

FORTY-SIXTH DAY

Thursday, February 27, 1975

The House of Representatives of the Sixth Congress of Micronesia, First Regular Session, 1975, was called to order at 10:30 a.m., Thursday, February 27, 1975.

Speaker Bethwel Henry presided.

A moment of silent prayer was observed.

The Chief Clerk called the roll, and all members were present.

COMMUNICATIONS

High Commissioner Communication No. 6-36, transmitting a proposed Joint Resolution authorizing the High Commissioner to accept the master plan for Palau District Airport.

High Commissioner Communication No. 6-37, transmitting a proposed bill appropriating \$110,000 for the purchase and installation of uniform signs for streets and highways.

High Commissioner Communication No. 6-38, transmitting a report on the proposed airport on Jaluit Atoll in the Marshall Islands District.

No Departmental Communications were reported.

Senate Communication No. 6-74, returning H.J.R. No. 6-24, commending the Aloha Council, Boy Scouts of America, for service to the youth of Micronesia.

Senate Communication No. 6-75, returning H.J.R. No. 6-23, expressing appreciation to the Honolulu YMCA for assistance with the development of youth recreation in Micronesia.

Miscellaneous Communication No. 6-55, from Manager of Marianas Fishing Authority, transmitting a report of the fishing authority's activities.

Miscellaneous Communication No. 6-56, from Mariana Islands District Legislature Secretary, transmitting Resolution No. 76-1975 approving the Covenant establishing a Commonwealth of the Northern Mariana Islands.

STANDING COMMITTEE REPORTS

Standing Committee Report No. 6-86, submitted by the Committee on Appropriations, re H.B. No. 6-154, "To appropriate the sum of \$817,266 for the operating and contingent expenses of the Office of the Legislative Counsel, and for other purposes."

Chairman Setik moved for adoption of the report; Floor Leader Tman seconded.

Rep. Haruo: Mr. Speaker, on page two of the report, the sentence beginning "The only other change made by your Committee . . ." Mr. Speaker, I would like to offer an amendment. I move for a short recess.

The Speaker declared the House recessed at 10:37 a.m., subject to the call of the Chair.

The House reconvened at 10:38 a.m.

Floor Leader Tman: Mr. Speaker, on page two of Standing Committee Report No. 6-86,

the first paragraph, I move to delete the last two sentences which read as follows: The only other change made by your Committee was the elimination of the UCLA law intern program. The Congress no longer has a need for these law interns and the program should be terminated at once." Also, page ten of the Budget Work Sheet (education and training travel), Item four which was stricken by the committee, the figure \$1,742 for tickets, and \$2,400 for per diem, should be reinstated.

Representative Haruo seconded the motion.

Rep. Aafin: Excuse mr, Mr. Speaker. I couldn't understand or hear the changes on the Budget Work Sheet.

Rep. Guerrero: I have the same problem, that I cannot hear.

The Speaker declared the House recessed at 10:39 a.m., subject to the call of the Chair.

The House reconvened at 10:42 a.m.

Floor Leader Tman: On page ten, under education and training travel, we will be putting back the fare and per diem--the original amount that was stricken should be put back.

Rep. Rasa: May I ask the Chairman of the Appropriations Committee the reason or reasons behind the attempt to eliminate the UCLA law intern program? Before we vote on the motion, I think the House deserves to hear the Committee's reasoning.

Rep. Setik: Two reasons: One is the constraints of the budget; and two is that the committee reviewed the purpose of the UCLA program for the past four years, and we felt that our present staff can handle the whole thing without additional burden on the Congress.

Rep. Aafin: I don't know why this is so. I think during the experiences for the past 45 days, these law interns have taken a large bulk of the work. I think if they were not here, we would be very, very slow in the work. I do not know why just so suddenly the report comes out and says, "let's eliminate at once the program and the people involved."

Speaker Henry: The House will vote on the motion.

The motion to adopt the amendment to reinstate the UCLA law intern program carried by voice vote.

Rep. Edwards: Mr. Speaker, I would like to ask a question on page 9 of the Budget Worksheet where we are talking about purchasing refrigerators, washing machines, etc.

Rep. Setik: Would you repeat the question.

Rep. Edwards: My question refers to page 9 of the Budget Work Sheet which shows that we will need to buy refrigerators, oven/ranges, washing machines, etc., which total up to \$6,000. I wonder if it is really necessary now that we need money--and yet we spend for this.

Rep. Setik: I think these items listed under the equipment are necessary for additional staff that we anticipate, to furnish the staff houses.

Rep. Rasa: Do I understand the Chairman that it is the thinking that there will be additional recruitment of staff in the future, and at the same time eliminate the UCLA law interns because we don't have money?

Rep. Setik: As I say--for the present staff, plus one more person which we expect to be hired in the future, we need the staff houses and those houses which we are going to acquire will require the equipment.

Rep. Rudimch: Mr. Speaker, I wonder when we specify the name "UCLA" if we are restricted

to dealing with that institution alone, or do we have a choice of which schools to get law interns from?

Speaker Henry: We have an ongoing program with this university.

Rep. Bigler: Point of information, Mr. Speaker. On page two, line thirteen, it says: "One major increase in this budget is the provision for the purchase of six vehicles. One will be for each district delegation and will be used by Congressional staff and committees when traveling to the districts." Where will these vehicles be? In the districts, or on Saipan?

Rep. Setik: The report says that one will be for each district, which means that one vehicle will be assigned to each district.

Rep. Aafin: I have questions on page two of the report and page nine. First, is the cost of fuel and maintenance included in this budget for the six vehicles for the districts? I would like to direct that question to the Chairman of the Appropriations Committee.

Rep. Setik: Mr. Speaker, I don't think that the vehicle fuel and maintenance of the vehicles is included in the budget.

Rep. Aafin: Who will bear the cost of the fuel and maintenance of those vehicles in the districts?

Rep. Domnick: Mr. Speaker, that is why I voted to increase the office expense allowance. Part of that money will go to buy the fuel and maintain the vehicles. One other thing is that if the money comes out of your own particular office expense, you will make sure that the Administrative Officer will not run around at night with it.

