

On My Mind
8/17/07

Dominating the news this past week was the historic first-time-ever holding of an official session of a U.S. Congressional committee in the CNMI - Congresswoman Donna Christensen's Sub-committee on Insular Affairs - which met in the Guma Hustisia for over four hours on Wednesday to hear comments on H.R. 3079: To amend the Joint Resolution Approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands. The bill would impose federal control over CNMI's immigration and naturalization programs.

The committee heard a total of 11 witnesses, with Department of Interior Deputy Assistant Secretary for the Office of Insular Affairs David Cohen testifying individually, and the remaining ten in three panels that could be loosely categorized as government, community and organization, with the governor, House speaker, Senate vice-president and Washington Rep on the first panel, community activist Tina Sablan, the president of the Dekada Movement and the president of Taotao Tano CNMI Association comprising the second, and the president of HANMI, vice-president of the Saipan Chamber of Commerce and a representative from the CNMI Enterprise Group, the third.

Though some of the witnesses were testifying for the first time, most had done so before, and one would have thought they'd want to make better use of their time by offering cogent summaries, instead of trying to read the entire submission which they'd already submitted to the Congressional Committee, especially since each was ostensibly limited to only five minutes. Despite the Chairwoman's generous allowance for "overtime," all but the final speaker were forced to cut short their presentations.

It was quite an endurance trial, especially for those sitting on the hardwood benches in the courtroom - Chairwoman Christensen allowed for only one short five-minute break after the first hour to try resolve audio problems - unsuccessfully, apparently - for the audience outside the courtroom.

Most telling points have been adequately covered in the media. A few others worth mentioning: The Chairwoman opened by noting the appropriateness of conducting the hearing in a place where justice and equality prevail. Committee members appeared concerned that so much of the testimony presented was in opposition to their proposed bill, typified by Congressman Eni Faleomavega's repeated questions to Cohen about the extent of consultation with the CNMI by the Interior Department, and Chairwoman Christensen's later question to the governor, as to why there were people outside complaining if the government was doing the good job he claimed it was.

Cohen asserted that there had been extensive consultation, noting that he had previously spent nine days in the CNMI meeting with everyone who expressed an interest in doing so. Faleomavega then asked Cohen whether the Covenant was a treaty or a joint resolution. Cohen said he'd have to check with legal counsel before responding, but pointed out that the Covenant expressly provided for the application of U.S. immigration and naturalization laws to the CNMI by act of Congress independent of consultation or mutual agreement.

The governor's truculent response to the Chairwoman that the people demonstrating for enactment of H.R. 3079 were all "illegals" and that the administration was in the process of instituting deportation procedures against them has been fully reported elsewhere. The other shocker was his announcement that he had drafted an alternative bill - which apparently had been submit-

ted to the committee, but had not been seen by the media.

Committee member Madeleine Bordallo, who also sits on the House Armed Forces committee, assured attendees that that committee's discussions of Guam's pending military build-up include a role for the CNMI - though she was not free to provide details.

All three committee members repeatedly offered high praise for the performance of CNMI's Washington Rep Pete A. Tenorio at every opportunity. All three also voiced their support for a non-voting representative in Congress for the CNMI. And all three noted, more than once and in various terms, that their primary concerns were national security, the plight of foreign workers, and the people of the CNMI.

Of considerable interest, personally, was the interaction between members of the Congressional committee and Cohen. The difference in stance and perspective between the legislative and executive branches of the federal government was quite an eye-opener. The presence of the executive branch, as personified in the Department of Interior's David Cohen, is by now - given Cohen's frequent visits - not so extraordinary, though the aura of Federal Government is still strong. The presence of members of Congress (albeit non-voting) in action on Saipan was extraordinary. Granted members of Congress do visit the CNMI on occasion, but mostly they come as "visiting firemen," without much interaction with island residents.

To see the members of Congress take on the Federal presence with no show of deference was fascinating, instructive, enlightening.

