

TWENTY-THIRD DAY

Tuesday, January 30, 1973

The Senate of the Fifth Congress of Micronesia, First Regular Session, 1973, was called to order at 10:05 a.m.

The Honorable Tosiwo Nakayama, President, presided.

A moment of silent prayer was observed.

The Clerk called the roll. Ten Senators were present; Senators Iehsi and Oltor were excused.

READING AND ADOPTION OF JOURNALS

On motion by Vice-President Salii, seconded by Senator Borja, the Journal of the Nineteenth Day was adopted by the Senate. The Journal of the Twenty-second Day was distributed.

MESSAGES FROM THE HIGH COMMISSIONER

- No. 18 Transmitting a proposed bill to amend the income tax law.
- No. 19 Transmitting an audit report of MOC.
- No. 20 Transmitting an audit report of federally funded employment programs.

DEPARTMENTAL COMMUNICATIONS

None

HOUSE COMMUNICATIONS

- No. 8 Informing the Senate that the House has accepted Senate amendments to H.J.R. No. 15, extending sympathy and condolences to the family of the late President Harry S. Truman.

STANDING COMMITTEE REPORTS

Vice-President Salii moved that action on S.C.R. No. 12 on S.B. No. 5, "TO APPROPRIATE THE SUM OF \$52,200 OUT OF THE GENERAL FUND OF THE CONGRESS OF MICRONESIA FOR THE PURPOSE OF DEFRAYING THE OPERATION AND CONTINGENT EXPENSES OF THE ADMINISTRATION OF THE TRUST TERRITORY PERSONNEL BOARD AND FOR OTHER PURPOSES.", be deferred. Senator Borja seconded, and the motion carried. Action on S.C.R. No. 12 was deferred.

SPECIAL AND CONFERENCE COMMITTEE REPORTS

Vice-President Salii moved for adoption of Special Committee Report No. 3, submitted by the Joint Committee on Marine Resources. Senator Amaraich seconded.

The Chair recognized Senator Borja.

Senator Borja: Thank you, Mr. President. I believe Special Committee Report No. 3 is a concern of the Joint Committee on Marine Resources headed by Congressman Sasauo Haruo and co-chaired by Senator Ambilos Iehsi and, in the absence of the Co-Chairman, I would like to ask the Senators to postpone action on this until a later date. I so move.

Vice-President Salii seconded, and the motion carried. Action on Special Committee Report No. 3 was deferred.

UNFINISHED BUSINESS

None

BILL CALENDAR

Vice-President Saliu moved that S.B. No. 7, S.D.1, "LIMITING THE LENGTH OF TIME DURING WHICH A NONCITIZEN MAY BE EMPLOYED BY CONTRACT WITH THE TRUST TERRITORY GOVERNMENT, AND FOR OTHER PURPOSES.", pass Second and Final Reading of the Senate. Senator Borja seconded.

The Chair recognized Senator Tmetuchl.

Senator Tmetuchl: Thank you, Mr. President. I have not been given a copy of Senate Bill No. 7. May I have one?

Vice-President Saliu: Mr. President, the committee reports and the attachments to the reports were distributed yesterday. These were deferred from yesterday.

[A page supplied Senator Tmetuchl with a copy of S.B. No. 7, S.D.1.]

Senator Tmetuchl: Mr. President, I wish to make a statement in opposition to this measure. I am speaking of Senate Bill No. 7 which, if it becomes law, would limit the term of service of foreign employees of the Trust Territory Government to four years.

I am strongly opposed to this bill for reasons that I should think would be obvious. It would be inexcusably shortsighted, in my opinion, for this Congress to tie the Government's hands in this manner, to speak metaphorically. This bill would require the dismissal of all foreign employees upon the completion of four years of service, regardless of how well they may have served Micronesia and regardless of whether or not there were a qualified replacement available, Micronesian or otherwise.

Many foreign employees, or expatriates as they are often called, have performed admirably while in Micronesia, and it seems ludicrous to me to automatically require that their employment be terminated at the end of four years. Though criticism of foreign employees of the Government is often heard, and much of it is indeed justified, we have all seen too many instances where Micronesian employees of the Government have performed far, far worse than did their foreign predecessors. Replacing foreign government employees with Micronesian employees by no means guarantees that government will improve, and in many cases the exact opposite is the result.