Rep. Aafin: If the vehicles are budgeted under the legislative offices' expenses, then everything connected thereto must come out of that budget also. The official expenses did not indicate also gas or maintenance of vehicles. On page nine, how many employees does the office expect to hire? I thought the Chairman of the Appropriations Committee said just one, but in the worksheet there are three units of almost everything listed--refrigerators, washing machines, dryers, etc.

Rep. Setik: Some of them are for replacement in the existing housing.

Rep. Nakamura: Just for the edification of Congressman Aafin, on page three of the FY-76 Budget Justification, under "furniture and appliances" the explanation is given.

Vice Speaker Silk: Mr. Speaker, first of all, we have Congress houses which we built for our staff. The Administration cannot give us furniture for those houses, so it is our responsibility to furnish them. In the report, we are hiring an Economic Consultant. We feel this position is needed. As I said, the furnishing of those houses that we are leasing for our staff is our responsibility, and we cannot escape that responsibility. We must provide them with the basic necessities.

As to the vehicles, in my ten years in Congress, members of Congress come to my district and sometimes when committees of Congress come, it is very hard in some districts to find transportation for these committees. I have had experience when members of Congress arrive in my district and call me up, and they say "How is it that you did not meet us at the airport to take us to the hotel?" Secondly, in the office expense allowance which we don't like (I especially don't like it) but it is one of those things we cannot escape. Under that request we made is included transportation. I don't know whether we can walk--but we need vehicles in the districts for our staff. They don't have vehicles to perform the necessary work which we need done. If we think the vehicles are not needed, we might as well eliminate our staff offices in the districts.

Rep. Moses: It seems like a lot of members need some further clarification or further.

study on the measure. With that understanding, I move that we defer action for further study.

Representative Bigler seconded the motion.

Vice Speaker Silk: Point of information: This is a very critical time because we have only a few days left.

Rep. Moses: That is true. It is critical, but it is also more important that the members understand what they are voting for. That is my concern.

Rep. Domnick: Mr. Speaker, is it possible that we dissolve into the Committee of the Whole after the session so we can iron out all the differences in this--so we can get it through? After the regular session today, if it is O.K. with the members, we can iron out the problems.

Rep. Edwards: I feel that it is true that this is very important that we should either pass it now or not pass it, but the question which was raised by my colleague from the Marshalls--I think if we go into Committee of the Whole after the session, that is also a delay. I wonder if we could go into Committee of the Whole now, and then reconvene.

Representative Setik: I so move.

Vice Speaker Silk seconded the motion, and the motion carried by voice vote.

COMMITTEE OF THE WHOLE

The House met at 11:00 a.m. as a Committee of the Whole.

The House reconvened at 11:10 a.m.

Speaker Henry: The motion is to adopt Standing Committee Report No. 6-86.

The motion was carried by voice vote.

Standing Committee Report No. 6-87, submitted by the Committee on Education and Social Matters, re H.J.R. No. 6-18, "Requesting the High Commissioner to seek the cooperation of the district administrators of the six districts in applying for funds earmarked for older citizens under United States Public Law No. 93-29 (87 Stat. 30) and to apply for funds to construct Senior Citizens' Community Halls in all six districts of the Trust Territory."

Chairman Sigrah moved for adoption of the report; Vice Speaker Silk seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-88, submitted by the Committee on Appropriations, re H.B. No. 6-67, "To provide control, accounting, limitations and management of appropriated funds of the Congress of Micronesia, and for other purposes."

Chairman Setik moved for adoption of the report; Floor Leader Tman seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-89, submitted by the Committee on Education and Social Matters, re H.B. No. 6-249, "To amend Section 1, sub-paragraph (3) of Public Law 5-99 appropriating \$95,000 from the General Fund of the Congress of Micronesia to defray administrative expenses of the District Housing Authorities and for other purposes."

Rep. Sigrah: Before I move for the adoption of the report, I would like to make a technical change. On page two of the report, in the second line, after the word "passage" insert a period and delete the words "on the Second and Final Reading."

Chairman Sigrah moved for adoption of the report; Vice Speaker Silk seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-90, submitted by the Committee on Resources and Development, re H.B. No. 6-240, "To amend Sections 4 and 5 and to repeal Section 14 of Public Law No. 5-88 relating to the Bank of Micronesia."

Chairman Haruo moved for adoption of the report; Floor Leader Tman seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-91, submitted by the Committee on Education and Social Matters, re H.B. No. 6-42, "To appropriate \$69,700 from the General Fund of the Congress of Micronesia to defray the operating and contingent expenses of the Mariana Islands Housing Authority for Fiscal Year 1976" and H.B. No. 6-115, "To appropriate the sum of \$30,000 from the General Fund of the Congress of Micronesia to defray the administrative costs of the Marshall Islands District Housing Authority, and for other purposes."

Chairman Sigrah moved for adoption of the report; Floor Leader Tman seconded.

Rep. Domnick: Mr. Speaker, may I ask the Clerk to read the titles of the two bills?

(The Chief Clerk read the titles of House Bill No. 6-42 and House Bill No. 6-115.)

Rep. Domnick: My question was that in the Order of the Day, House Bill No. 6-115 was listed as appropriating \$30,000 for "Marshall Islands District Authority," not Housing Authority, and I wasn't too sure what Marshall Islands District Authority was.

The motion to adopt Standing Committee Report No. 6-91 carried by voice vote.

Standing Committee Report No. 6-92, submitted by the Committee on Education and Social Matters, re H.B. No. 6-137, "To appropriate the sum of \$504,000 from the General Fund of the Congress of Micronesia for the purpose of housing loans pursuant to Public Law No. 5-37, and for other purposes."

Chairman Sigrah moved for adoption of the report; Floor Leader Tman seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-93, submitted by the Committee on Education and Social Matters, re H.B. No. 6-220, "To repeal Section 6 of Title 41 of the Trust Territory Code in its entirety and to enact a new section 6 in lieu thereof."

Chairman Sigrah moved for adoption of the report; Floor Leader Tman seconded.

Rep. Rasa: Mr. Speaker, I have a question. In the case where members of the Board are employed by the Trust Territory Government, do they receive payment from the Board, or from being employees of the Trust Territory Government?

Rep. Bigler: Mr. Speaker, what is the question again?

Rep. Rasa: The question is this: The bill provides that members of the Board of Education be compensated. Now, given the case where members are working for the Government, or working for private enterprises, do they get paid by the government and at the same time get paid by being members of the Board of Education?

