



Judiciary of Guam

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HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

January 18, 2024

Transmitted via Electronic Mail

The Honorable Harriet M. Hageman
Chair, Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Re: Judiciary of Guam Testimony on H.R. 6273

Dear Chair Hageman:

On behalf of the Judiciary of Guam, thank you for the opportunity to submit testimony on **H.R. 6273**, introduced by Delegate James C. Moylan, to extend the authorization of certain grants to the governments of Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa, and for other purposes.

Please be advised that **the scope of these comments is limited to Section 2 of the measure**, relative to a continuing appropriation under the Compact of Free Association Amendments Act of 2003.¹ The branch refrains from offering commentary on the policy positions outlined in the remaining portions of the bill.

The U.S. Compacts of Free Association permit citizens from Freely Associated States (FAS) unrestricted immigration into the United States and its territories. Although annual reimbursements for compact migration costs ceased in 2023, migration to U.S. areas is anticipated to grow, as reported by the United States Government Accountability Office.²

A continuing appropriation is vital for maintaining essential services and preserving the principles of justice for a community grappling with this expanding population. While the Compact Impact Fairness Act would alleviate some challenges for host jurisdictions, existing federal initiatives may not adequately mitigate the extensive financial burden associated with Compact-related expenditures, particularly in the sectors of public safety and legal services.

As the third branch of the government of Guam, the Judiciary of Guam is charged with interpreting the laws of the territory. The branch is composed of both a trial (Superior Court of Guam) and appellate court (Supreme Court of Guam) that provides for the settlement of disputes between parties and protects the rights of individuals as mandated by the Organic Act of Guam and the Constitution of the United States of America. Presently, COFA Migrants represent **20% of the Superior Court of Guam's total case population.**

¹ "Extension of Authorization of Grants"

² Compacts of Free Association: Populations in U.S. Areas Have Grown, with Varying Reported Effects. GAO-20-491

The Honorable Harriet M. Hageman

Page 2 of 2

January 18, 2024

Local expenditures on cases involving citizens of the Freely Associated States have steadily increased over the past two decades. In Fiscal Year 2004, the Judiciary expended \$891,279 on cases involving citizens of the Freely Associated States. By Fiscal Year 2023, **expenditures increased to \$8,699,588**. Over the past twenty years, **the cumulative cost to the Judiciary of Guam** for cases involving citizens of the Freely Associated States is **\$76,953,151**.

A significant number of FAS citizens appearing before the Judiciary of Guam also face financial challenges, impacting the state of the court's indigent defense fund. The growing demand for indigent defense services over the years raises concerns about a potential crisis within our legal system. While strengthening these services remains a priority for the branch—sustained financial support will be critical to meet the constitutional mandate for adequate representation of indigent individuals in Guam.

In summary, without the continuation of annual reimbursements as outlined in H.R. 6273, Guam risks jeopardizing the quality, accessibility, and fairness of its legal services. Inadequate funding would strain the Judiciary's ability to handle an increasing caseload, potentially resulting in delays, reduced access to legal representation, and a compromised justice system for the People of Guam. The Judiciary respectfully urges support of the continuation of annual reimbursements to not only ensure the equitable allocation of funds but also sustain the essential services our community provides.

Thank you for your time and consideration.

Sincerely,



Robert J. Torres

Chief Justice, Judiciary of Guam