnes  
AN ACT TO *ADD* A NEW ARTICLE 26, CHAPTER 12 OF TITLE 10 GUAM CODE ANNOTATED,  
RELATIVE TO ENDING MARIJUANA DRUG TESTING.

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AN ACT TO *ADD* A NEW SUBSECTION (m) TO SECTION 8501, ARTICLE 5, CHAPTER 8, TITLE 4 GUAM  
CODE ANNOTATED; AND, TO *AMEND* § 8503(c) OF ARTICLE 5, CHAPTER 8, TITLE 4, GUAM CODE  
ANNOTATED, RELATIVE TO THE RETIREMENT OF PUBLIC SAFETY AND LAW ENFORCEMENT  
OFFICERS WHO ARE MEMBERS OF THE DEFINED BENEFIT 1.75 RETIREMENT SYSTEM.

**Bill No. 37-37 (COR)** - William A. Parkinson, Roy A.B. Quinata, Tina Rose Muña Barnes, Joe S. San Agustin,  
Frank Blas Jr., Christopher M. Dueñas, Therese M. Terlaje, Sabina Flores Perez, Telo T. Taitague, Dwayne T. D.  
San Nicolas, Chris Barnett, Jesse A. Lujan, Joanne Brown  
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HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL  
SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO,  
THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

**Resolution No. 30-37 (COR)** - Tina Rose Muña Barnes / Joe S. San Agustin / Frank Blas Jr. / Amanda L.  
Shelton / Therese M. Terlaje / Roy A. B. Quinata / William A. Parkinson / Telo T. Taitague / Joanne Brown / Jesse  
A. Lujan  
RELATIVE TO SUPPORTING THE REPUBLIC OF CHINA (TAIWAN)’S PARTICIPATION AS OBSERVER  
AT THE WORLD HEALTH ORGANIZATION’S 76TH WORLD HEALTH ASSEMBLY AND TO REAFFIRM  
SUPPORT FOR THE REPUBLIC OF CHINA (TAIWAN)’S PARTICIPATION AS OBSERVER IN  
INTERNATIONAL ORGANIZATIONS.








For individuals wishing to provide testimony, please contact our office by email at [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org) or call 671-989-8762. Written testimony may be delivered to the Office of Vice Speaker Tina Muña Barnes at Suite 411 –134 West Soledad Avenue *Hagåtña*, GU 96910 or via email to [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org).

In compliance with the American with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Vice Speaker Muña Barnes by phone call at 671-989-8762 or via email at [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org).

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#### 7 attachments

-  **Bill No. 6-37 (COR).pdf**  
206K
-  **Bill No. 27-37 (COR).pdf**  
963K
-  **Res No. 21-37 (COR).pdf**  
1154K
-  **Res No. 30-37 (COR).pdf**  
2476K
-  **Bill No. 37-37 (COR).pdf**  
2498K
-  **Agenda - March 2, 2023 at 9am.pdf**  
166K
-  **FIRST NOTICE - March 2, 2023 at 9am.pdf**  
271K



Office of the Vice Speaker

# TINA ROSE MUÑA BARNES

*I Mina'trentai Siette na Liheslaturan Guåhan*

## 37<sup>th</sup> Guam Legislature

February 23, 2023

### MEMORANDUM

**TO:** All Senators, Media, and Stakeholders  
**FROM:** Vice Speaker Tina Rose Muña Barnes  
**SUBJECT:** FIRST NOTICE OF PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

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**Resolution No. 30-37 (COR)** - Tina Rose Muña Barnes / Joe S. San Agustin / Frank Blas Jr. / Amanda L. Shelton / Therese M. Terlaje / Roy A. B. Quinata / William A. Parkinson / Telo T. Taitague / Joanne Brown / Jesse A. Lujan  
RELATIVE TO SUPPORTING THE REPUBLIC OF CHINA (TAIWAN)’S PARTICIPATION AS OBSERVER AT THE WORLD HEALTH ORGANIZATION’S 76TH WORLD HEALTH ASSEMBLY AND TO REAFFIRM SUPPORT FOR THE REPUBLIC OF CHINA (TAIWAN)’S PARTICIPATION AS OBSERVER IN INTERNATIONAL ORGANIZATIONS.



Office of the Vice Speaker

## **TINA ROSE MUÑA BARNES**

*I Mina'trentai Siette na Liheslaturan Guåhan*

### **37<sup>th</sup> Guam Legislature**

For individuals wishing to provide testimony, please contact our office by email at [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org) or call 671-989-8762. Written testimony may be delivered to the Office of Vice Speaker Tina Muña Barnes at Suite 411 –134 West Soledad Avenue *Hagåtña*, GU 96910 or via email to [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org).

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# FIRST NOTICE OF PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

 PRINT

## FIRST NOTICE OF PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

### PUBLIC HEARING

 **Posted on:** 02/23/2023 11:51 AM

 **Posted by:** Alan Cepeda

 **Department(s):** GUAM LEGISLATURE (/notices?department\_id=92)

 **Division(s):** (/notices?division\_id=)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type\_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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February 23, 2023

**MEMORANDUM**

**TO: All Senators, Media, and Stakeholders**  
**FROM: Vice Speaker Tina Rose Muña Barnes**  
**SUBJECT: FIRST NOTICE OF PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.**

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**([http://www.guamlegislature.com/37th\\_Guam\\_Legislature/Bills\\_Introduced\\_37th/Bill%20No.%2027-37%20\(COR\).pdf](http://www.guamlegislature.com/37th_Guam_Legislature/Bills_Introduced_37th/Bill%20No.%2027-37%20(COR).pdf))**- Tina Rose Muña Barnes  
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**([http://www.guamlegislature.com/37th\\_Guam\\_Legislature/COR\\_Res\\_37th/Res%20No.%2021-37%20\(COR\).pdf](http://www.guamlegislature.com/37th_Guam_Legislature/COR_Res_37th/Res%20No.%2021-37%20(COR).pdf))** - Tina Rose Muña Barnes  
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RELATIVE TO SUPPORTING THE REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION AS OBSERVER AT THE WORLD HEALTH ORGANIZATION'S 76TH WORLD HEALTH ASSEMBLY AND TO REAFFIRM SUPPORT FOR THE REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION AS OBSERVER IN INTERNATIONAL ORGANIZATIONS.

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**SECOND NOTICE OF PUBLIC HEARING - March 2, 2023 at 9AM**

1 message

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**Vice Speaker Tina Rose Muña Barnes** <senatormunabarnes@guamlegislature.org>Tue, Feb 28, 2023 at 9:27  
AM

To: phnotice@guamlegislature.org

February 28, 2023

**MEMORANDUM****TO: All Senators, Media, and Stakeholders****FROM: Vice Speaker Tina Rose Muña Barnes****SUBJECT: SECOND NOTICE OF PUBLIC HEARING** – Thursday, March 2, 2023, at 9:00 a.m.

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Office of the Vice Speaker

## TINA ROSE MUÑA BARNES

*I Mina'trentai Siette na Liheslaturan Guåhan*

### 37<sup>th</sup> Guam Legislature

February 28, 2023

#### MEMORANDUM

**TO: All Senators, Media, and Stakeholders**  
**FROM: Vice Speaker Tina Rose Muña Barnes**  
**SUBJECT: SECOND NOTICE OF PUBLIC HEARING** – Thursday, March 2, 2023, at 9:00 a.m.

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RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

**Resolution No. 30-37 (COR)** - Tina Rose Muña Barnes / Joe S. San Agustin / Frank Blas Jr. / Amanda L. Shelton / Therese M. Terlaje / Roy A. B. Quinata / William A. Parkinson / Telo T. Taitague / Joanne Brown / Jesse A. Lujan  
RELATIVE TO SUPPORTING THE REPUBLIC OF CHINA (TAIWAN)’S PARTICIPATION AS OBSERVER AT THE WORLD HEALTH ORGANIZATION’S 76TH WORLD HEALTH ASSEMBLY AND TO REAFFIRM SUPPORT FOR THE REPUBLIC OF CHINA (TAIWAN)’S PARTICIPATION AS OBSERVER IN INTERNATIONAL ORGANIZATIONS.



Office of the Vice Speaker

## **TINA ROSE MUÑA BARNES**

*I Mina'trentai Siette na Liheslaturan Guåhan*

### **37<sup>th</sup> Guam Legislature**

For individuals wishing to provide testimony, please contact our office by email at [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org) or call 671-989-8762. Written testimony may be delivered to the Office of Vice Speaker Tina Muña Barnes at Suite 411 –134 West Soledad Avenue *Hagåtña*, GU 96910 or via email to [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org).

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# SECOND NOTICE OF PUBLIC HEARING - March 2, 2023 at 9am

 PRINT

## SECOND NOTICE OF PUBLIC HEARING - March 2, 2023 at 9am

### PUBLIC HEARING

 **Posted on:** 02/28/2023 09:28 AM

 **Posted by:** Alan Cepeda

 **Department(s):** GUAM LEGISLATURE (/notices?department\_id=92)

 **Division(s):** OFFICE OF SENATOR TINA MUNA BARNES (/notices?division\_id=274)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic\_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type\_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**



February 28, 2023

## MEMORANDUM

**TO:** All Senators, Media, and Stakeholders  
**FROM:** Vice Speaker Tina Rose Muña Barnes  
**SUBJECT:** SECOND NOTICE OF PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

*Buenas yan Håfa Adai!* Please be advised the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs will convene a public hearing on **Thursday, March 2, 2023, at 9:00 a.m.** in the Public Hearing Room of the Guam Congress Building, on the following:

### **Bill No. 6-37 (COR)**

**([http://www.guamlegislature.com/37th\\_Guam\\_Legislature/Bills\\_Introduced\\_37th/Bill%20No.%206-37%20\(COR\).pdf](http://www.guamlegislature.com/37th_Guam_Legislature/Bills_Introduced_37th/Bill%20No.%206-37%20(COR).pdf))** - William A. Parkinson, Dwayne T.D. San Nicolas, Tina Rose Muña Barnes  
AN ACT TO *ADD* A NEW ARTICLE 26, CHAPTER 12 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO ENDING MARIJUANA DRUG TESTING.