Rep. Sigrah: The Board members who are not working for the government will be compensated by the Education Department, but those who are on the Board and working for the government would not get added compensation, except for those who are making less than \$30.00 a day. (If I remember correctly--I stand to be corrected.)

Rep. Rasa: I still don't understand. I need to be educated on that matter. Does anybody have the correct information?

Vice Speaker Silk: Mr. Speaker, my recollection is the same as my colleague, the Chairman of the Committee on Education and Social Matters. If the person is not employed by the Trust Territory Government or the Congress of Micronesia, he is entitled to \$30.00 a day. If he is a government employee and he gets less than \$30.00 a day, the difference is made up to bring it up to par with the rest of the members on the Board.

The motion to adopt Standing Committee Report No. 6-93 carried by voice vote.

Standing Committee Report No. 6-94, submitted by the Committee on Education and Social Matters, re H.B. No. 6-259, "Appropriating \$7,500 to provide for room and board at the district centers for Trust Territory students while in transit to and from secondary schools or institutions of higher learning, and for other purposes."

Chairman Sigrah moved for adoption of the report; Floor Leader Tman seconded, and the motion carried by voice vote.

Standing Committee Report No. 6-95, submitted by the Committee on Judiciary and Governmental Relations, re S.B. No. 6-90, "To declare the election of delegates to the Micronesian Constitutional Convention held on June 4, 1974, in the Marshall Islands District void; to authorize the High Commissioner to call a special election of delegates to the Convention from that district; to appropriate money therefor; to amend certain sections of Public Law No. 5-60; and for other purposes."

Chairman Basilius moved for adoption of the report; Vice Speaker Silk seconded.

Rep. Rasa: Mr. Speaker, it is my belief that the Micronesian Constitutional Convention election held on June 4, 1974, was properly conducted by the proper officials in the Marshall Islands. I don't think this Congress should call for another election. Requirements have been met, and the fact that not all the people of the Marshalls went out to vote has nothing to do with the legality of such an election.

The motion to adopt Standing Committee Report No. 6-95 carried by voice vote.

Standing Committee Report No. 6-96, submitted by the Committee on Judiciary and Governmental Relations, re S.J.R. No. 6-3, "Expressing pride and faith in the administration of the High Commissioner of the Trust Territory, the Honorable Edward E. Johnston, and formally requesting the President of the United States to refrain from making any changes in the Executive Branch of the Trust Territory Government without prior consultation with the Congress of Micronesia."

Chairman Basilius moved for adoption of the report; Vice Speaker Silk seconded.

Rep. Moses: Mr. Speaker, I would like to ask a point of information regarding the present High Commissioner. How long has he been serving in the Trust Territory?

Rep. Basilius: Around six years.

Rep. Rasa: Mr. Speaker, I don't understand the reasoning behind this Congress trying to make recommendations in behalf of the Chief Executive.

Rep. Rudimch: Mr. Speaker, I think, in attempting to answer the question posed by Congressman Rasa, that we have been working with the principle that the High Commissioner is our executive, and I think we should have some say of when to remove that executive, or at least to consult with us. I don't think it is democratic for the High Commissioner, who is the leading administrator of the Trust Territory, to be removed by another executive branch without any consultation. I think it is just the beginning of the eventual goal of Micronesia where they have some say as to who their leader is going to be.

Rep. Rasa: Mr. Speaker, I don't oppose the fact that Congress should be consulted in this matter, but I understand there was a previous resolution calling for the retainment

of the present executive, the High Commissioner. I simply think this is a follow-up to reinforce the fact that Congress already went on record to retain the High Commissioner, and I don't agree that Congress should be playing this kind of politics.

Rep. Mafnas: I wish to know if the High Commissioner is under consideration for termination by the United States President.

Rep. Rasa: May I give you my unprofessional observation and speculation? I think "yes."

The motion to adopt Standing Committee Report No. 6-96 carried by voice vote.

Speaker Henry: Are there any more Standing Committee Reports?

Rep. Haruo: Mr. Speaker, I have an oral report to make.

Report of Committee on Resources and Development, re S.J.R. No. 6-14, "Authorizing the High Commissioner to accept and execute a grant offer for an Airport Development Aid Program (ADAP) project for the construction of a two (2) stall Crash/Fire Rescue Building for the Saipan International Airport (Isley Field) Saipan, Mariana Islands District, Trust Territory of the Pacific Islands, from the Federal Aviation Administration, United States Department of Transportation."

The intent and purpose of this resolution is to permit the High Commissioner to accept and execute a grant offer for federal assistance for the Isley Airport in Saipan. The federal funds to be provided by this grant offer will be used for the construction of a fire and crash rescue building for the airport. This building is much needed at the airport to house fire and safety equipment and funding is not otherwise available to construct it.

This Senate Joint Resolution is identical to House Joint Resolution No. 6-20, which was adopted by the House on February 10, 1975, and transmitted to the Senate. The Senate, however, instead of acting on the House Joint Resolution, acted on its identical version introduced in the Senate.

Your Committee is in accord with the intent and purpose of Senate Joint Resolution No. 6-14, and recommends its adoption.

Chairman Haruo moved for adoption of the oral report; Vice Speaker Silk seconded.

Floor Leader Tman moved to suspend the rule requiring written reports; Vice Speaker Silk seconded, and the motion carried.

The motion to adopt the oral committee report on S.J.R. No. 6-14 carried by voice vote.

Oral Report of Conference Committee, re S.J.R. No. 6-1, SD1, HD1, "Recommending that Approving the appointment of Mr. Thomas B. Crossan, Jr., be appointed as Program and Budget Officer of the Trust Territory of the Pacific Islands."

Floor Leader Tman: Mr. Speaker, your Conference Committee on Senate Joint Resolution No. 6-1, Senate Draft 1, House Draft 1, met this morning with their Senate counterpart and acceded to the Senate's original version of the resolution. To enlighten the members of the House, the rationale behind the Senate's insistence on their version was that the confirmation of Mr. Crossan as Program and Budget Officer--the resolution itself--should not reflect that the law was violated because he should not be penalized. I think in Standing Committee Report No. 6-44, the Committee on Appropriations eloquently and clearly outlined the violation committed by the High Commissioner. They feel that is sufficient, since Mr. Crossan should not be penalized for what he did not do.

