

On My Mind  
5/21/2010

I failed to follow through, in the discussion of improved status for foreign workers two weeks ago in this space, in making clear a distinction I myself had pointed out: that permanent resident status and citizenship are two different things. One can have the former without necessarily also having the latter. I have no objection to - indeed, I support - the improved status that granting permanent residence would offer the CNMI's foreign workers. That seems only right, just, fair.

On the other hand, because the number of foreign workers who would be eligible to vote if granted citizenship is about the same as the number of people who voted in the last CNMI election, their impact on election results, on the composition of the legislature and executive branch, could be enormous. It could, overnight, alter every aspect of "life as we know it," the make-up and conduct of the entire society. The abrupt turnabout could wreak all sorts of havoc, and just does not, therefore, seem a viable option.

That is not to say that citizenship should be denied foreign workers altogether. Unfortunately, there does not seem to be any data available as to how many foreign workers have lived in the CNMI seven, or ten, or fifteen years. On the assumption that the total number of foreign workers would be considerably smaller than those who've lived here five years, awarding citizenship to those who have resided in the CNMI some longer period of time would presumably not generate quite such a large degree of potential disruption. It would, therefore, behoove Congress, or the Department of Interior, to obtain such figures before the final decision to the award of citizenship were made.

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Whether or not CNMI's governor is correct that he, that the CNMI, were not sufficiently consulted in the report issued by the Department of Interior on the status of foreign workers in the CNMI - there are those who say he is not - and maybe it all depends on how one defines "consultation" - the fact of the matter is that that is irrelevant. It is not a matter of judgement, or opinion, or negotiation, or even available data, that the status of foreign workers in the CNMI leaves much to be desired, and that that status is long overdue for improvement.

The Department of Interior did as it was asked. It answered the questions asked of it by Congress. Furthermore, it should be noted that Congress asked the questions of the DoI, not of the CNMI.

What is negotiable and does, perhaps, merit consultation, is which of the five alternative statuses to implement - or, if not, how to modify the alternatives so that one of them is acceptable to both the CNMI and Congress. It serves no purpose to discredit the entire report. And doing so certainly doesn't endear the CNMI - as represented by the governor - to either the DoI, or the Congress, both of which happen to be major sources of much needed revenue. It doesn't do to bite the hand that feeds you.....

Also irrelevant, it seems to me, is holding a referendum on the issue of improved status, *Marianas Variety* editor's opinion notwithstanding. Such humanitarian issues should not be left up to popular opinion to resolve.

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It was most refreshing, on the other hand, to read the testimony submitted by Representative Frederick P. Deleon Guerrero, Chairman of the CNMI House Committee on Federal and Foreign Relations, to the U.S. Congress' Subcommittee on Insular Affairs, Oceans and Wildlife on the implementation of P.L. 110-229, which was re-printed in today's *SaipanTribune*.

His comments are thoughtful, logical, well-reasoned. There is no bombast, no blaming, no false rhetoric, no whining, no complaining.

In his statement, Deleon Guerrero calmly and judiciously cites specific issues raised by the so-called federalization act: that it hampers the hiring of non-U.S. doctors for the Commonwealth Health Center; that CNMI practice has included hiring foreign workers for permanent employment, which the Act does not address; and the difficulties caused by the lack of regulations, by the lack of determination/establishment of prevailing wage rates, among others.

Kudos to Representative Deleon Guerrero, and, presumably, his committee members as well, for bringing a tone of reason and sanity to the entire debate, as well as to the hearing in particular!

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For, I hope, the last time, more on the CNMI and Social Security, this time from a tax attorney who provided not only background but also some legislative history. Though fascinating, it did not conclusively address **why** the CNMI decided not to participate in the U.S. Social Security retirement system, which was, after all, the original question. The CNMI had been working toward adoption of the Social Security system, as provided in *Covenant* section 606. Public Law 1-27, for example, provided for an increase in the contribution rate and in benefits of the retirement system for CNMI employees, for the purpose of making them more like the U.S. Social Security system.

Upon actual implementation of the *Covenant*, the CNMI legislature passed P.L. 5-24, which states that "The Government of the Commonwealth of the Northern Marianas, under Federal law, has several options; it may elect to participate fully in the United States Social System; it may "opt" out, or it may elect to "opt" in at a later date, creating a gap in coverage. Because the termination of the Trust Territory came to so suddenly the CNMI Government has not had sufficient time to render an informed decision on its options." P.L. 5-24, passed on January 12, 1987, therefore, authorized the continuation of Social Security deductions from government workers.

However, apparently the U.S. did not agree to an extension of whatever time had been provided to the CNMI to make up its mind, and the legislators felt that continuing to

collect the tax when it was not clear what it was buying (since Social Security coverage had been allowed to lapse) served no purpose. As a consequence, on June 24, 1987, P.L. 5-34 was enacted, cancelling the Social Security retirement program, and calling for the refund of all payments made to it.

The rationale is not clear but the assumption is that it had to do with the size of the contribution rates required by the Social Security system, and something called the Windfall Elimination Provision, which reduced benefits for state employees.

It would seem that only by intensive interviewing of legislators on the scene at the time would there be any hope of arriving at a clear answer, assuming there even is one!.

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Short takes:

I've never liked the pre-positioning ships that sit on the horizon. To me, those behemoths cast an aura of militarism, of fear and war, instead of open unlimitedness to hopes, dreams, aspirations that a vast, empty horizon offers. But nowadays, with the economy as bad as it is, I look upon the ships more benignly - they provide much-needed revenue to the CNMI, and for that I am very grateful.

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JoeTen Susupe is undergoing major renovation. They've not yet announced a date for what will presumably be a big celebration, but in the meantime, it's fun to go and see what they've changed, and how. Of course, one has to hunt around, because familiar locations of many products have been moved, but that's all part of the process. One does wonder, though, at the expenditure it all represents, in these times of economic adversity. Guess they expect that people will buy more if the surroundings are more fancy.

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Has anyone ever quantified the amount of wildlife, the number of trees, shrubs, grasses, that are destroyed by the annual dry season grass fires? Allegedly, the fields are burned so that young grass will grow, which will entice deer to graze, making them easier to hunt down. But at what price? And is it really necessary to try burn every spot of grass? Not only does it reduce species and diversity and contribute to erosion, but it is also ugly. Tourists on their way to any of the destinations in the Marpi area can hardly be enchanted by all the burnt-out areas along the way. Maybe it's time to impose higher penalties on those who start the fires?