### **Bill No. 27-37 (COR)**

**([http://www.guamlegislature.com/37th\\_Guam\\_Legislature/Bills\\_Introduced\\_37th/Bill%20No.%2027-37%20\(COR\).pdf](http://www.guamlegislature.com/37th_Guam_Legislature/Bills_Introduced_37th/Bill%20No.%2027-37%20(COR).pdf))**- Tina Rose Muña Barnes  
AN ACT TO *ADD* A NEW SUBSECTION (m) TO SECTION 8501, ARTICLE 5, CHAPTER 8, TITLE 4 GUAM CODE ANNOTATED; AND, TO *AMEND* § 8503(c) OF ARTICLE 5, CHAPTER 8, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE RETIREMENT OF PUBLIC SAFETY AND LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE DEFINED BENEFIT 1.75 RETIREMENT SYSTEM.

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**([http://www.guamlegislature.com/37th\\_Guam\\_Legislature/Bills\\_Introduced\\_37th/Bill%20No.%2037-37%20\(COR\).pdf](http://www.guamlegislature.com/37th_Guam_Legislature/Bills_Introduced_37th/Bill%20No.%2037-37%20(COR).pdf))**- William A. Parkinson, Roy A.B. Quinata, Tina Rose Muña Barnes, Joe S. San Agustin, Frank Blas Jr., Christopher M. Dueñas, Therese M. Terlaje, Sabina Flores Perez, Telo T. Taitague, Dwayne T. D. San Nicolas, Chris Barnett, Jesse A. Lujan, Joanne Brown  
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**([http://www.guamlegislature.com/37th\\_Guam\\_Legislature/COR\\_Res\\_37th/Res%20No.%2021-37%20\(COR\).pdf](http://www.guamlegislature.com/37th_Guam_Legislature/COR_Res_37th/Res%20No.%2021-37%20(COR).pdf))** - Tina Rose Muña Barnes  
RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND

RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

**Resolution No. 30-37 (COR)**

**([http://www.guamlegislature.com/37th\\_Guam\\_Legislature/COR\\_Res\\_37th/Res%20No.%2030-37%20\(COR\).pdf](http://www.guamlegislature.com/37th_Guam_Legislature/COR_Res_37th/Res%20No.%2030-37%20(COR).pdf))** - Tina Rose Muña Barnes / Joe S. San Agustin / Frank Blas Jr. / Amanda L. Shelton / Therese M. Terlaje / Roy A. B. Quinata / William A. Parkinson / Telo T. Taitague / Joanne Brown / Jesse A. Lujan

RELATIVE TO SUPPORTING THE REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION AS OBSERVER AT THE WORLD HEALTH ORGANIZATION'S 76TH WORLD HEALTH ASSEMBLY AND TO REAFFIRM SUPPORT FOR THE REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION AS OBSERVER IN INTERNATIONAL ORGANIZATIONS.

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**(<mailto:senatormunabarnes@guamlegislature.org>)** or call 671-989-8762. Written testimony may be delivered to the Office of Vice Speaker Tina Muña Barnes at Suite 411 –134 West Soledad Avenue *Hagåtña*, GU 96910 or via email to **[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)** **(<mailto:senatormunabarnes@guamlegislature.org>)**.

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Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

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## INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

2 messages

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Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Fri, Feb 24, 2023 at

11:12 AM

To: Rodney Jacob <rjacob@calvofisher.com>

February 24, 2023

### MEMORANDUM

**TO:** Attorney Rodney Jacob

**FROM:** Vice Speaker Tina Rose Muña Barnes

**SUBJECT:** INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

---

*Buenas yan Håfa Adai!* Please be advised the Committee on Human Resources, *Hagåtña* Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology, and Federal and Foreign Affairs will convene a public hearing on **Thursday, March 2, 2023, at 9:00 a.m.** in the Public Hearing Room of the Guam Congress Building, on the following:

**Resolution No. 21-37 (COR)** - Tina Rose Muña Barnes

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### 2 attachments

**Agenda - March 2, 2023 at 9am.pdf**  
166K

**Invitation to Public Hearing -March 2, 2023\_Rodney Jacob.pdf**  
246K

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Rodney J. Jacob <rjacob@calvofisher.com>

Fri, Feb 24, 2023 at 12:11 PM

To: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Thank you – I will be there. Appreciate you thinking of me regarding this important issue.

Best regards, Rod

Rodney J. Jacob  
Calvo Fisher & Jacob LLP

259 Martyr Street, Suite 100

Hagatna, Guam 96910  
(671) 646-9355  
(671) 646-9403 facsimile  
[rjacob@calvofisher.com](mailto:rjacob@calvofisher.com)

[www.calvofisher.com](http://www.calvofisher.com)

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[Quoted text hidden]



Office of the Vice Speaker

## TINA ROSE MUÑA BARNES

*I Mina'trentai Siette na Liheslaturan Guåhan*

### 37<sup>th</sup> Guam Legislature

February 23, 2023

#### MEMORANDUM

**TO: Attorney Rodney Jacob**

**FROM: Vice Speaker Tina Rose Muña Barnes**

**SUBJECT: INVITATION TO PUBLIC HEARING** – Thursday, March 2, 2023, at 9:00 a.m.

---

*Buenas yan Håfa Adai!* Please be advised the Committee on Human Resources, *Hagåtña* Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs will convene a public hearing on **Thursday, March 2, 2023, at 9:00 a.m.** in the Public Hearing Room of the Guam Congress Building, on the following:

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RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

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Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

## Invitation to Testify for Resolution No. 21-37 (COR)

2 messages

Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Mon, Feb 27, 2023 at

12:16 PM

To: vanessa.salas@mail.house.gov, Trina.Apatang@mail.house.gov, Bobby.Shringi@mail.house.gov

February 27, 2023

**RE: Invitation to Testify for Resolution No. 21-37 (COR)**

Dear Congressman Moylan:

*Håfa Adai!* Thank you for your continued efforts in fighting for access to greater health care coverage and for your consistent efforts in exploring different avenues for our most vulnerable communities.

By cosponsoring H.R. 256, you have built partnerships with members in Congress that I know will be beneficial in fighting for Guam and the other Territories' right to Supplemental Security Income. I truly believe that sharing our stories with more members of Congress will be the push for obtaining the coverage our island deserves.

I humbly extend the invitation to you and your colleagues to provide testimony for [Resolution No. 21-37 \(COR\)](#) sponsored by myself which is "Relative to expressing the support of H.R. 256, introduced in the United States House of Representatives, which seeks to extend coverage of the Supplemental Security Income (SSI) Program to qualified individuals who reside on Puerto Rico, the United States Virgin Islands, Guam, and American Samoa."

The public hearing for Resolution No. 21-37 (COR) takes place **March 2, 2023, at 9 a.m. (CHST)**. The Committee looks forward to your attendance. *Si Yu'os ma'åse'*.



*Sinseru yan Minagåhet,*

**Office of the Vice Speaker • Tina Rose Muña Barnes**

Committee on Federal, Foreign & Regional Affairs, Innovation & Development, Human Resources & Public Libraries

37th Guam Legislature

I Mina'trentai Siette na Liheslaturan Guåhan

134 W. Soledad Avenue, Suite #411 | Hagåtña, GU 96910

[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)



Invitation to Testify - Res. No. 21-37 (COR).pdf

345K



Office of the Vice Speaker

**TINA ROSE MUÑA BARNES**

*I Mina'trentai Siette Na Liheslaturan Guåhan*

**37<sup>th</sup> Guam Legislature**

February 27, 2023

**The Honorable James C. Moylan**

1628 Longworth House Office Building

Washington, DC, 20515-5301

Phone: (202) 225-1188

***RE: Invitation to Testify for Resolution No. 21-37 (COR)***

Dear Congressman Moylan:

*Håfa Adai!* Thank you for your continued efforts in fighting for access to greater health care coverage and for your consistent efforts in exploring different avenues for our most vulnerable communities.

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*Sinseru yan Minagåhet*

**Tina Rose Muña Barnes**

**Vice Speaker, 37<sup>th</sup> Guam Legislature**



Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

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## INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

2 messages

---

Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Fri, Feb 24, 2023 at

11:00 AM

To: David Diamadi [REDACTED]

February 23, 2023

### MEMORANDUM

**TO:** David Diamadi

**FROM:** Vice Speaker Tina Rose Muña Barnes

**SUBJECT:** INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

---

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**Agenda - March 2, 2023 at 9am.pdf**  
166K

**Invitation to Public Hearing - March 2, 2023 - David Diamadi.pdf**  
241K

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David Diamadi [REDACTED]

Wed, Mar 1, 2023 at 12:35 AM



To: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Vice Speaker Office,

Thank you for the invite though I am still deployed off Island I will submit testimony/ statement on behalf of my daughter by COB, March 1st.

Thank you  
David Diamadi

Get [Outlook for iOS](#)

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**From:** Vice Speaker Tina Rose Muña Barnes <[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)>

**Sent:** Friday, February 24, 2023 4:00:53 AM

**To:** David Diamadi <[REDACTED]>

**Subject:** INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

[Quoted text hidden]



Office of the Vice Speaker

## TINA ROSE MUÑA BARNES

*I Mina'trentai Siette na Liheslaturan Guåhan*

### 37<sup>th</sup> Guam Legislature

February 23, 2023

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**FROM:** Vice Speaker Tina Rose Muña Barnes

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Office of the Vice Speaker

**TINA ROSE MUÑA BARNES**

*I Mina'trentai Siette na Liheslaturan Guåhan*

**37<sup>th</sup> Guam Legislature**

# AGENDA

Public Hearing Room

Guam Congress Building

Thursday, March 2, 2023, at 9:00 a.m.

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ANNOTATED, RELATIVE TO ENDING MARIJUANA DRUG TESTING.

**Bill No. 27-37 (COR)** - Tina Rose Muña Barnes  
AN ACT TO ADD A NEW SUBSECTION (m) TO SECTION 8501, ARTICLE 5, CHAPTER 8,  
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BENEFIT 1.75 RETIREMENT SYSTEM.