Therefore, Mr. Speaker, your Conference Committee recommends the adoption of Conference Draft 1, which is accepting the original Senate Draft. Mr. Speaker, I move for the adoption of the oral report.

Vice Speaker Silk seconded the motion.

Speaker Henry: If there is no objection, the suspension of the rule requiring written reports is still in effect.

Rep. Aafin: I would just like to ask if the oral report excludes any kind of punishment for the candidate for the position? Does it also exclude penalties?

Floor Leader Tman: I don't quite understand the question. There is no punishment imposed or included in the resolution. The resolution has recommended that the appointment be confirmed, even though the law was violated in appointing Mr. Crossan as Program and Budget Officer. The Senate felt that this particular phrase should not be included, since Mr. Crossan did not do anything wrong. It was the High Commissioner who did not adhere to the provisions of the law appointing Mr. Crossan as the Program and Budget Officer. The reports of both the Senate and the House clearly indicated that the High Commissioner violated the procedure for nominating persons to major department positions. That would suffice to warn the High Commissioner that such violations should not occur again.

Rep. Moses: Listening to the report confirms my feeling that Senate Joint Resolution No. 6-3 should not be adopted.

Rep. Aafin: So the oral report excludes the possible violation by the High Commissioner? Is that the intent of the oral report? In other words, the oral report says that the candidate is O.K. and to confirm him.

Speaker Henry: Yes.

Rep. Mafnas: Mr. Speaker, I just wish to inject an item to the House that confirming this appointment will be setting a precedent for future reference.

Rep. Bigler: Mr. Speaker, I realize that the resolution has already been accepted by the House and the Senate, and it means that we confirmed the appointment. To clarify a point for Congressman Aafin from Truk, the resolution was written in such a manner that it would become a part of Mr. Crossan's file, rather than a part of the High Commissioner's file.

Rep. Aafin: Point of information: Was there an actual violation of any law on the part of the High Commissioner?

Floor Leader Tman: Yes, Mr. Speaker, according to the investigation conducted by the House Appropriations Committee there was such a violation. House Standing Committee Report No. 6-44 clearly states three areas--primarily two areas--in which the High Commissioner did not adhere to the provisions of the law and policies.

Rep. Rasa: In view of the violations, is the High Commissioner liable for prosecution?

Floor Leader Tman: May I yield the floor to the Chairman of the House Appropriations Committee?

Speaker Henry: The House is discussing the oral report to accept the Conference Draft. I see many hands--people who wish to speak.

Rep. Nakamura moved for the previous question; Representative Basilius seconded, and the motion carried.

The motion to adopt the oral report on S.J.R. No. 6-1, SD1, HD1, carried by voice vote.

UNFINISHED BUSINESS

Standing Committee Report No. 6-81, submitted by the Committee on Appropriations, re H.B. No. 6-130, H.D.1, "To appropriate the sum of ~~\$60,000~~ \$90,000 from the General Fund of

the Congress of Micronesia for the operating expenses of the district fishing authorities in each district, ~~repealing Public Law No. 5-73 and transferring funds appropriated thereunder,~~ and for other purposes."

Representative Setik moved for a short recess; Floor Leader Tman seconded, and the Speaker declared the House recessed at 11:35 a.m., subject to the call of the Chair.

The House reconvened at 11:55 a.m.

Chairman Setik moved for adoption of Standing Committee Report No. 6-81; Floor Leader Tman seconded, and the motion carried by voice vote.

BILL CALENDAR

H.B. No. 6-67, HD1: To provide control, accounting, limitations and management of appropriated funds of the Congress of Micronesia, and for other purposes.

Representative Setik moved for passage of H.B. No. 6-67, HD1, on First Reading. Vice Speaker Silk seconded, and the Chief Clerk read the title. The motion carried by voice vote.

H.B. No. 6-249: To amend Section 1, sub-paragraph (3) of Public Law 5-99 appropriating \$95,000 from the General Fund of the Congress of Micronesia to defray administrative expenses of the District Housing Authorities and for other purposes.

Representative Sigrah moved for passage of H.B. No. 6-249 on First Reading; Vice Speaker Silk seconded, and the Chief Clerk read the title. The motion carried by voice vote.

H.B. No. 6-240, HD1: To amend Sections 4 and 5 and to repeal Section 14 of Public Law No. 5-88 relating to the Bank of Micronesia.

Representative Haruo moved for passage of H.B. No. 6-240, H.D.1, on First Reading; Vice Speaker Silk seconded, and the Chief Clerk read the title.

Rep. Nakamura: Mr. Speaker, is the Bank of Micronesia the same as the Micronesia Development Bank?

Rep. Haruo: The Micronesia Development Bank is the appropriate title that I think should be given to the bank.

Rep. Nakamura: I so move, Mr. Speaker, that we amend the title of the bill to make it the "Micronesia Development Bank."

Representative Aafin seconded the motion.

Rep. Haruo: Mr. Speaker, I might have misled my colleague, but the title is appropriate.

Rep. Nakamura: I think the original law specifically used "Micronesia Development Bank" and I think to prevent any future problems that we should stick to one name instead of using two or three names.

Rep. Haruo: I have no objection.

Floor Leader Tman moved for a short recess; Representative Donnack seconded, and the Speaker declared the House recessed at 12:00 noon, subject to the call of the Chair.

The House reconvened at 12:02 p.m.

Floor Leader Tman: Mr. Speaker, I believe that the proposed amendment is just in the title--"Bank of Micronesia" should be deleted and "Micronesia Development Bank" should be substituted. I believe that both names mean the same thing, and I believe it is a technical amendment in this case.

Speaker Henry: If there is no objection from the floor, the title is changed to conform with the correct name of the bank. Is there any discussion on the bill?

The motion to pass H.B. No. 6-240, H.D.1, carried by voice vote.

H.B. No. 6-42: To appropriate \$69,700 from the General Fund of the Congress of Micronesia to defray the operating and contingent expenses of the Mariana Islands Housing Authority for Fiscal Year 1976.

Representative Sigrah moved to file H.B. No. 6-42; Floor Leader Tman seconded, and the Chief Clerk read the title. The motion carried by voice vote.

H.B. No. 6-115: To appropriate the sum of \$30,000 from the General Fund of the Congress of Micronesia to defray the administrative costs of the Marshall Islands District Housing Authority, and for other purposes.