Of interest, also, is the background of the Congressional committee members. Chairwoman Donna Christensen is the youngest of the trio at age 62, oldest is Madeleine Bordallo, at age 74. Faleomavaega is 64. Christensen has an MD and worked as a practicing physician for 21 years before being elected to Congress in 1996. Faleomavaega, who holds a maitai title, has a law degree, and worked as legal counsel in the U.S. House of Representatives for six years, for the government of American Samoa as Deputy Attorney General and then Lt. Governor for three years, before being elected to Congress in 1989. Madeleine Bordallo has served as Guam's Lt. Governor and is the only one who served in a "state" legislature prior to being elected to the Congress in 2002.

Was the release, late last week, of information about the governor's FY2008 budget deliberately timed to coincide with the Congressional hearing, to show that everything was under control - that even the much-reported failure to make Retirement Fund payments was now corrected? Or, conversely, was it deliberately timed to become buried under the hoopla of the hearings? If the former, let's hope the Congressional committee has someone to point out the several false assumptions on which that proposed budget, as announced, is based. The savings to be garnered by observing pay-less holidays, for example, depends on a bill that has not yet passed both houses of the CNMI legislature. The mere 18% contribution to the Retirement Fund for each employee is based on an actuarial study made for the administration, not the Retirement Fund, and thus is liable to change.

Moreover, the assumption that 3,000 government employees will convert their defined benefit plans to the new defined contribution plan is highly questionable, given the fact that the

government is refusing to credit its share of the contributions that have been made to each account, when those employees change over to the new defined contribution plan. To date, the rate of conversion has been extremely low, no doubt due to the fact that members are not willing to give up the contributions the government was supposed to have made on their behalf. The low conversion numbers will seriously affect the viability of the defined contribution plan, which was built on the assumption that high numbers of employees would convert.

In either case, the administration's '08 budget proposal appears seriously flawed.

Short takes:

The response to H.R. 3079 would probably be far more positive if someone had bothered to take out all the legal jargon, and all references to legal niceties buried in other laws, and in plain language spelled out just exactly what the bill covered, how it was expected to work, and how the time lines would be drawn. Maybe someone will still do this? I, for one, would sure appreciate it!

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My response to the Marianas Visitors Authority would be far more positive if it operated in a more traditional mode. The visitor centers I'm familiar with offer all sorts of descriptive brochures, lists, pictures, to visitors from out of town. I stopped by the MVA to find something similar that I could take with me when I visit relatives in Germany in October, only to find that all that was on the shelves were innumerable advertising blurbs from various Saipan vendors. But, said the managing director, who happened by, "Japanese tourists come in groups." As if they too wouldn't want pictures, background information and data! I'm still looking for photos of the Banzai Cliff and Last Command Post monuments, among other things....

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To carry the theme a little longer: I would be more receptive to the Supreme Court's re-districting map if it hadn't cut up the village of San Vicente, and the long-recognized distinct areas of As Lito, As Perdido, As Terlaje, Capitol Hill, Fina Sisu, I Denni, Laolao and Papago to draw its new census-block-delineated lines. Maybe in the next census, the CNMI can get its census blocks re-aligned to match reality on the ground?

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It's appalling, as well as downright disgusting, that a pedestrian who is hit while crossing Middle Road where there is no cross-walk can be declared the cause of the accident, as has just happened again in the accident that occurred near XO Market last Friday. The crosswalks are miles apart. It is unreasonable to expect people to go that far out of their way to cross the road. If it isn't law already, it should be, that pedestrians have the right of way - wherever they cross the road.

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On a brighter note: The Nauru Building is sure looking great these days! From the revived fountain and landscaping outside to the refurbishing inside, it's most impressive.

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Two new movies: "The Invasion," rated PG-13 and at the bottom of the barrel, and "No Reservations," not much better, rated PG, for a total of 5 PG-13's, 2 PG's.