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Taitague, Dwayne T. D. San Nicolas, Chris Barnett, Jesse A. Lujan, Joanne Brown  
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L. Shelton / Therese M. Terlaje / Roy A. B. Quinata / William A. Parkinson / Telo T. Taitague / Joanne  
Brown / Jesse A. Lujan  
RELATIVE TO SUPPORTING THE REPUBLIC OF CHINA (TAIWAN)’S PARTICIPATION AS  
OBSERVER AT THE WORLD HEALTH ORGANIZATION’S 76TH WORLD HEALTH  
ASSEMBLY AND TO REAFFIRM SUPPORT FOR THE REPUBLIC OF CHINA (TAIWAN)’S  
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Office of the Vice Speaker  
**TINA ROSE MUÑA BARNES**  
*I Mina'trentai Siette na Liherlaturan Guahan*  
**37<sup>th</sup> Guam Legislature**

**Public Hearing Sign-in Sheet**

**Thursday, March 2, 2023 • 9 a.m. • Guam Congress Building**

**Resolution No. 21-37 (COR) – (Tina Rose Muña Barnes, Roy A. B. Quinata, William A. Parkinson, Joe S. San Agustin, Jesse A. Lujan, Dwayne T. D. San Nicolas, Frank Blas, Jr.) – “RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.”**

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
TOD/ACOB				x	[REDACTED]	[REDACTED]



Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

**FWD: Testimony for -INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.**

3 messages

David Diamadi [REDACTED] > Wed, Mar 1, 2023 at 7:26 AM  
To: "senatormunabarnes@guamlegislature.org" <senatormunabarnes@guamlegislature.org>  
Cc: [REDACTED] >

Vice Speaker Tina Rose Muña Barnes ,

Thank you again for the invitation, I definitely would have attended in person if I was not deployed off Island.

Attached you will find my written testimony, if necessary, I do provide authorization for it to be read during the Public hearing if that is even an option.

Please note that I have included Neil Weare from “Equally American” on this email thread for situational awareness as I have engaged with him in reference to SSI for the residents of the US Territories. Haley’s story was part of the “I am Jose” campaign in support of Mr. Vaello Madero (Supreme Court Case U.S. vs Jose L Vaello Madero).

Please let me know if you have any questions or concerns with the written Testimony.

Sincerely,

David

V/R

David Diamadi, TSgt, USAF  
NCOIC Acquisition & Delivery, Material Control  
379th Expeditionary Civil Engineering Squadron

[REDACTED]  
[REDACTED]

**From:** Vice Speaker Tina Rose Muña Barnes <[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)>

**Sent:** Friday, February 24, 2023 4:00:53 AM

**To:** David Diamadi <[REDACTED]>

**Subject:** INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

February 23, 2023

**MEMORANDUM**

**TO:** David Diamadi

**FROM:** Vice Speaker Tina Rose Muña Barnes

**SUBJECT:** INVITATION TO PUBLIC HEARING – Thursday, March 2, 2023, at 9:00 a.m.

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*Buenas yan Háfa Adai!* Please be advised the Committee on Human Resources, *Hagåtña* Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology, and Federal and Foreign Affairs will convene a public hearing on **Thursday, March 2, 2023, at 9:00 a.m.** in the Public Hearing Room of the Guam Congress Building, on the following:

**Resolution No. 21-37 (COR)** - Tina Rose Muña Barnes

RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

For individuals wishing to provide testimony, please contact our office by email at [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org) or call 671-989-8762. Written testimony may be delivered to the Office of Vice Speaker Tina Muña Barnes at Suite 411 –134 West Soledad Avenue *Hagåtña*, GU 96910 or via email to [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org).

In compliance with the American with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Vice Speaker Muña Barnes by phone call at 671-989-8762 or via email at [senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org).

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and online via *I Liheslaturan Guåhan's* live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm). A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. *Si Yu'os Ma'åse'!*



**Testimony Resolution NO 21-37 (COR) - Haley N Diamadi.pdf**

272K

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**Neil Weare** <[neilweare@gmail.com](mailto:neilweare@gmail.com)>

To: David Diamadi <[REDACTED]>

Cc: "senatormunabarnes@guamlegislature.org" <[senatormunabarnes@guamlegislature.org](mailto:senatormunabarnes@guamlegislature.org)>, [REDACTED]

[REDACTED]

Wed, Mar 1, 2023 at 9:07 AM

Thanks David for looping me into this, and thank you Vice Speaker for your continued advocacy and engagement on these issues.

SSI continues to be a priority for us as we press the White House and Congress - see attached for a letter I sent to President Biden last week and testimony I submitted to the Senate Energy and Natural Resources Committee. Also working on engaging with allies in the House. While a split Congress makes these issues harder to move forward, SSI is something that should in theory be able to rise above politics.

David - I'll follow up with you separately on some new projects we have in the works that I think you could be interested in. Very powerful testimony.

[Quoted text hidden]

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Neil Weare



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## 2 attachments



**EA Letter to President Biden re 125th Anniversary Opportunities 2.24.2023.pdf**

192K



**Weare, Senate ENR Testimony, U.S. Territories Hearing, 02.09.2023.pdf**

128K

**Vice Speaker Tina Rose Muna Barnes**

**Committee** on Human Resources, Hagatna Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology, and Federal & Foreign Affairs.

**Resolution NO. 21-37 (COR) -**

RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAM

**Thursday, March 2, 2023 @ 0900**

**Public Hearing Room, Guam Congress Building**

**IN SUPPORT**

My name is David Diamadi and on behalf of my daughter Haley Nicole Diamadi I am submitting written testimony in support of Resolution NO. 21-37 (COR) and H.R. 256. I want to thank Vice Speaker Muna Barnes for the invitation and would like to note for the record that had I not been off-island on a deployment with my Air National Guard unit I would surely have been here today in-person.

My daughter Haley is an 18 year old young woman with Down Syndrome, falls on the Autism Spectrum, has ADHD and is considered to be "Severe" as related to her Intellectual Disability, as a result of her challenges she requires 24/7 adult supervision. As much as my wife and I would love to see Haley continue to develop and transition into an "independent" adult the reality is that this will never occur and as parents coming to terms with this reality over the years has heartbreaking.

Returning to Guam to raise Haley was not an extemporaneous decision, it was a well vetted choice that my wife with support of Haley's doctors & therapist in Florida made 15 years ago. The significant factor in returning to Guam was family, my wife is a native of Agana Heights with 7 siblings, at the time Haley had none thus the idea of raising Haley among a huge family on Guam just made sense, she would grow and mature in a very safe and accepting environment with a plethora of loving aunts, uncles, nieces, nephews and cousins ready to take turns hugging on her. She makes you Ma'goddai.

I sincerely believe our decision to relocate back to Guam to raise Haley was the correct decision but now that Haley has reach adulthood we are reconsidering if we should stay. My well "vetted" choice 15 years ago included some assumptions, receiving Supplemental Security Income (SSI) at age 18 was one of those. For my family and from my perspective the current circumstances surrounding SSI makes no sense, Haley is a US Citizen, my wife and I are very responsible, tax paying, law abiding members of our community, I am approaching 21 years of combined Active Duty / National Guard military service, I work for the Federal Government (DoD) but yet my daughter is not eligible for a federal level benefit her stateside disabled counterparts receive because our zip code is 96910. Ironically, if our zip code was 96950 (Saipan) Haley would qualify for SSI. During the Supreme Court oral arguments in the Vaello Madero case, the federal government argued against the US Territories, to paraphrase, they made the



argument that residents of US Territories do not pay into the federal tax coffers, but the reality is the overwhelming majority of our stateside disabled brothers and sisters who collect SSI don't pay federal taxes either. In addition, I beg to differ on the claim residents do not pay into federal coffers, some do. Both my federal and military wages are federally tax, those taxes are subsequently returned to the Government of Guam in the form Section 30 funds, thus technically a growing number of us on the Island actually pay into the federal tax coffers. Again, the rationale to exclude our disabled family members on the island makes no rationale sense.

How would SSI impact Haley and our family? For many families who raise and care for special needs individuals there are financial burdens associated with their care that for many of us will never cease, in addition there is often an emotional / mental toll that comes with this responsibility and this itself can be exasperated by the financial pressures bestowed on our families. Though my wife and I have successful careers, we are older parents (52/56) that "need" to plan for taking care of Haley for the next 40+ years, this will likely include a modest period of time after my wife and I pass. "Who" will carry on that responsibility is a question every parent of a disabled child has to ask and plan for, and at what cost. SSI would not only assist in covering and improving Haley's day to day quality of life today, it will also allow for us to save and plan for her long-term care thereby reducing any financial burdens that her "future" guardians may experience.

We would like Haley to remain on Guam, the only home she really knows surrounded by family and friends who love and adore her but this might not be financially feasible, between the cost of living on Guam and the lack of federal benefits / programs the decision to remain on Guam will be a tough one to justify in the coming years.

In closing I would like to again offer my support of **Resolution NO. 21-37 (COR)** and ask that all of you in support of the this resolution to ask your stateside family and friends to reach out to their elected leaders and ask for their support of **H.R. 256** , our disabled citizens deserve to be treated as "equals" to our state side brothers and sisters.

Thank you

**David Diamadi**



February 24, 2023

Dear President Biden:

This year marks 125 years since the United States shifted away from the anti-colonial principles of its Founding to establish an overseas colonial empire following the 1898 Spanish-American War. As we approach this milestone, you and your administration have the opportunity to take historic action to (1) formally recognize that the colonial relationship between the United States and its territories is a problem that needs to be solved; and (2) take action to begin dismantling the racist colonial framework established by the Supreme Court’s decisions in the *Insular Cases* through a process centered on self-determination.