Representative Sigrah moved to file H.B. No. 6-115; Vice Speaker Silk seconded, and the Chief Clerk read the title. The motion carried by voice vote.

H.B. No. 6-137: To appropriate the sum of \$504,000 from the General Fund of the Congress of Micronesia for the purpose of housing loans pursuant to Public Law No. 5-37, and for other purposes.

Representative Sigrah moved for passage of H.B. No. 6-137 on First Reading; Vice Speaker Silk seconded, and the motion carried by voice vote.

H.B. No. 6-220: To repeal Section 6 of Title 41 of the Trust Territory Code in its entirety and to enact a new section 6 in lieu thereof.

Representative Sigrah moved for passage of H.B. No. 6-220 on First Reading; Vice Speaker Silk seconded, and the motion carried by voice vote.

H.B. No. 6-259, HD1: Appropriating \$7,500 to provide for room and board at the district centers for Trust Territory students while in transit to and from secondary schools or institutions of higher learning, and for other purposes.

Representative Sigrah moved for passage of H.B. No. 6-259, H.D.1, on First Reading; Vice Speaker Silk seconded, and the motion carried by voice vote.

S.B. No. 6-90: To declare the election of delegates to the Micronesian Constitutional Convention held on June 4, 1974, in the Marshall Islands District void; to authorize the High Commissioner to call a special election of delegates to the Convention from that district; to appropriate money therefor; to amend certain sections of Public Law No. 5-60; and for other purposes."

Representative Basilius moved for passage of S.B. No. 6-90 on First Reading; Floor Leader Tman seconded, and the motion carried by voice vote.

H.B. No. 6-154, HD1: To appropriate the sum of ~~\$87,266~~ \$705,079 for the operating and contingent expenses of the Office of the Legislative Counsel, and for other purposes.

Representative Setik moved for passage of H.B. No. 6-154, H.D.1, on First Reading; Floor Leader Tman seconded, and the motion carried by voice vote.

H.B. No. 6-188, HD1: To amend 73 T.T.C. Sections 3(3), 101(1) and (2), 104(3) and Section 105; to extend coverage of the Social Security System to all persons working for Trust Territory employers; and for other purposes.

Representative Basilius moved for passage of H.B. No. 6-188, H.D.1, on Second Reading; Vice Speaker Silk seconded, and the Chief Clerk read the title. The motion carried by roll call vote of twenty-one ayes.

H.B. No. 6-178, HD1: To appropriate the sum of ~~\$872,028~~ \$596,000 for the operating and contingent expenses of the House of Representatives of the Congress of Micronesia, and for other purposes.

Representative Setik moved for passage of H.B. No. 6-178, H.D.1, on Second Reading; Floor Leader Tman seconded, and the Chief Clerk read the title.

Rep. Haruo: I wish to offer an amendment to the bill. In the heading, change the figure "\$596,000" to \$641,000." On page 1, line 1, make the same change, and on page 1, subsection (4) change the figure "\$25,000" to "\$45,000."

Floor Leader Tman moved for a short recess, and the Speaker declared the House recessed at 12:15 p.m., subject to the call of the Chair.

The House reconvened at 12:17 p.m.

Representative Haruo moved for adoption of the amendment; Representative Basilius seconded.

Speaker Henry: Is there any discussion on the amendment?

Rep. Setik: I would ask the introducer of the amendment to explain what constitutes the amendment.

Rep. Haruo: Mr. Speaker, I am sure the Chairman of the Appropriations Committee is aware of the limited activity that your Joint Committee on Resources and Development would have to undertake with the amount of money allotted to it in the bill. We have submitted justification for our proposal, and we had hoped that the justification would have convinced the Chairman and the Committee to allow this increase. The original amount was drastically slashed to \$25,000, which would hinder the committee's anticipated activities for this year. This is our justification.

Floor Leader Tman: Point of information: Can the proposed amendment be repeated, please?

Chief Clerk: The proposed amendment offered by Representative Haruo is as follows:

In the first line of the title of the bill, delete the figure "\$596,000" and insert in its place "\$641,000"

On page 1, line 1, delete the figure "\$596,000" and insert in its place "\$641,000"

On page 1, line 13, delete the figure "\$25,000" and insert in its place "\$45,000"

Rep. Moses: Mr. Speaker, exactly how much money is the amendment proposing to increase

Speaker Henry: Something is wrong with the addition. The House will take a short recess.

The House reconvened at 12:22 p.m.

Speaker Henry: The Chair apologizes that the Clerk made a mistake. I will ask the Clerk to read the proposed amendment again.

Chief Clerk: In the first line of the title of the bill, delete the figure "\$596,000" and insert "\$616,000." On page 1, line 1, delete the figure "\$596,000" and insert "\$616,000." On page 1, line 13, delete the figure "\$25,000" and insert "\$45,000."

Speaker Henry: Is there any discussion on the proposed amendment?

Rep. Aafin: The proposed amendment will appropriate more money for the Joint Committee on Resources and Development?

Speaker Henry: Yes.

Floor Leader Tman moved to suspend the rule on duplication; Vice Speaker Silk seconded, and the motion carried by voice vote.

Speaker Henry: Is there any further discussion on the proposed amendment?

The amendment by Representative Haruo to H.B. No. 6-178, H.D.1, was adopted by voice vote.

The motion to pass H.B. No. 6-178, H.D.1, H.D.2, on Second Reading carried by roll call vote of twenty ayes; Representative Moses voted no.

H.B. No. 6-84, HD1:

To amend Chapter 17 of Title 77 of the Trust Territory Code by adding new sections 280 and 281, authorizing the chartered district legislatures and the chartered municipal governments to establish surtaxes on wages, salaries and gross revenues under Title 77 of the Trust Territory Code, excepting districts who establish the surtaxes from shared revenue provisions of Title 77, and for other purposes; Amending Title 77 and Title 3 of the Trust Territory Code to enable district legislatures to establish district surtaxes on wages and salaries and gross revenues; reducing the Trust Territory tax on wages and salaries to 2 percent; repealing the Code provisions for shared revenues on these categories; providing a 50 percent surtax on wages and salaries for all districts; and for other purposes.