The primary concern should be that our government employees are qualified for their jobs, regardless of nationality. If they are not qualified, we all will suffer for it. I am as anxious as anyone to see government positions filled by qualified Micronesians when they are available, but I cannot in good conscience support a bill that might cause our Government to lose many capable people before capable replacements have been found. It seems to me, also, that working under a foreigner can, in many cases, serve as a strong incentive to Micronesian employees to improve their own performance and increase their own skills.

Another very important reason why I am opposed to Senate Bill No. 7 is the implicit assumption that the Micronesian status question will not be finally resolved for at least four more years. It is my ardent hope and firm belief that Micronesia's new political status will be a reality in a much shorter period than four years. If this does happen, the provisions of this bill will be meaningless. Should this bill pass the Congress, I fear that it would amount to an indication to the world that we do not actually expect our new status to be realized for another four years or more.

I must, therefore, vote against Senate Bill No. 7. Thank you, Mr. President.

The Chair recognized Senator Pangelinan.

Senator Pangelinan: Thank you, Mr. President. I'm sorry, but I was thinking about how I can persuade my colleague from Palau to support this measure which is now up for Final Reading. We have been trying very hard for the past several years to encourage the Trust Territory Government, or the Administration, to train Micronesians so they will one day be in a position to fill those positions that Micronesians will eventually fill in the future. There is a policy at the present time, as Senate Report No. 9 indicated. However, throughout our review of the budget of the Trust Territory Government, as well as the hearing that was held in conjunction with Senate Bill No. 7, we see the defect of that policy that, as time goes by, the implementation of the policy is not really taking any serious effect on the total governmental position. We are very

disturbed with this evidence. First, it shows that the policy has not been followed. Secondly, it shows that the Government is not interested, in most cases, in training Micronesians. We have the responsibility to encourage our Administration that Micronesians should be trained because the expatriates who are here are not going to be here forever and if we continue this kind of policy, we will be continuously having an influx of foreign labor in the Trust Territory. In the Marianas, for instance, we have about 600 aliens in positions which our local citizens could fill, but, unfortunately, they don't have the training or the skill. As a result, we continue to employ people from the outside at the sacrifice of our local labor. I must admit that we have some very good people who have been very helpful to our Government and, with all due respect, I recognize the merits of Senator Tmetuchl's remarks that there are positions in the Government which could not be filled by Micronesians, at least at this time. But, unless we try -- unless we encourage ourselves to put pressure on the Administration, we will never have trained Micronesians or, if they are trained, they will be trained haphazardly and will never be able to fill the position. The bill here provides for four years maximum, and there is an amendment that in the interest of the people of Micronesia, the Trust Territory Board may waive the position for another two years. I feel that if a Micronesian is trained for six years -- or even for four years; it takes only four years to go through college -- I see no reason why we should have people here stay for ten years and not be able to train Micronesians. I am supporting this legislation because it will be on the record that this is a law, not a policy, but a law, that we want Micronesians to be trained. There is the implication of Senator Tmetuchl that eventually we will have the new status and I think this is what we have been aiming at -- eventually ending the Trusteeship Agreement at which time Micronesians will fill the hierarchy of the Administration, as well as the legislative branch, and eventually the judicial branch. I feel that the time is now when we should put on record a law that Micronesians should be trained, and the skilled personnel who are here, who have been brought in from outside, are here to train Micronesians to render the services for which Micronesians will eventually be responsible. Right now we have an operational budget of close to \$40,000,000. I wonder if some of the money could be used to train Micronesians so we could give our people the opportunity to run our own government. I hope my colleague will recognize the amendment to that bill. It is now only four years but it is a maximum of four years with a waiver for two years. I believe in six years a Micronesian could be trained, regardless of how dumb the Micronesian is. Thank you, Mr. President.

The Chair recognized Senator Mangefel.

Senator Mangefel: Thank you very much, Mr. President. I am afraid I'm inclined to agree with my colleague from Palau and with his remarks regarding this bill. From what I have seen of the Government, I think they are replacing non-Micronesians, and sometimes I think they are replacing non-Micronesians with Micronesians who are not qualified. They are overdoing it just because we have voiced our opinion regarding this and they are placing Micronesians in positions where they are not really qualified to fill that position. So, I have to agree with my colleague from Palau because by making this law it will force the Government to do it, which, as I pointed out, I think they are already overdoing even now. Thank you very much, Mr. President.