Where we find ourselves today was never inevitable. On July 28, 1898, just days after U.S. forces landed in Puerto Rico, General Nelson A. Miles proclaimed that America’s occupation was motivated by “liberty, justice, and humanity,” promising the people of Puerto Rico “the immunities and blessings of the liberal institutions of our Government.” On December 10, 1898, the United States signed the Treaty of Paris, ending its war with Spain and simultaneously acquiring sovereignty over Puerto Rico, Guam, and other Spanish colonies. In doing so, the United States promised that “[t]he civil rights and political status of the native inhabitants” of these newly acquired overseas U.S. territories would “be determined by Congress.”

Now, nearly 125 years later, the 3.6 million residents of Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands – 98% of whom are people of color – continue to wait for these promises to be kept, and for the United States to live up to its own Founding ideals. Unable to vote for President and without voting representation in Congress, residents of U.S. territories are treated as “separate and unequal” because of the *Insular Cases*, a series of racist, segregation-era Supreme Court decisions. At the same time, the federal government has failed to provide the people of these areas a meaningful opportunity to exercise their right to self-determination, despite the obligation to do so under both international law and our country’s own ideals.

In June 2021, you [expressed](#) in response to the denial of Supplemental Security Income (SSI) benefits to residents of U.S. territories that “there can be no second-class citizens in the United States of America.” Your administration has made important progress toward that goal by helping to close Medicaid funding disparities in U.S. territories, extending the Child Tax Credit, expanding the Earned Income Tax Credit, improving federal disaster response, addressing many economic and infrastructure needs in the territories, and more. Another significant step forward is the recent inclusion – for the first time – of “persons who live in United States Territories” under the Administration’s definition of “equity” in your Executive Order on Further Advancing Racial Equity and Support for Underserved Communities.

But in other ways, your administration has fallen short – *sometimes far short* – of the values you have expressed. This year, more than 400 thousand low-income elderly and disabled U.S.

citizens living in the territories will continue to be denied SSI benefits because your Department of Justice defended this discrimination before the Supreme Court, breaking a promise you made during your presidential campaign. While you included the extension of SSI benefits to U.S. territories in your budget request to Congress, ultimately this did not become law. Your Justice Department has also continued to embrace the indefensible *Insular Cases*, expressly opposing calls for the Supreme Court to overrule them and even arguing that people born in U.S. territories have no constitutional right to U.S. citizenship at all.

In your recent State of the Union Address, you declared that, “[w]ith democracy, everything is possible. Without it, nothing is.” Simply put, democracy is incompatible with colonialism. And as jarring as the word “colony” or “colonial” may be to most Americans, this is simply a factual description of the relationship between the United States and its overseas territories for approaching 125 years. If anything, the word “colony” has become *more, not less*, of an accurate description over the last 5-10 years following a string of Supreme Court decisions reinforcing largely unrestricted federal power over the territories, the passage of the undemocratic Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), and the federal government’s response to Hurricanes Irma and Maria in Puerto Rico and the U.S. Virgin Islands.

As you noted in your State of the Union Address, “[e]very generation of Americans has faced a moment where they have been called on to protect our democracy, to defend it, to stand up for it. And this is our moment.” 125 years of colonialism is enough. We are, indeed, at an “inflection point,” and “the decisions we make now will decide the course of this nation and of the world for decades to come.” We are not, as you have observed, “bystanders to history.” The United States can, and should, acknowledge where it has failed to live up to its founding ideals and correct course, just as your administration has worked hard to do in other areas of equity and inclusion.

Ultimately, the many ways the 3.6 million residents of U.S. territories continue to be treated like second-class citizens are merely symptoms of something broader: a colonial problem that the United States must first recognize if it is to have any chance of addressing. It is no longer sufficient to simply acknowledge that residents of U.S. territories face unequal treatment and discrimination. The United States must recognize it has colonies and that this is a problem that demands urgent action to solve.

As the United States approaches 125 years of overseas empire on **December 10, 2023**, we offer the following recommendations:

### **Recognize the U.S. has Colonies and that This is a Problem that Demands Resolution**

As we approach 125 years since the United States established an overseas empire in 1898, it is time to formally recognize that the United States has colonies and that this is a problem that warrants serious and urgent action to resolve through a process of self-determination. While recognizing situations where the United States falls short of its ideals is never comfortable, sometimes uncomfortable conversations are necessary. Historically, there are times U.S. presidents have taken leadership to help the country grapple with situations it is not proud of. In 1988, President Reagan [recognized](#) the United States was wrong to intern Japanese Americans during World War II based “solely on race.” In 1993, President Clinton [apologized](#) to Native Hawaiians a century after the United States overthrew the Kingdom of Hawaii, recognizing “the deprivation of the rights of Native Hawaiians to self-determination.” In 1997, President Clinton

[apologized](#) to the survivors of the Tuskegee experiment, calling it “a study so clearly racist.” 125 years is a long time - more than half as long as the United States has existed. It is time for the United States to return to its anti-colonial roots and recognize that its racist colonial experiment has gone on long enough.

### **Condemn the *Insular Cases* and the Colonial Framework they Established**

The shift from a United States that was founded on anti-colonial ideals to one that has now held colonies for almost 125 years is a result of a series of Supreme Court cases known as the *Insular Cases*. Decided by nearly the same court that decided *Plessy v. Ferguson*, the Supreme Court in the *Insular Cases* labeled residents of overseas territories “alien races” and “savages” as justification for denying them constitutional rights and the promise of any future political participation. The *Insular Cases* have been widely condemned by liberals and conservatives alike. Justice Neil Gorsuch recently [declared](#) the *Insular Cases* “deserve no place in our law” because they “have no foundation in the Constitution and rest instead on racial stereotypes.” Justice Sonia Sotomayor [agreed](#), emphasizing they “were premised on beliefs both odious and wrong.”

Nonetheless, you and your administration have to date avoided calls to condemn the racist *Insular Cases* and the colonial framework they established.<sup>1</sup> To the contrary, your Justice Department has in fact *opposed* calls for the Supreme Court to overrule the *Insular Cases*.<sup>2</sup> As the U.S. colonial experiment approaches 125 years, we urge you to finally condemn the racist *Insular Cases* as a matter of policy. Further, you should instruct the Justice Department to no longer rely on this irredeemable precedent in court filings, much as President Obama did in 2011 with respect to [recognizing](#) the unconstitutionality of the Defense of Marriage Act based on “a documented history of discrimination,” or the Justice Department did that same year in [confessing error](#) with respect to *Korematsu v. United States*, a decision it noted “still stand[s] today as a reminder of the mistakes of that era.” Following these actions by President Obama and his Justice Department, the Supreme Court went on to recognize a constitutional right to marriage equality and overrule *Korematsu*. Presidential leadership matters.

### **Improve Data Equity and Digital Services for Residents of U.S. Territories.**

The invisibility and marginalization of residents of U.S. territories are compounded because they are too often excluded from important U.S. census and federal statistical programs.<sup>3</sup> Further, government digital services are often not designed to accommodate the unique needs of territorial residents, sometimes leaving them out altogether.<sup>4</sup> This is something you and your Administration have the power to change without any additional action from Congress. We urge your administration to convene together federal officials, stakeholders from each territory, and outside experts to create a formal process examining the ways that territorial residents—the vast majority of whom are communities of color—are excluded from federal data collection and digital services and how this exclusion impacts those communities. From there, we encourage

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<sup>1</sup> [Letter from Members of Congress to President Biden](#), July 12, 2023; [Letter from Civil Rights Groups to Attorney General Garland and Solicitor General Prelogar](#), February 10, 2022.

<sup>2</sup> Robert Barnes, [Biden administration urges Supreme Court not to take citizenship case](#), Washington Post, August 29, 2022.

<sup>3</sup> Jae June Lee, Cara Brumfield, and Neil Weare, [Advancing Data Equity for U.S. Territories](#), November 29, 2022.

<sup>4</sup> Meghan O’Meara and Scott Reuber, [10x Phase 1 Final Report - Improving Government Digital Service Delivery to U.S. Territories](#), June 29, 2022.

you to build on a [1992 Presidential Memorandum](#) focused on closing gaps on the disparate treatment of Puerto Rico to strengthen the standards, policies, and norms that govern federal departments and agencies regarding the treatment of U.S. territories in the statistical system as a whole. Finally, we urge your administration to prioritize improvements to digital services for residents of U.S. territories as part of your broader efforts to improve equity in the federal government, including through the measures created in your recent Executive Order.

### **Continue Promoting Equity for U.S. Territories in Federal Benefits Programs**

Living in a U.S. territory should not mean losing access to federal benefits programs that every other community in the United States is able to take for granted. We urge you to continue including in your budget and advocating for Congress to act to achieve full parity for residents of U.S. territories when it comes to critical programs such as Supplemental Security Income (SSI), the Supplemental Nutrition Assistance Program (SNAP), closing remaining gaps in the Medicare and Medicaid programs, and increasing funding for federal matching for the Earned Income Tax Credit (EITC). While the Supreme Court held in *United States v. Vaello Madero* that residents of U.S. territories do not have a constitutional right to be treated equally to their fellow citizens living elsewhere in the United States when it comes to basic social safety net programs, it is immoral to exclude vulnerable U.S. citizens from these programs based solely on where they happen to live.

### **Wind Down PROMESA and Return Local Governance to Puerto Rico**

The most visible example of the colonial framework governing U.S. territories today is the undemocratic and unaccountable financial oversight board created in 2016 under the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA). With much of the process for restructuring Puerto Rico's public debt and liabilities now complete and the "break glass" emergency now past, the democratic deficiencies inherent in PROMESA can no longer be justified, if they ever could be. It is time to reexamine the standards for winding down PROMESA to ensure a quick and orderly transition to returning democratic governance over local affairs to the people of Puerto Rico, where it belongs.

In conclusion, as the United States approaches 125 years of overseas empire, you and your administration have an historic opportunity to shift the federal mindset from simply making improvements to the colonial status quo to dismantling it altogether. America's failed colonial experiment has lasted long enough. It is time we return back to the unequivocal rejection of colonialism our nation was founded upon.