Representative Moses moved for passage of H.B. No. 6-84, H.D.1, on Second Reading; Floor Leader Tman seconded, and the Chief Clerk read the title. The motion carried by roll call vote of twenty-one ayes.

RESOLUTION CALENDAR

H.J.R. No. 6-18, HD1:

Requesting the High Commissioner to seek the cooperation of the district administrators of the six districts in applying for funds earmarked for older citizens under United States Public Law 93-29 (87 Stat.30), and to apply for funds to construct Senior Citizens' Community Halls in all six districts of the Trust Territory, and to apply for a waiver of the 25% matching funds presently required under Title V of the Public Law 93-29.

Representative Sigrav moved for adoption of H.J.R. No. 6-18, H.D.1; Representative Bigler seconded, and the Chief Clerk read the title. The motion carried by voice vote.

S.J.R. No. 6-3, HD1:

Expressing pride and faith in the administration of the High Commissioner of the Trust Territory, the Honorable Edward E. Johnston, and formally requesting the President of the United States to refrain from making any changes in the Executive Branch of the Trust Territory Government without prior consultation with the Congress of Micronesia.

Representative Basilius moved for adoption of S.J.R. No. 6-3, H.D.1; Vice Speaker Silk seconded, and the Chief Clerk read the title.

Rep. Moses: Mr. Speaker, I believe that some of the members of the House would like to study the resolution further, to really give it an analysis to discover whether the stipulated "WHEREAS" clauses are appropriate. With that, I move that we defer action.

Representative Aafin seconded the motion.

Representative Basilius objected.

Speaker Henry: The Chair will allow some discussion before recognizing the motion.

Rep. Basilius: Mr. Speaker, I believe the resolution is very clear, but if any member would like to ask a question on the "WHEREAS" clauses, I would be willing to justify them, or answer any question that is raised.

Rep. Haruo: I agree with my colleague from Palau. I think the resolution requesting the President of the United States to refrain from making any changes in the Executive Branch without consultation with the Congress of Micronesia is very clear.

Rep. Moses: In response to my Chairman's statement that some of the "WHEREAS" clauses are questionable, I will then take him up to examine the truth of the statement stipulated under the "WHEREAS" beginning on line 21 of page one: "WHEREAS, the High Commissioner of the Trust Territory, the Honorable Edward E. Johnston, has made every . . ." (underline every) ". . . attempt to become acquainted with the economic, social and political situations and problems of the Trust Territory and has succeeded in providing the type of leadership most conducive to further development of the Trust Territory."

Rep. Basilius: Mr. Speaker, I would like to comment on the question raised by the member of the J.G.R. Committee. I believe that all the Directors in the Executive Branch have demonstrated their efforts to improve the economic, social and political situations in the Trust Territory. If there is any department that is not satisfactory, I would like to ask any member of the committee to point out to me why they are not satisfied with that particular department.

Rep. Rasa: The resolution concerns itself with two basic issues: One is that we express pride and faith in the administration of the High Commissioner, which is clearly calling for our support; and second is that we ask to be given the right to be consulted. Everybody here would assent to the second issue. But the first issue has to be analyzed carefully, and I too would not give my support at this time, until I analyze everything in here.

Rep. Rudimch: Mr. Speaker, I think everybody knows that the position of being a High Commissioner is a most complicated job. Not one High Commissioner in Micronesia has had a good reputation in this position. This resolution in effect though is concerned whether the President of the United States recognizes how we feel about being consulted. This is embarrassing--to even ask the President of the United States for this privilege of being consulted regarding our High Commissioner. For this purpose only I think this resolution deserves to be supported by the House.

Rep. Edwards: I think during the past years we all know that the accomplishments of the High Commissioners sometimes do not agree with individual members of the House. I am thinking that we shouldn't judge the actions of the High Commissioner on individual issues.

Therefore, Mr. Speaker, I think this is a very crucial time in our history to let the High Commissioner go without our consent. It is very clear that when the President of the United States declares that the High Commissioner be removed, it should come to us, and we should be consulted. Therefore, Mr. Speaker, I see no reason why we shouldn't pass this resolution now. I think it is proper at this time to support our High Commissioner.

Rep. Moses: Regarding the same "WHEREAS" I was referring to, if my recollection serves me correct, our good Chairman of Resources and Development earlier in the session submitted a speech not concurring with the policy of the administration as far as economic policies are concerned. Has his attitude toward that changed?

Speaker Henry: The point was referring to Representative Haruo.

Representative Haruo moved for the previous question; Representative Basilius seconded.

Speaker Henry: We haven't had discussion from all the districts.

Rep. Domnick: I would like to offer an amendment to the resolution: In the first line of the title, delete the words "pride and faith" and in lieu thereof insert the word "hope." On page two, line two, delete the words "succeeded in providing" and insert in lieu thereof the word "shown." The same on page one, line twelve, delete the comma after the word "gratitude" and the word "pride." On line thirteen, delete the word "faith" and insert the word "hope" in lieu thereof.

Vice Speaker Silk: May I request my colleague to repeat the proposed amendment.

At the request of the Speaker, the Chief Clerk repeated the amendments by Representative Domnick.

Representative Domnick moved for adoption of the amendments; Floor Leader Tman seconded.

Floor Leader Tman: Point of information: Would it be appropriate if I make a rider to my colleague's proposed amendment?

Speaker Henry: The Chair cannot say no. Mr. Floor Leader, you have the floor.

Vice Speaker Silk requested a short recess; Representative Domnick seconded, and the Speaker declared the House recessed at 12:40 p.m.

The House reconvened at 12:42 p.m.

Rep. Domnick: I want to withdraw my motion to amend, if there is no objection.

Speaker Henry: If there is no objection, the amendment is withdrawn.

Rep. Domnick: Because of a correction that was made during the short recess, I would like to propose a new amendment as follows:

In line 1 of the title, delete the words "pride and"

On line 3 of page 1 of the bill, after the word "Vice-President" delete "as a result of the Watergate incident"

On page 2, line 2, delete the words "succeeded in providing" and insert in lieu thereof "shown"

On page 2, line 12, after the word "gratitude" delete the comma and the word "pride"

Representative Domnick moved for adoption of the proposed amendment; Floor Leader Tman seconded.

Floor Leader Tman moved to suspend the rule requiring duplication; Vice Speaker Silk seconded, and the motion carried by voice vote.