There was no further discussion, and the Clerk called the roll with the following result:

Senator Mangefel	No
Senator Amaraich	Aye
Senator Iehsi	Excused
Senator Salii	Aye
Senator Olter	Excused
Senator Kabua	Aye
Senator Kendall	Aye (Abstained twice)
Senator Pangelinan	Aye
Senator Borja	Aye
Senator Tmetuchl	No
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 7, S.D.1, passed Second and Final Reading of the Senate.

Senator Amaraich requested a short recess and the President declared the Senate in recess, subject to the call of the Chair at 10:25 a.m.

RECESS

The Senate reconvened at 10:35 a.m.

The Chair recognized Senator Amaraich.

Senator Amaraich: Thank you, Mr. President. Mr. President, I think we have reached a point where even the typewriters cannot think straight any more. As a result, we have some corrections to be made to Standing Committee Report No. 11 which I would like to point out. On page 2, the seventh line, that sentence should be deleted from the part which reads. "The Trust Territory has such an eminent domain for the landowner." On page 3, the last paragraph, the word "take" on the fourth line should read "taken." On the fourth page, subparagraph (a), the last word in that paragraph should be "excessive." On the same page, subparagraph (d), the word "the" is missing and should be inserted after the word "explain."

My apologies on behalf of the Committee, the proofreaders and the typewriters.

Vice-President Saliu moved that S.B. No. 10, S.D.1, " TO AMEND PARAGRAPH (a), SUBSECTION (2), SECTION 501 OF TITLE 5 OF THE TRUST TERRITORY CODE TO ALLOW A JURY TRIAL IN EMINENT DOMAIN PROCEEDINGS, AND TO AMEND SECTION 513 OF TITLE 5 TO ALLOW EACH DISTRICT TO ADOPT JURY TRIAL PROCEEDINGS SELECTIVELY.", pass Second and Final Reading of the Senate. Senator Borja seconded.

The Clerk called the roll with the following result:

Senator Mangefel	Aye (Abstained twice)
Senator Amaraich	Aye
Senator Iehsi	Excused
Senator Saliu	Aye
Senator Olter	Excused
Senator Kabua	Aye
Senator Kendall	Aye
Senator Pangelinan	Aye
Senator Borja	Aye
Senator Tmetuchl	Aye (Abstained twice)
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 10, S.D.1, passed Second and Final Reading of the Senate.

Vice-President Saliu moved that S.B. No. 16, S.D.1, "TO AMEND SECTION 11153 OF TITLE 57 OF THE TRUST TERRITORY CODE RELATING TO PENALTIES FOR REMOVAL OF LAND MARKERS.", pass Second and Final Reading of the Senate. Senator Borja seconded.

There was no discussion, and Senator Kabua moved for the previous question. Senator Borja seconded, and the motion carried.

The Clerk called the roll with the following result:

Senator Mangefel	Aye (Abstained twice)
Senator Amaraich	Aye
Senator Iehsi	Excused
Senator Saliu	Aye
Senator Olter	Excused
Senator Kabua	Aye
Senator Kendall	Aye
Senator Pangelinan	Aye
Senator Borja	Aye
Senator Tmetuchl	Aye
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 16, S.D.1, passed Second and Final Reading of the Senate.

Vice-President Salii moved that S.B. No. 22, "AMENDING CERTAIN PROVISIONS OF TITLE 53 OF THE TRUST TERRITORY CODE REGARDING ENTRY PERMITS.", pass Second and Final Reading of the Senate. Senator Borja seconded.

The Clerk called the roll with the following result:

Senator Mangefel	Aye (Abstained twice)
Senator Amaraich	Aye
Senator Iehsi	Excused
Senator Salii	Aye
Senator Olter	Excused
Senator Kabua	Aye
Senator Kendall	Aye
Senator Pangelinan	Aye
Senator Borja	Aye
Senator Tmetuchl	Aye (Abstained twice)
Senator Tun	Aye
Senator Nakayama	Aye

S.B. No. 22 passed Second and Final Reading of the Senate.

Vice-President Salii moved that S.B. No. 71, "RELATING TO THE OFFICE OF OMBUDSMAN.", pass Second and Final Reading of the Senate. Senator Borja seconded.

The Chair recognized Senator Borja.