Sincerely,



Neil C. Weare  
President and Founder

cc: Ambassador Susan E. Rice, Director of the Domestic Policy Council  
Stuart Delery, White House Counsel  
Julie Chavez Rodriguez, Director of Intergovernmental Affairs

**Senate Committee on Energy and Natural Resources**  
**Full Committee Hearing to Discuss the State of the U.S. Territories**  
**February 9, 2023**

Chairman Manchin, Ranking Member Barrasso, distinguished Committee members:

Thank you for making it a priority to hold a hearing on the state of U.S. territories at the start of this new Congress. I am Neil Weare, and I am the President and Founder of Equally American. We seek to obtain full constitutional rights, and economic and political equality for residents of U.S. territories while also supporting their right to determine their own future relationship to the United States through a democratic process of self-determination.

What is the state of U.S. territories? Unfortunately, if I had to describe it in a word, that word would be “**colonial**.” As jarring as the word “colony” or “colonial” may be to most Americans, this is simply a factual description of the relationship between the United States and its overseas territories since 1898. If anything, the word “colonial” has become *more, not less*, of an accurate description over the last 5-10 years following a string of Supreme Court decisions reinforcing largely unrestricted federal power over the territories, the passage of the undemocratic Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), and the federal government’s response to Hurricanes Irma and Maria in Puerto Rico and the U.S. Virgin Islands.

We now find ourselves at a crossroads where the United States and each of the territories must decide whether to continue forward with this failed colonial experiment, or to recognize the colonial framework governing U.S. territories is a problem that urgently needs to be addressed.

This year marks 125 years since the United States chose to ignore the anti-colonial principles of its Founding to establish an overseas colonial empire following the 1898 Spanish-American War. As we approach this regrettable milestone, Congress has the opportunity to take historic action to (1) formally recognize that the colonial relationship between the United States and its territories is a problem that urgently needs to be solved; and (2) take action to begin dismantling the racist colonial framework established by the Supreme Court’s decisions in the *Insular Cases* through a process centered on self-determination.

Where we find ourselves today was never inevitable. On July 28, 1898, just days after U.S. forces landed in Puerto Rico, General Nelson A. Miles proclaimed that America’s occupation was motivated by “liberty, justice, and humanity,” promising the people of Puerto Rico “the immunities and blessings of the liberal institutions of our Government.” On December 10, 1898, the United States signed the Treaty of Paris, ending its war with Spain and simultaneously acquiring sovereignty over Puerto Rico, Guam, and other Spanish colonies. In doing so, the United States promised that “[t]he civil rights and political status of the native inhabitants” of these newly acquired overseas U.S. territories would “be determined by Congress.”

Now, nearly 125 years later, the 3.6 million residents of Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands – 98% of whom are people

of color – continue to wait for these promises to be kept, and for the United States to live up to its own Founding ideals. Unable to vote for President and without voting representation in Congress, residents of U.S. territories are treated as “separate and unequal” because of the *Insular Cases*, a series of racist, segregation-era Supreme Court decisions. At the same time, the federal government has failed to provide the people of these areas a meaningful opportunity to exercise their right to self-determination, despite the obligation to do so under both international law and our country’s own ideals.

In June 2021, President Biden [expressed](#) in response to the denial of Supplemental Security Income (SSI) benefits to residents of U.S. territories that “there can be no second-class citizens in the United States of America.” Since then, the President and Congress have made important progress toward that goal by helping to close Medicaid funding disparities in U.S. territories, extending the Child Tax Credit, expanding the Earned Income Tax Credit, improving federal disaster response, addressing many economic and infrastructure needs in the territories, and more.

But in other ways, the President and Congress have fallen short – *sometimes far short* – of these values. This year, more than 400 thousand low-income elderly and disabled U.S. citizens living in the territories will *continue* to be denied SSI benefits. This follows a missed opportunity where Congress could have extended SSI benefits to residents of U.S. territories in anticipation of a Supreme Court decision that ultimately recognized it was the role of Congress, not the courts, to address questions of federal benefits disparities in U.S. territories. The U.S. Justice Department has also continued to embrace the indefensible *Insular Cases*, expressly opposing calls for the Supreme Court to overrule them and even arguing that people born in U.S. territories have no constitutional right to U.S. citizenship at all. A U.S. House Resolution that would have condemned the *Insular Cases* failed to pass despite robust, bipartisan support, and no such resolution was even introduced in the U.S. Senate.

In his recent State of the Union Address, President Biden declared that, “[w]ith democracy, everything is possible. Without it, nothing is.” Simply put, democracy is incompatible with colonialism. But as President Biden went on to explain, “[e]very generation of Americans has faced a moment where they have been called on to protect our democracy, to defend it, to stand up for it. And this is our moment.” 125 years of colonialism is enough. We are, indeed, at an “inflection point,” and “the decisions we make now will decide the course of this nation and of the world for decades to come.” We are not, as President Biden observed, “bystanders to history.” We can, and should, acknowledge where we have failed to live up to our Nation’s founding ideals and correct course.

Ultimately, the many ways the 3.6 million residents of U.S. territories continue to be treated like second-class citizens are merely symptoms of something broader: a colonial problem that the United States must first recognize if it is to have any chance of addressing. It is no longer sufficient to simply acknowledge that residents of U.S. territories face unequal treatment and discrimination. The United States must recognize it has colonies and that this is a problem that demands urgent action to solve.

As you map out the priorities for your Committee over the next two years, we offer the following recommendations:

## **Recognize the U.S. has Colonies and that This is a Problem that Urgently Needs to be Solved**

As we approach 125 years since the United States established an overseas empire in 1898, it is time to formally recognize that the United States has colonies and that this is a problem that warrants serious and urgent action to resolve through a process of self-determination. While recognizing situations where the United States falls short of its ideals is never comfortable, sometimes uncomfortable conversations are necessary. Historically, there are times Congress has taken bipartisan leadership to help the country grapple with situations it is not proud of. In 1988, Congress and President Reagan [recognized](#) the United States was wrong to intern Japanese Americans during World War II based “solely on race.” In 1993, Congress and President Clinton [apologized](#) to Native Hawaiians a century after the United States overthrew the Kingdom of Hawaii, recognizing “the deprivation of the rights of Native Hawaiians to self-determination.” In 2009, Congress [apologized](#) to Native Peoples “for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States.” That year the U.S. Senate also adopted a concurrent resolution [apologizing](#) to African-Americans “for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws,” mirroring language passed in a House Resolution the prior year. 125 years is a long time - more than half as long as the United States has existed. It is time for the United States to return to its anti-colonial roots and recognize that its racist colonial experiment has gone on long enough.

## **Condemn the *Insular Cases* and the Colonial Framework they Established**

The shift from a United States that was founded on anti-colonial ideals to one that has now held colonies for almost 125 years is a result of a series of Supreme Court cases known as the *Insular Cases*. Decided by nearly the same court that decided *Plessy v. Ferguson*, the Supreme Court in the *Insular Cases* labeled residents of overseas territories “alien races” and “savages” as justification for denying them constitutional rights and the promise of any future political participation. The *Insular Cases* have been widely condemned by liberals and conservatives alike. Justice Neil Gorsuch recently [declared](#) the *Insular Cases* “deserve no place in our law” because they “have no foundation in the Constitution and rest instead on racial stereotypes.” Justice Sonia Sotomayor [agreed](#), emphasizing they “were premised on beliefs both odious and wrong.”

Nonetheless, the U.S. Department of Justice has to date avoided calls to condemn the racist *Insular Cases* and the colonial framework they established.<sup>1</sup> To the contrary, the Justice Department has in fact *opposed* calls for the Supreme Court to overrule the *Insular Cases*.<sup>2</sup> In May 2021, the House Committee on Natural Resources held an historic, first-ever congressional [hearing](#) focused on formally condemning the *Insular Cases* and the colonial framework they established. Unfortunately, the House did not act despite bipartisan support, and no similar resolution has so far been considered in the U.S. Senate. As the failed U.S. colonial experiment approaches 125 years, we urge both chambers of Congress to finally condemn the racist *Insular Cases* in unequivocal terms.

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<sup>1</sup> [Letter from Members of Congress to President Biden](#), July 12, 2023; [Letter from Civil Rights Groups to Attorney General Garland and Solicitor General Prelogar](#), February 10, 2022.

<sup>2</sup> Robert Barnes, [Biden administration urges Supreme Court not to take citizenship case](#), Washington Post, August 29, 2022.



## **Improve Data Equity and Digital Services for Residents of U.S. Territories.**

The invisibility and marginalization of residents of U.S. territories are compounded because they are too often excluded from important U.S. census and federal statistical programs.<sup>3</sup> Further, government digital services are often not designed to accommodate the unique needs of territorial residents, sometimes leaving them out altogether.<sup>4</sup> We urge Congress to ask the Government Accountability Office (GAO) to comprehensively examine the ways that territorial residents—the vast majority of whom are communities of color—are excluded from federal data collection and digital services and how that exclusion impacts those communities. Based on that information, Congress could work with President Biden to build on a [1992 Presidential Memorandum](#) that was limited to Puerto Rico to strengthen the standards, policies, and norms that govern federal departments and agencies regarding the treatment of U.S. territories in the statistical system as a whole. Finally, Congress could work with the President to prioritize improvements to digital services for residents of U.S. territories as part of broader efforts to improve equity in the federal government.

## **Continue Promoting Equity for U.S. Territories in Federal Benefits Programs**

Living in a U.S. territory should not mean losing access to federal benefits programs that every other community in the United States is able to take for granted. We urge Congress to take the final steps to achieving full parity for residents of U.S. territories when it comes to critical programs such as Supplemental Security Income (SSI), the Supplemental Nutrition Assistance Program (SNAP), closing remaining gaps in the Medicare and Medicaid programs, and increasing funding for federal matching for the Earned Income Tax Credit (EITC). While the Supreme Court held in *United States v. Vaello Madero* that residents of U.S. territories do not have a constitutional right to be treated equally to their fellow citizens living elsewhere in the United States when it comes to basic social safety net programs, it is immoral to exclude vulnerable U.S. citizens from these programs based solely on where they happen to live.