At the request of Representative Edwards, the Chief Clerk repeated the amendment to page 2, line 2.

Rep. Aafin: Mr. Speaker, I just see something here, and can I ask the maker of the amendment to include some more amendments?

Speaker Henry: You can make an additional amendment.

Rep. Aafin: Right now, Mr. Speaker?

Speaker Henry: Right now, if you wish to make an amendment to the amendment.

Rep. Basilius: I suggest that we take action on the proposed amendment, and then if he has another amendment that he wants to offer later, he can do so.

Floor Leader Tman: If my colleague wishes to offer an additional amendment, he can move to amend the amendment by offering the additional amendment without changing the original proposed amendment.

Rep. Aafin: If that is the case, may I go ahead with my proposed amendment?

Speaker Henry: Yes.

Rep. Aafin: Thank you, Mr. Speaker. Wherever the words "full and unqualified" appear in the entire resolution, strike them out. On page 2, line 21, after the word "any" and before "changes" insert the word "top".

Speaker Henry: That is a new amendment. The House will divide the question. We will discuss the amendment proposed by Representative Domnick and act on it first. Is there any discussion on that proposed amendment offered by Representative Domnick?

The proposed amendment by Representative Domnick was adopted by voice vote.

Speaker Henry: We now have Senate Joint Resolution No. 6-3, House Draft 1, House Draft 2. Is there any further discussion?

Rep. Aafin: I move to adopt my amendment.

Representative Mafnas seconded the motion.

Floor Leader Tman: Would the mover of the amendment be more specific and clear as to whenever "full and unqualified" appears in the resolution? If that is the case, some of the WHEREAS clauses will be grammatically unacceptable.

Rep. Aafin: Mr. Speaker, on page 2, line 6, after the word "its" delete "full and qualified." On line 18, delete the comma and the words "full and unqualified."

Rep. Domnick: If we delete the words "full and unqualified" that means that the Congress would not fully and unqualifiedly support the High Commissioner in his efforts to help the Territory. Is that what we want? This is a question I am asking--we are not going to fully and unqualifiedly support the High Commissioner?

Rep. Basilius: Mr. Speaker, the amendment being offered by Congressman Aafin and the question raised by Congressman Domnick actually mean the same thing. Therefore I suggest that the maker of the amendment withdraw his motion.

Rep. Aafin: My reason for bringing that amendment regarding "full and unqualified" is to

be consistent with the amendments called for by Congressman Domnick because it brought down the meaning from "pride" to "hope" only, and instead of "succeeded in providing" to "shown," so when we say "pledges its continued support" and delete "full and unqualified" it can mean anything. It can mean "full" to me, or I can take it the way I want.

Speaker Henry: The House will vote on the proposed amendment.

Rep. Rasa: May I just remind the House that a few minutes ago in this Chamber we unanimously recognized the fact that the High Commissioner failed to consult this Congress of the appointment--and now we are turning around and putting our faith and pride in the High Commissioner. I am beginning to question the consistency and integrity of this Congress.

Floor Leader Tman: Mr. Speaker, point of information: On page 2, line 21, after the word "any" is the word "top" also included in the proposed amendment?

Rep. Aafin: Yes sir.

Floor Leader Tman: Mr. Speaker, I move to amend the amendment by deleting from the proposed amendment the word "top."

Vice Speaker Silk seconded the motion to amend the amendment.

Rep. Aafin: To me, if we ask the President of the United States to refrain from making any changes in the Executive Branch, that can mean a secretary, a clerk-typist, etc., which we in fact know that the President, in his position, doesn't have to come down to doing. So when we say "any changes" I think we should make ourselves clear as to what we mean--the top.

Floor Leader Tman: Mr. Speaker, the reason for proposing to delete the word "top" is we all know that according to United States laws, the President has certain appointive power. We all know that he is not going to put somebody in as a secretary. But my main objection to using the word "top" in this context in a resolution of this nature is that it is not very good English. In other words, it is a vulgar usage.

Rep. Aafin: If we have to go to the aspect of language, I disagree with my colleague from Yap. It is good English--"any top changes"--but I will withdraw it anyway. I withdraw the word "top" from my amendment, but I wish to register that it is good English.

Speaker Henry: If there is no objection, that part of the amendment has been withdrawn. Is there any further discussion on the amendment?

The amendment by Representative Aafin to the resolution was adopted.

Speaker Henry: We now have House Draft 3. Is there further discussion?

Rep. Guerrero: Mr. Speaker, we all here have differences of opinion, and I think personally during this Administration, of all the High Commissioners I have experienced in the Trust Territory, this is probably the only High Commissioner that has really done, or tried to do, good for the entire population of Micronesia. This is especially notable in the last two years. But, Mr. Speaker, I wonder what the President of the United States, the Chairman of the U.S. House of Representatives Committee on Interior and Insular Affairs, the Chairman of the U.S. Senate Committee on Interior and Insular Affairs, the Secretary of the U.S. Department of the Interior, and the High Commissioner themselves--I wonder what they would think of this Congress if we go ahead and pass this resolution in view of the fact that some--a good many of the members of the Congress do attack the administration of the High Commissioner in the current session as they have in the past. I wonder whether these people would question the consistency of this Congress. Thank you.

Rep. Rudmch: Mr. Speaker, I think we are going back to the previous discussion as to the intent of this resolution. Regardless how beautiful the language is in this resolution

it is still up to the United States to replace our High Commissioner, whether we pass this resolution or not. But I take this to mean that we are concerned that somebody in the United States will just make a decision to affect our Administration. I know that the High Commissioner does not have magical powers to meet our demands in the six districts which are so varied. I think we should stop debate on this and just pass it or not pass it.

Speaker Henry: The House will vote on the motion to adopt the resolution.

Rep. Moses: My understanding was that the motion was made earlier to defer the resolution and the Chair decided to put the resolution up for more discussion.

Speaker Henry: There was a motion to defer action. The House will vote on that first.

The motion to defer action on S.J.R. No. 6-3, H.D.1, H.D.2, H.D.3, was defeated on a rising vote.

S.J.R. No. 6-3, H.D.3, was adopted by voice vote.