Senator Borja: Mr. President, I notice in the Standing Committee Report that the Committee is in complete accord with the intent and purpose of the bill and recommends its passage. However, there is a recommendation that it should be referred to the Committee on Ways and Means for further action and, therefore, I move that Senate Bill No. 71 be referred to the Committee on Ways and Means.

Senator Pangelinan seconded.

The Chair recognized Senator Amaraich, Chairman of the Committee on Judiciary and Governmental Operations.

Chairman Amaraich: Mr. President, I would just like to add that your Committee feels that on new bills which contain appropriations it must go to the Ways and Means Committee even though we think the particular legislation is important and of high priority. Based on that, there was an agreement between myself and the Chairperson of Ways and Means, who is not here in person, that we will transmit or refer to his Committee bills with appropriations and work with him when that Committee takes up that portion of the bill.

The motion to refer carried, and S.B. No. 71 was referred to the Committee on Ways and Means

RESOLUTION CALENDAR

None

INTRODUCTION OF BILLS

Senator Kabua introduced S.B. No. 102, "PROVIDING EMPLOYMENT AND VOCATIONAL TRAINING TO CERTAIN UNEMPLOYED; CREATING THE MICRONESIAN CONSERVATION CORPS WITHIN THE DISTRICT OF AGRICULTURE; AND MAKING APPROPRIATION THEREFOR, AND FOR OTHER PURPOSES."

Senator Tun introduced S.B. No. 103, "TO APPROPRIATE \$10,000 FROM THE GENERAL FUND OF THE CONGRESS OF MICRONESIA TO CARRY OUT THE PROVISIONS OF PUBLIC LAW NO. 4C-96 AS ENACTED DURING THE SECOND SPECIAL SESSION OF THE FOURTH CONGRESS OF MICRONESIA IN 1972."

Senator Salii introduced S.B. No. 104, "TO AMEND PUBLIC LAW NO. 4C-65 TO ELIMINATE LAPSING DATES OF APPROPRIATIONS THEREIN MADE AND FOR OTHER PURPOSES."

Senator Salii introduced S.B. No. 105, "TO APPROPRIATE \$500,000 FROM THE GENERAL FUND OF THE CONGRESS OF MICRONESIA FOR THE SURVEY, REPAIR, CONSTRUCTION, AND IMPROVEMENT OF ROADS IN BABELTHUAP ISLAND, PALAU DISTRICT, AND FOR OTHER PURPOSES."

INTRODUCTION OF RESOLUTIONS

None

MISCELLANEOUS COMMUNICATIONS

- No. 26 From Guam's delegate to the U.S. Congress, extending congratulations and best wishes to the leadership and the members of the Congress of Micronesia.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

Chairman Pangelinan announced that the Committee on Ways and Means would hold the following public hearings:

- January 31, 1973 - 1:30 p.m., on S.J.R. No. 13, in the Senate Chamber;
- February 1, 1973 - 1:30 p.m., on S.B. No. 74 and No. 78, in Conference Room No. 2;
- February 1, 1973 - 2:30 p.m., on S.B. No. 81, in Conference Room No. 2.

He further announced that the Committee would take up Miscellaneous Communication No. 18, regarding the Bank of America, on February 5, 1973, at 1:30 p.m., in the Senate Chamber. The House Committee on Resources and Development will also participate in this discussion.

Chairman Tun announced that the Committee on Education and Social Affairs would hold a public hearing at 7:00 p.m., January 30, 1973, in the Senate Chamber on S.J.R. No. 15 and No. 16 and S.B. No. 50.

Chairman Amaraich announced that the schedule for February for the public hearings of the Committee on Judiciary and Governmental Operations was attached to the day's calendar for information.

Chairman Kabua announced a public hearing by the Committee on Resources and Development at 1:30 p.m. in the Senate Chamber, January 30, 1973.

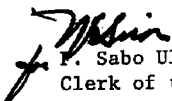
Chairman Salii announced that the Joint Committee on Future Status would hold a meeting at 1:00 p.m., January 30, 1973, in the Senate Chamber with the delegation from Palau. He stated the meeting would be open to the public.

The Chair requested that all Committee Chairmen remain after the session for a brief meeting.

There being no further business and no objections, the Chair declared the Senate in recess until 10:00 a.m., Wednesday, January 31, 1973.

The Senate recessed at 10:55 a.m.

Respectfully submitted,


F. Sabo Ulechong
Clerk of the Senate