## **Wind Down PROMESA and Return Local Governance to Puerto Rico**

The most visible example of the colonial framework governing U.S. territories today is the undemocratic and unaccountable financial oversight board created in 2016 under the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA). With much of the process for restructuring Puerto Rico’s public debt and liabilities now complete and the “break glass” emergency now past, the democratic deficiencies inherent in PROMESA can no longer be justified, if they ever could be. It is time to reexamine the standards for winding down PROMESA to ensure a quick and orderly transition to returning democratic governance over local affairs to the people of Puerto Rico, where it belongs.

In conclusion, as the United States approaches 125 years of overseas empire, Congress has an historic opportunity to shift the federal mindset from simply making improvements to the colonial status quo to dismantling it altogether. America’s failed colonial experiment has lasted long enough. It is time we return back to the unequivocal rejection of colonialism our nation was founded upon.

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<sup>3</sup> Jae June Lee, Cara Brumfield, and Neil Weare, [Advancing Data Equity for U.S. Territories](#), November 29, 2022.

<sup>4</sup> Meghan O’Meara and Scott Reuber, [10x Phase 1 Final Report - Improving Government Digital Service Delivery to U.S. Territories](#), June 29, 2022.



Office of the Vice Speaker  
**TINA ROSE MUÑA BARNES**  
*I Mina'trentai Siette na Liheslaturan Guåhan*  
**37<sup>th</sup> Guam Legislature**

## **AUTHOR'S REPORT DIGEST**

### **I. OVERVIEW**

**Resolution No. 21-37 (COR)** was introduced on January 31, 2023, by Tina Rose Muña Barnes, Roy A. B. Quinata, William A. Parkinson, Joe S. San Agustin, Jesse A. Lujan, Dwayne T. D. San Nicolas, Frank Blas, Jr. The Resolution was subsequently referred by the Committee on Rules to the Author, Vice Speaker Tina Rose Muña Barnes on February 1, 2023.

The Author convened a public hearing on Resolution No. 21-37 (COR) on March 2, 2023, in *I Liheslatura's* Public Hearing Room (Guam Congress Building). The Public Hearing began at 9 a.m. and was adjourned at 11:17 a.m. Resolution No. 21-37 (COR) was heard at 9:19 a.m.

#### **Public Notice Requirements**

In accordance with the Open Government Law, public notices for the Public Hearing were disseminated via e-mail to all senators and all main media broadcasting outlets on February 23, 2023 (5-Day Notice), and on February 28, 2023 (48-Hour Notice). The public notice was also posted on the Guam Legislature website.

#### **Senators Present**

**Chairperson Tina Rose Muña Barnes**  
**Joe S. San Agustin**  
**William A. Parkinson**  
**Thomas J. Fisher**  
**Joanne Brown**  
**Telo T. Taitague**

#### **Appeared Before the Committee**

Attorney Rodney Jacob

#### **Submitted Written Testimony**

David Diamadi  
Neil Weare

### **II. SUMMARY OF TESTIMONY AND DISCUSSION**

The public hearing for Resolution No. 21-37 (COR) convened at 9 a.m.

**Chairperson Tina Rose Muña Barnes:** Ladies and gentlemen adding on to that shift, I will pull Resolution 21-37 (COR) to the front, which is “Relative to expressing the support of H.R. 256 as introduced in the United States House of Representatives, which seeks to extend the coverage of the Supplemental Security Income (SSI) program to qualified individuals who reside on Puerto Rico, the United States Virgin Island, Guam, and American Samoa.” And at this time, I will invite Attorney Rodney Jacob. Anyone else? He's the only one I have on. There's anyone else who wants to speak on the resolution on SSI, please don't hesitate to do so and come up. I will do my sponsor statement and then yield over to Attorney Jacob.

So, I've, ladies and gentlemen and colleagues, I've introduced Resolution 21-37 to express Guam Legislature support on behalf of the people of Guam for H.R. 256, which would extend Supplemental Security Income to the territories. SSI provides critical support for the vulnerable in our community by ensuring that they have the resources they need to get the care they need. As Chairperson for the Committee of Federal and Foreign Affairs, I've had a few meetings with our Congressman, Delegate Moylan, and I'm grateful that he is committed to continue advocating for this important issue to achieve parity for our residents. Unfortunately, the Delegate had some changes in his schedule, as the House is currently in session and won't be able to join us today. I can talk on and on about the injustice that not extending SSI to the territories mean, but I think it would be better to hear from those impacted by it most directly.

We have with us today, colleagues and ladies and gentlemen, Attorney Rodney Jacob, who represented the Schaller twins whom are both no longer with us today but fought this fight all the way to the Supreme Court. Also, while not physically with us here as he is currently deployed, my colleagues, you have a copy of Mr. Diamadi's testimony. Mr. Diamadi has spent over 20 years serving in our country and made the choice to come back to Guam to raise his daughter. Unfortunately, when he moved home so that his child could be with family, the critical support his daughter needed ceased. As I committed to Attorney Jacob last term and Mr. Diamadi, when I heard his story, this is something that I know firsthand needs to be rectified. And I reiterate my sincere thanks to our Congressman Moylan, who has committed to keep this fight going with me. And with that being said, I'd like to now begin the segment of the hearing and accept testimony and invite anybody else who's in the audience here if they want. Please don't hesitate to check our staff at the front door and to support the measure. But at this time, Attorney Rodney Jacob. *Manana Si Yu'os*, you may proceed.

**Attorney Rodney Jacob:** Thank you and good morning, Vice Speaker Muña Barnes and all our senators and those watching this hearing. Thank you so much for inviting me to give testimony today. This is really, really important to us on Guam and personally, I've been at it for 15 to 16 years. I've been before this body before to tell this story, which I'll

tell a little bit about again, but I want to tell you about the chapter that has unfolded since I've been here last, most particularly, I want to give one concrete example about why SSI matters here at home. As the Vice Speaker indicated, I was one of the lawyers who brought suit in the District Court of Guam to rectify this grave injustice to the late Katrina Schaller and her twin sister Leslie. That case was in the District Court in Pennsylvania. They are the sisters and brother-in-law of Kim Fegurur and Dr. John Fegurur. And John... Dr. John and Kim were her guardians. I just have to say I am grateful to you all and this body for continuing to tell this story. It's so important.

SSI is a program that provides financial assistance to low income, elderly, disabled, and blind Americans. It supports millions of qualified Americans throughout the 50 states, the District of Columbia, and the CNMI. This legislature found that should Congress extend SSI benefits to us, some 24,000 of our residents would be eligible for benefits. Katrina and her twin sister Leslie were born in Pennsylvania in 1970. During their lives, they both had myotonic dystrophy, which is a debilitating and incurable genetic disease that causes long term degeneration of muscle function.

For most of their life and her life, Katrina lived with mom in Pennsylvania, and when mom died in October of 2007, Katrina had no other living relatives, none who could care for her except for her sister Kim and brother-in-law, Dr. Fegurur, who live up in *Sinajaña*. There was nobody else. And you all, and we all probably know this, not only do they live in *Sinajaña*, but Dr. Fegurur was born here. He was raised here. He went to FD, he went to UOG. He's got five brothers and sisters, and he's part of a really large, deep-rooted family here. And he's a great doctor. He was the product of many high-profile residency programs and could have had his choice of any medical career in the mainland or Hawaii, but he chose home and he and Kim raised their three beautiful sons here who are now in college and graduate school. But that choice to come home by Dr. Fegurur would mean many years later that his family would have to make an anguishing choice because of the discriminatory application of SSI to Guam.

When they told the social security official in Pennsylvania that Katrina had to relocate to Guam for her care, the official told her the Social Security Administration would terminate Katrina's benefits. And if she moved, they would end because Guam is not eligible. In fact, in the statute, Guam's not part of the United States. Just so I'm clear about that. In our national laws, Guam is not part of the United States for SSI. So, she came to live with the Fegurur's, lost her benefits in 2009, and what's even more heartbreaking is the story about her twin sister Leslie, who had the same debilitating condition and until her passing in 2021, all they wanted was to see each other again. But with SSI, you can't travel out of the United States for more than 30 days, and Leslie couldn't travel with her condition for more than 30 days this distance. And she would've lost her benefits because

Guam is outside of the United States for purposes of this law, and she was physically incapable of making that trip. But all they wanted was a reunion.

And sadly, their dream never came true. As Leslie passed away in September and Katrina passed away eight weeks later. I believe of heart sickness for the loss of her twin sister. They're together in heaven, but they were never able to be reunited here on Guam. So I say repeatedly, and I know you share this, but is the situation unfair? Well, of course it is. You know, is it wrong, without question and is it discriminatory? Absolutely. But the point I wanted to bring to this body again, and I know the point that this body is amplifying to the Congress is it's not hypothetical for us. It's real, it's concrete, it matters. And with Chief Judge Tydingco Gatewood found that the United States application of SSI to Katrina violated the equal protection clause of the US Constitution. We were really, really elated because we finally got justice, but as the resolution notes that that was quickly dashed.

Judge Gatewood found that it was discriminatory because our brothers and sisters in the CNMI get it, and we're just 60 miles difference to Rota. And she said that didn't pass the rational basis test which is the constitutional test for testing these kinds of issues. But she recognized the unfairness. The US fought us every step of the way. My co-counsel was a big law firm in Washington D.C. We did it pro bono. But you imagine the kind of fight it took to take on the United States in this issue. What happened since is, the Supreme Court sided with the United States on the same issue out of Puerto Rico, and very soon thereafter, when Katrina and Leslie passed the Ninth Circuit, rather than get to the decision ordered that Judge Gatewood decision be vacated as if it never existed.

We fought that too. We asked the circuit to decide the case because it was of such public importance, but they chose to vacate it. Yeah, I'm mad about it. You probably can tell. I mean, you bet I am. But rather than get mad, the important thing to do is to keep fighting and therefore, just to cap this off, I am really grateful because you all haven't given up and people in Congress haven't given up, and we just have to keep advocating and fighting, even if we take it on the chin once in a while because it's that important. So I want to just close with one other thought. It comes at this issue a different way. Clearly, I believe this is an unconstitutional application as to us Americans on Guam, it's just not right. And I'm gonna keep fighting. But at a time where we are an unprecedented buildup for the United States military and they are asking us to support our bases, our country's bases on Guam, how do we support in the most effective, efficient way when the very safety net programs that are designed to get people in the workforce aren't applicable to us?