S.J.R. No. 6-14:

Authorizing the High Commissioner to accept and execute a grant offer for an Airport Development Aid Program (ADAP) project for the construction of a two (2) stall Crash/Fire Rescue Building for the Saipan International Airport (Isley Field) Saipan, Mariana Islands District, Trust Territory of the Pacific Islands, from the Federal Aviation Administration, United States Department of Transportation.

Representative Haruo moved for adoption of S.J.R. No. 6-14; Vice Speaker Silk seconded, and the Chief Clerk read the title. The motion carried by voice vote.

S.J.R. No. 6-1, SD1, HD1, CD1: Recommending that Mr. Thomas B. Crossan, Jr. be appointed as Program and Budget Officer of the Trust Territory of the Pacific Islands.

Floor Leader Tman moved for adoption of S.J.R. No. 6-1, S.D.1, H.D.1, C.D.1; Representative Bigler seconded, and the Chief Clerk read the title. The motion carried by voice vote.

At the request of Floor Leader Tman, the Speaker declared the House recessed at 1:05 p.m., subject to the call of the Chair.

The House reconvened at 1:08 p.m.

INTRODUCTION OF BILLS

H.B. No. 6-292:

Introduced by: Rep. Sigrav (and two others)
Assigned to: Judiciary and Governmental Relations

Requiring oaths of office for certain officials and employees of the Trust Territory, and for other purposes.

H.B. No. 6-293:

Introduced by: Rep. Henry
Assigned to: Appropriations

Appropriating \$21,283.10 from the General Fund of the Congress of Micronesia for reimbursement for expenses incurred in connection with hearings in the Service to Saipan Case.

INTRODUCTION OF RESOLUTIONS

H.J.R. No. 6-89:

Introduced by: Rep. Haruo
Assigned to: Judiciary and Governmental Relations

Directing the Joint Committee on Future Status to explore the possibility of conducting negotiations concerning future status with nations other than the United States.

H.J.R. No. 6-90:

Introduced by: Rep. Guerrero
Assigned to: Judiciary and Governmental Relations

Respectfully requesting the Secretary of the United States Department of the Interior to allow and grant appointment discretions to the High Commissioner and the Congress of Micronesia relative to all contractual and Micronesian positions in Pay Level 26 and above and Federal GS-13 equivalent without the necessity of review by the Deputy Assistant Secretary of the Interior.

MISCELLANEOUS BUSINESS

Floor Leader Tman: Mr. Speaker, I think most of us have read the memorandum from the staff regarding the official photograph of the members. Tomorrow will be the last day that the photographer will be available. If you will please come tomorrow with coat and tie so that the official photograph of the members of the House can be taken when you come in the morning. It is a group photograph. We can do it right after the session tomorrow, or if everybody is here before the session, we can do it at that time.

Also, Mr. Speaker, the Senate has recessed this morning until 5:00 p.m. We will have a lot of measures that will be transmitted from the Senate to us, and in view of the very short time left, we ought to receive them and make appropriate assignments to consider them. Also there is a proposed amendment to the rules of procedure that I am sure many of us would like to take up, either in a closed session or open session, and with this in mind it has been suggested that we meet again in a very short session at about 5:00 this afternoon.

Please keep in mind what I just said about the Senate transmittals. After the announcements, I will make a motion to recess until 5:00 p.m.

Rep. Basilius: Mr. Speaker, we have public hearings already scheduled for this afternoon. Your Committee on Judiciary and Governmental Relations will be working on very important bills, and we would like to have more time this afternoon. I would like to suggest, if I still have the floor, that we meet tomorrow at the usual time.

Rep. Setik: It has been scheduled for your Committee on Appropriations to have a public hearing at 1:00. Now it is after 1:00, and I will ask the members to convene about 2:00. I have the same problem with meeting this evening at 5:00 because we have public hearings to be held in this Chamber rather than Conference Room 2 on proposed measures, plus the appropriation on the ConCon, which was scheduled for this afternoon.

Rep. Aafin: Mr. Speaker, it is very evident that we have a load of committee work and staff work for the meeting at 5:00. I move that after we recess a few minutes from now that we come back at 9:00 p.m. for new business tonight.

Rep. Nakamura: I would just like to remind the members of the Health Matters Committee of the hearing scheduled for 5:00 p.m. on House Joint Resolution 6-77, confirming Dr. Kansou as Deputy Director of Health Services, and so I request that we schedule no activities for 5:00.

Rep. Balos: Mr. Speaker, I don't know if I am in order, but I would just like to make a brief statement.

Speaker Henry: You have the floor.

REMARKS BY REPRESENTATIVE BALOS

Rep. Balos: Mr. Speaker, members of the House: House Bill No. 6-84 which would authorize chartered district legislatures to establish surtaxes on wages, salaries and gross revenues presents this Congress, in my opinion, with a test.

This test, Mr. Speaker, will try the very courage and integrity of this Congress itself. The passage of this measure represents an entirely new approach to the issue of revenue sharing, some legal issues could arise, and the possibility exists of a veto by the High Commissioner. On the other hand, if Kwajalein chooses not to go along, or not to comply with this surtax plan, the delegation from the Marshall Islands must reserve the right to call for a special session in the event another course must be taken to enact an equitable tax system for our districts.

Mr. Speaker, in casting our votes on this measure, I insist that this House give the necessary assurances to my district and my delegation that if this plan does not work for any reason, a special session will be called to find another solution for this problem. As pointed out by delegates from my district in hearings last week, time is growing short, and my district therefore insists on these assurances. Thank you, Mr. Speaker.

ANNOUNCEMENTS

Rep. Setik: Mr. Speaker, to accommodate the public hearing which was scheduled at 1:00 p.m., your committee will have a public hearing starting at 2:00 in this Chamber.

Rep. Haruo: Mr. Speaker, I don't know about this 5:00 meeting. We have very important measures to take up. We have a joint hearing with your Committee on Appropriations to hear a report from the Development Bank of Micronesia at 4:00.


Rep. Aafin: Mr. Speaker, I still propose to meet later on, after 5:00--perhaps at 9:00 tonight. We have got loads of work that we ought to complete.

Rep. Basilius: I move that we recess until 10:00 tomorrow morning.

Representative Sigrah seconded, and the motion carried by voice vote.

The Speaker declared the House recessed at 1:25 p.m., until 10:00 a.m., Friday, February 28, 1975.

Respectfully submitted,


Asterio R. Takesy, Chief Clerk
House of Representatives