So, I say as an additional reason at this time in our history, we need to let our country know that as they rely on our community to support our national defense. We need these

critical programs so that families that have a disabled member in their home have the resources for care so they can go out into the workforce and support our greater effort. So with that, thank you so much. Thank you for hearing this early. I had an appointment at 11 that I couldn't break, so I very much appreciate being out of order. And Vice Speaker, my condolences, again to you and your family and to Senator Terlaje's family. Thank you.

**Chairperson Tina Rose Muña Barnes:** *Si Yu'os Ma'åse*, Attorney Jacob. Thank you for your continued efforts in supporting this resolution and the fight that you will continue to do to support our island of Guam. You've done it from the heart, so many, so many years. And you don't wanna stop. So, from me to you, *Un Dangkulu na Si Yu'os Ma'åse*. I will yield colleagues to Senator Joe San Agustin for any comments or a question.

**Senator Joe S. San Agustin:** Thank you, Madam Chair. And thank you again for the resolution and thank you Attorney Jacob for what you've done. And you're right. We... Guam is being the host, major buildup. The United States government has to turn around and just allow the SSI, you know, it's exactly what you said. And even the statement, the testimony of Mr. David. There are many folks in the mainland that don't pay for it anyway, and they got it. There's no reason why we should continue to be treated as second class citizens, US citizens. They need to just recognize that and move on because they want to continue us to be a good host. Well then continue to do your part in the United States government and with that, thank you again Attorney Jacob. We will support you.

**Attorney Rodney Jacob:** Thank you, Senator.

**Senator Joe S. San Agustin:** Thank you, Madam Chair.

**Chairperson Tina Rose Muña Barnes:** You're very welcome. Senator San Agustin. Senator Parkinson?

**Senator William A. Parkinson:** Thank you for your testimony and your work, sir. I greatly appreciate it. I categorically reject the premise that Guam is not part of the United States, and as such, the United States should make good on their obligations to the people. So, thank you for your work and I'd be looking forward to supporting this resolution.

**Attorney Rodney Jacob:** Thank you, Senator.

**Chairperson Tina Rose Muña Barnes:** Thank you, Senator Parkinson. Senator Fisher, you're recognized.

**Senator Thomas J. Fisher:** Thank you. Good morning, Attorney Jacob. If Congress allows Guam to participate in the program, in order to participate in the program, would residents of Guam have to make retroactive contributions?

**Attorney Rodney Jacob:** To the ...?

**Senator Thomas J. Fisher:** in order to participate? Cause many years have gone by without participation by us.

**Attorney Rodney Jacob:** If I get what your question is, which is really important, is how does... do SSI recipients, or let's say their states, do they have to pay into anything to participate in the program, such that we might have to have, there may be a retroactive kind of invoice to us? The answer is no. This is a national safety net program. It's a program that benefits everybody from coast to coast. And there's not an entrance fee, if you will.

**Senator Thomas J. Fisher:** Regardless of whether you've paid in at any point in your life?

**Attorney Rodney Jacob:** Well also, this is important. This is a program run through the Social Security Administration, but it's not like social security disability insurance. You don't qualify because you've paid for social security. It's not the kind of panoply of benefits through what we pay every payroll as a tax.

**Senator Thomas J. Fisher:** Okay.

**Attorney Rodney Jacob:** This is just run through that agency to implement a national welfare program.

**Senator Thomas J. Fisher:** Okay. You... this is... F.T. Francis Tydingco Gatewood's decision was based on equal protection?

**Attorney Rodney Jacob:** Correct.

**Senator Thomas J. Fisher:** What was the nature of the discrimination? You mentioned that it's a rational basis review. And my other last question, Ma'am, is, has geographic differences ever been found to be a suspect classification?

**Attorney Rodney Jacob:** It's not under, well, I'd have to go back and look at our case law, but the geographical segmentation of all of this was not the basis of the decision. In other words, it wasn't a suspect class based on a category of where you lived. It was the justification of the three primary grounds in which the United States has historically argued, which was basically taxes. Taxes we don't pay into the National Treasury. It

would be disruptive of Guam's economy if SSI was applied here and I'm sorry, right now it escapes me the third prong, but Judge Gatewood and the First Circuit actually disposed of those issues. The easiest rationale to see both in the First Circuit and out of Judge Gatewood was that there's just no way additional funding through SSI would have a disruptive quality on the economy of Guam.

**Senator Thomas J. Fisher:** Okay.

**Attorney Rodney Jacob:** And taxes... there are many, many states that pay in less to the National Treasury than what they get out. So, the point was, this was designed to assist the most vulnerable, poorest members of our community, who by nature don't pay taxes. And there were many, there were probably... I shouldn't say many. There were about six or seven states that paid less into the National Treasury than the benefits that they got out. So that tax argument didn't really fly with the First Circuit or with Judge Gatewood.

**Senator Thomas J. Fisher:** Okay. All right. Thank you, sir. And thank you, Ma'am.

**Chairperson Tina Rose Muña Barnes:** Thank you. Senator Fisher. Senator Taitague.

**Senator Telo T. Taitague:** Thank you, Madam Chair. Attorney Jacob, you know, I give you my *Un Dangkulu na Si Yu'os Ma'åse* for fighting for the people of Guam. If I'm not mistaken the entire Justice, if that number's correct, 24,000 individuals on Guam will be affected by this. Is that still the correct number?

**Attorney Rodney Jacob:** I have not seen anything different.

**Senator Telo T. Taitague:** Okay. Yeah, that information could expand. I'm not sure, but 24,000 people on this island would be affected if the US continued to treat their states like all the US territories, you know, in the same manner. I remember this article that happened several years ago. The fight with the gentleman from Puerto Rico, moving from New York, going down to Puerto Rico, and that began a big push. Attorney Jacob, are you aware of any efforts made by our Congress, our Delegate in an effort to push SSI? Have you approached the former Delegate San Nicolas at all, or even prior to that as you were fighting this issue?

**Attorney Rodney Jacob:** Former Delegate San Nicolas, or current Congressman Moylan is...?

**Senator Telo T. Taitague:** Well, this has been going on for two years.

**Attorney Rodney Jacob:** Yeah.



**Senator Telo T. Taitague:** And he was in office at the time.

**Attorney Rodney Jacob:** Yes, Congressman San Nicolas did push this issue. And it actually had some traction. President Biden supported it, you know, one of the..., and it ended up in our domestic budget to support SSI to the applications for the territories. We were very excited about that and very encouraged. But it didn't actually get in the exact... and Senator, I'm happy to lay this out with a little more time, but my understanding is that big initial budget bill didn't happen because of the compromise issues going on in the Congress, I think within Senator Manchin, but it made it, as far as we've ever made it to recognize out of the White House that this should be funded and supported it.

Ironically, the Department of Justice took the position that the United States, that the US ... that the Congress was just fine doing what it wanted to do in the discriminatory application of this issue as to us because of the territorial clause in the Constitution.

Which applies to us. But I can say this and I'm very grateful to, you know, our current Congressman Moylan now. He has made this his primary, one of his primary issues, and he's already been on the floor advocating for the application of SSI to Guam, really in the name with the consent of John and Kim Fegurgur, in the name of Leslie and Katrina, to really make it real to Congress that, you know, this is important to us, and it matters. It's applied in their home states. It's applied in my home state of Arizona. Right? But not here when we moved. And so anyway, he is being quite aggressive about it. And I'm thankful that we're supporting those efforts. House Bill 256 is coming out of the Delegate of Puerto Rico that our delegate is supporting. But I understand he's also trying to make other efforts to get us here on Guam. And I have met with him. Yeah.

**Senator Telo T. Taitague:** Yeah. Thank you.

**Chairperson Tina Rose Muña Barnes:** Thank you, Senator Taitague.

**Senator Telo T. Taitague:** When I was actually at the governor's office as a special assistant, we were trying to bring, you know, the US territories together, you know, to bring them as a unified approach because, as an individual, you know, there is really no power. But as a group of US territories, which make up a huge population amount, and strategically located, is very viable to the United States. So I hope you continue, Mr. Jacob... Attorney Jacob to fight this cause, you know, because so many families on here

would be affected and so many families will come back to the island because of this. That's most important of all. And don't give up the fight. And may I suggest that when you work with our Congressman, that you ask him to bring a more unified approach by all the territories coming together as one solid group to fight this issue. Thank you, Mr. Jacob.

**Attorney Rodney Jacob:** Thank you.

**Chairperson Tina Rose Muña Barnes:** Thank you, Senator Taitague. Senator Brown?

**Senator Joanne M. Brown:** Thank you, Madam Chair. And certainly, to Attorney Jacob as we were following your story with regards to these two sisters. And it just really brings to light the human aspect with regards to US policy and how in many other areas we're part of the American family. And then you see situations like this where there's such inequity. And it's simply you're a US citizen as long as you're, you're within the continental United States, Hawaii and Alaska. And then once you step out to the so-called territories, you get stripped of these benefits and something that is so essential to these two sisters that they physically couldn't even see each other, that their physical illnesses limited them from being able to do that. And that's very heartbreaking.

But, you know, you brought to light a lot of their story to us and others to be aware about the human aspect and what the ultimate toll is because of these inequities. And we certainly wanna keep fighting with you. We certainly don't wanna see the continued disadvantage to our people because they're no different. I mean, if we're US citizens, we're US citizens, we can't be different versions of US citizens. And I think we just need to remind the United States with regards to their own policies where they're inequitable to their own people. And I think there's a lot to gain by it. I couldn't imagine not being able to be here because I had an illness. And we've lost a lot of our people who've had to leave Guam, not just, you know, we say, oh, we need better, you know, job opportunities and things. Some have left because of health-related issues that if they didn't have available back in the mainland and some of the facilities, they would not be able to sustain themselves.

And they've had to leave and sometimes take some of their family with them. And I couldn't imagine that. I would hate to ever be told, you can't come back home to Guam, or you won't be able to spend your final, your later days in your life here because I had an illness that would prevent me from coming back. And we take for granted our mobility and our ability to get up and do the things we do, and we're not aware of it until we have to experience it or someone close to us experiences those limitations. So thank you very much for your advocacy and what you continue to do to bring their story to light because it really, it hits home. It hits home. And even if we're not personally affected by it, others

are in our community, and we just want dignity at the end of the day. I think that's what it comes down to. It's just dignity, to be respected regardless of what our physical health and circumstances. So, thank you for your, as I mentioned, your continued advocacy, and I hope this resolution will continue to bring these issues to light. Thank you.

**Attorney Rodney Jacob:** Thank you.

**Chairperson Tina Rose Muña Barnes:** Thank you very much, Senator Brown. Thank you very much, Attorney Jacob, I will note for the record, ladies and gentlemen, that there has been written testimony as provided by Mr. David Diamadi, and I will... it will be submitted and appended to the committee report. And again, based on what was noted earlier, he supports the measure. So again, thank you, Attorney Jacob, for your time and your continued effort and fighting for our people of Guam. With that being said, I will call Resolution No. 21-37 (COR) publicly heard. And again, if anybody wishes to present testimony, they can do so by sending it to [senatormuñabarnes@guamlegislature.org](mailto:senatormuñabarnes@guamlegislature.org) or to the protocol office here, the Guam Legislature, *Saina Ma'åse*.

The public hearing adjourned at 11:17 a.m.








### III. FINDINGS AND RECOMMENDATIONS

The Author, Vice Speaker Tina Muña Barnes hereby reports out **Resolution No. 21-37 (COR)**, introduced by Tina Rose Muña Barnes, Roy A. B. Quinata, William A. Parkinson, Joe S. San Agustin, Jesse A. Lujan, Dwayne T. D. San Nicolas, Frank Blas, Jr - "RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256, INTRODUCED IN THE UNITED STATES HOUSE OF REPRESENTATIVES, WHICH SEEKS TO EXTEND COVERAGE OF THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS WHO RESIDE ON PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA with the recommendation to TO ADOPT .

***I MINA'TRENTAISJETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Resolution No. 21-37 (COR)**

Introduced by:

Tina Rose Muña Barnes   
Roy A.B. Quinata   
William A. Parkinson   
Joe S. San Agustin   
Jesse A. Lujan   
Dwayne T. D. San Nicolas   
Frank Blas, Jr. 

**RELATIVE TO EXPRESSING THE SUPPORT OF H.R. 256,  
INTRODUCED IN THE UNITED STATES HOUSE OF  
REPRESENTATIVES, WHICH SEEKS TO EXTEND  
COVERAGE OF THE SUPPLEMENTAL SECURITY  
INCOME (SSI) PROGRAM TO QUALIFIED INDIVIDUALS  
WHO RESIDE ON PUERTO RICO, THE UNITED STATES  
VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.**

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF I**  
2 ***MINA'TRENTAISJETTE NA LIHESLATURAN GUÅHAN:***

3 **WHEREAS**, Katrina Schaller, a Guam resident with a disability, sued the Social  
4 Security Administration in December 2018, challenging the inability of Guam residents  
5 to receive support payments under the federal Supplemental Security Income (SSI)  
6 program; and

7 **WHEREAS**, in June 2020 District Court of Guam Chief Judge Frances  
8 Tydingco-Gatewood ruled the federal SSI program is discriminatory and violated  
9 Schaller's constitutional right to equal protection under the law; and

1           **WHEREAS**, the Justice Department appealed Tydingco-Gatewood’s decision to  
2 the Ninth Circuit, but the case was paused because the U.S. Supreme Court was hearing  
3 a similar case related to a Puerto Rico resident who lost his SSI payments when he  
4 relocated from New York; and

5           **WHEREAS**, the U.S. Court of Appeals for the Ninth Circuit granted the federal  
6 government’s request to “vacate” the ruling after the plaintiff in the case, Katrina  
7 Schaller, died in late 2021, making her ongoing federal lawsuit moot; and

8           **WHEREAS**, on April 21, 2022, the U.S. Supreme Court turned down a bid to  
9 allow Puerto Rico residents to claim benefits under the federal government’s main  
10 disability insurance program, ruling that the Constitution does not require Congress to  
11 offer such payments to residents of the island even though people born there are U.S.  
12 citizens; and

13           **WHEREAS**, given the U.S. Supreme Court has opined the granting of any SSI  
14 benefits to residents of Puerto Rico, as well as to residents of the U.S. Virgin Islands,  
15 Guam and American Samoa, is not a matter for the Court but for the Congress; and

16           **WHEREAS**, H.R. 256 is the latest attempt to extend coverage of the  
17 Supplemental Security Income (SSI) Program to qualified individuals who reside on  
18 Puerto Rico, the United States Virgin Islands, Guam and American Samoa; and

19           **WHEREAS**, similar measures to extend coverage have been introduced by  
20 previous Guam Delegates to the U.S. House of Representatives, including former  
21 Congressman Michael F.Q. San Nicolas and former Congresswoman Madeleine Z.  
22 Bordallo, but the U.S. Congress has yet to extend SSI coverage to residents of U.S.  
23 territories; and

24           **WHEREAS**, the continued efforts of Guam’s current Delegate are essential as  
25 extending SSI coverage to the people of Guam would aid potentially thousands of

1 residents who are blind, disabled, or sixty-five (65) years of age or older with low  
2 incomes and limited resources; now, therefore be it

3 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Siette Na*  
4 *Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, express its support  
5 of H.R. 256, introduced in the United States House of Representatives, which seeks to  
6 extend coverage of the Supplemental Security Income program to qualified individuals  
7 who reside on Puerto Rico, the United States Virgin Islands, Guam, and American  
8 Samoa; and be it further

9 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules  
10 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of  
11 the same be thereafter transmitted to the Honorable Joseph R. Biden, President of the  
12 United States of America; to the Honorable Kevin McCarthy, Speaker of the United  
13 States House of Representatives; to the Honorable James C. Moylan, Guam's Delegate  
14 to the United States Congress; to the Honorable Jason Smith, Chairman of the U.S.  
15 House Ways and Means Committee; and to the Honorable Lourdes A. Leon Guerrero,  
16 *I Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF  
I MINA'TRENTAISJETTE NA LIHESLATURAN GUÅHAN ON THE DAY OF  
2023.**

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**THERESE M. TERLAJE**  
**Speaker**

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**Chris Barnett**  
**Chairperson, Committee on Rules**

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**AMANDA L. SHELTON**  
**Legislative Secretary**

118TH CONGRESS  
1ST SESSION

# H. R. 256

To extend the supplemental security income program to Puerto Rico, the United States Virgin Islands, Guam, and American Samoa, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2023

Miss GONZÁLEZ-COLÓN (for herself, Mr. TORRES of New York, Ms. PLASKETT, Mr. MOYLAN, Mr. SOTO, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To extend the supplemental security income program to Puerto Rico, the United States Virgin Islands, Guam, and American Samoa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supplemental Security  
5 Income Equality Act”.

1 **SEC. 2. EXTENSION OF THE SUPPLEMENTAL SECURITY IN-**  
2 **COME PROGRAM TO PUERTO RICO, THE**  
3 **UNITED STATES VIRGIN ISLANDS, GUAM, AND**  
4 **AMERICAN SAMOA.**

5 (a) IN GENERAL.—Section 303 of the Social Security  
6 Amendments of 1972 (86 Stat. 1484) is amended by strik-  
7 ing subsection (b).

8 (b) CONFORMING AMENDMENTS.—

9 (1) DEFINITION OF STATE.—Section  
10 1101(a)(1) of the Social Security Act (42 U.S.C.  
11 1301(a)(1)) is amended by striking the 5th sentence  
12 and inserting the following: “Such term when used  
13 in title XVI includes Puerto Rico, the United States  
14 Virgin Islands, Guam, and American Samoa.”.

15 (2) ELIMINATION OF LIMIT ON TOTAL PAY-  
16 MENTS TO THE TERRITORIES.—Section 1108 of  
17 such Act (42 U.S.C. 1308) is amended—

18 (A) in the section heading, by striking “;  
19 **LIMITATION ON TOTAL PAYMENTS**”;

20 (B) by striking subsection (a); and

21 (C) in subsection (c), by striking para-  
22 graphs (2) and (4) and redesignating para-  
23 graphs (3) and (5) as paragraphs (2) and (4),  
24 respectively.



1           (3) UNITED STATES NATIONALS TREATED THE  
2 SAME AS CITIZENS.—Section 1614(a)(1)(B) of such  
3 Act (42 U.S.C. 1382c(a)(1)(B)) is amended—

4           (A) in clause (i)(I), by inserting “or na-  
5 tional,” after “citizen”;

6           (B) in clause (i)(II), by adding “; or” at  
7 the end; and

8           (C) in clause (ii), by inserting “or na-  
9 tional” after “citizen”.

10          (4) TERRITORIES INCLUDED IN GEOGRAPHIC  
11 MEANING OF UNITED STATES.—Section 1614(e) of  
12 such Act (42 U.S.C. 1382c(e)) is amended by strik-  
13 ing “and the District of Columbia” and inserting “,  
14 the District of Columbia, Puerto Rico, the United  
15 States Virgin Islands, Guam, and American  
16 Samoa”.

17          (c) WAIVER AUTHORITY.—The Commissioner of So-  
18 cial Security may waive or modify any statutory require-  
19 ment relating to the provision of benefits under the Sup-  
20 plemental Security Income Program under title XVI of the  
21 Social Security Act in Puerto Rico, the United States Vir-  
22 gin Islands, Guam, or American Samoa, to the extent that  
23 the Commissioner deems it necessary in order to adapt  
24 the program to the needs of the territory involved.

1           (d) EFFECTIVE DATE.—This section and the amend-  
2 ments made by this section shall take effect on the 1st  
3 day of the 1st Federal fiscal year that begins 1 year or  
4 more after the date of the enactment of this Act.

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