

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION *of the* FEDERATED STATES OF MICRONESIA



VOLUME I

PALIKIR, POHNPEI

CONVENED ON TUESDAY, JANUARY 07, 2020  
ADJOURNED SINE DIE ON TUESDAY, JUNE 28, 2022

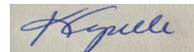
COMPILED BY THE OFFICE OF THE CONVENTION SECRETARY

## FOREWORD

The objective of this publication was to compile and document important and relevant information of and about the Fourth (4<sup>th</sup>) Federated States of Micronesia Constitutional Convention (4<sup>th</sup> FSMCC) for posterity. The publication was compiled in two volumes. Volume I prefaced with an Introduction and continued with the listings of the Convention Officers, Delegates by the States, Officers and members of the Special Committees and the Secretariat staff. Recorded on pages 7 to 663 were the verbatim minutes of the daily proceedings of the 4<sup>th</sup> FSMCC, in other words, daily journals of all 45 official session-days. In addition, Volume I contained eight (8) proposed amendments that were adopted by the Convention for a national referendum, twelve (12) adopted resolutions and mementos of the Delegates and Staff whose collective commitments and labor brought 4<sup>th</sup> FSMCC to fruition.

The Introduction was necessary to give context to how and why it took nearly two and half (2<sup>1/2</sup>) years to complete a task purported to be completed in 45 session-days. It chronicled the peculiar accounts of how the 4<sup>th</sup> FSMCC was initiated, organized and convened nearly ten (10) years after its constitutionally mandated timeframe, only to be to further delayed yet again for nearly two and half years because of COVID-19 worldwide Pandemic, before it was brought to a proper and successful closure.

Volume II was a compilation of important reports, journals and minutes and other important documentations: The Per-Convention Summary Report, the Journals of Committee of the Whole sessions, all approved Standing Committees Reports (SCRPs) for all adopted proposed amendments by the relevant Committees and the Committee on Style and Arrangement. In addition, Daily Orders, Rules of Procedures, as amended, Enabling Law, as amended, Minutes, Official Communications, Budget/Financial information and a table for all proposals submitted for consideration by the 4<sup>th</sup> FSMCC. The debates, deliberations and memorials are important materials for the record of this historic national undertaking.



Kapilly Capelle  
Secretary, 4<sup>th</sup> FSMCC

VOLUME I

Foreword

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## INTRODUCTION

Overdue by nearly a decade for unknown reason(s), the 4<sup>th</sup> FSMCC's much anticipated advent was only to be met by its original fate of further delay, however, this time the reason was all but unknown.

In March 2019 national general election for Congress, a question was asked on the ballot of the People: "Shall there be a convention to revise or amend the Constitution?". The answer nationwide was in the affirmative.

In July of 2019, the 21<sup>st</sup> FSM Congress passed a bill and on August 07, 2019, FSM President enacted that bill into law, P.L. 21-19, creating the Fourth(4<sup>th</sup>) Federated States of Micronesia Constitutional Convention (4<sup>th</sup> FSMCC). Among its provisos and terms of reference, the law set November 12, 2019 for a national special election to elect the convention delegates; one (1) at-large delegate from each State and two (2) delegates representing each election district (ED);(Chuuk-5 EDs, Pohnpei-3 EDs and 1 ED each for Yap and Kosrae). A total of 24 delegates were elected nationwide; 4 at-large delegates and 20 delegates representing all the election districts.

In early December 2019, the Preconvention Committee comprised of two delegates-elect from each State, was sanctioned and convened to plan, organize and set the stage for the 4<sup>th</sup> FSMCC.

On January 07, 2020 the 4<sup>th</sup> FSMCC was convened in Palikir, Pohnpei. On January 18, 2020, the Convention determined and decided that a 30-day recess was necessary to enable the Delegates to return to their home States to share, discuss and consult with their constituents on the proposed amendments introduced for consideration and other purposes. Resolution No.CC-RES 04-05 was adopted to authenticate that decision in compliance with the enabling law. On January 23, 2020, the Convention went on recess for that purpose.

While on recess, on January 31, 2020, the FSM President issued a Public Health Emergency Declaration (PHED) reiterating World Health Organization's declaration of the same heralding an unprecedented health threat of a newly identified virus called COVID-19. Incognizant of the extent and enormity of the consequences that impending health threat would wreak and exact worldwide, the Convention at ease reconvened on February 24, 2020, (February 23, 2020 was a Sunday), with the intent to complete its work within the remaining days of the 30-session days contemplated by the enabling law.

On February 28, 2020, the FSM President issued a decree in relation to his PHED, imposing travel restrictions for all people traveling to the FSM from countries and territories already infected with COVID-19 to remain in a COVID-free State or territory for at least 14 days before they were to be allowed to enter FSM. On March 11, 2020 the 21<sup>st</sup> FSM Congress revoked that travel restriction via Congress Resolution 21-129 albeit FSM's incontrovertible vulnerability to the grave

consequences and risks of the unrelenting spread of the deadly COVID-19 virus. Incidentally, on the same day the World Health Organization declared the burgeoning COVID-19 health threat a worldwide Pandemic. Meanwhile in Pohnpei State, Governor Oliver issued Constitutional Emergency Order 20-01 declaring a State of Emergency, suspending outbound travel for all government employees and imposing mandatory 14-day quarantine for all incoming passengers at designated facilities.

On March 12, 2020 with the Convention session days running short while the volume of unfinished business remained ample, the Assembly determined that more time would be needed to enable the Delegates to complete their work. Thus, Resolution No: CC-RES 04-09 was adopted to add 15 more session-days to extend the Convention period up to 45 session-days. On that same day the first proposed amendment on Threshold was adopted by the Convention. On the following day, March 13, 2020, with the ominous threat of COVID-19 Pandemic continued to loom large, the Convention adopted Resolution No. CC-RES-04-10, CCD1, calling for an immediate recess until the pandemic was to be subsided. That day the second proposed amendment on Dual Citizenship was adopted by the 4<sup>th</sup> FSMCC. The two adopted proposed amendments were formally transmitted to the FSM President on March 21, 2020.

The decision for immediate recess was both timely and wise. On March 14, 2020 all delegates from Yap, Chuuk and Kosrae departed to their home States just in time before the FSM instituted strict preventative measures and declared a nationwide travel ban. The pandemic intensified thereafter and remained a worldwide threat and menace for more than two years thereafter.

In the interim, several attempts were made to reconvene virtually but were over-ruled by the majority, and at one time by an act of Congress. Of worthy to note, two of the Delegates from the State of Chuuk, Hon. Camillio Noket and Hon. Peter Sitan untimely passed in 2020. Their replacements were properly vetted and installed. After nearly two and half (2 1/2) years of recess, on June 01, 2022, the 4<sup>th</sup> FSMCC was reconvened in Palikir. While certain travel restrictions were still in effect due to the pandemic, the Rules of Procedures were amended to accommodate those who could not travel thus allowing the convention to proceed with both in-person and virtual participation. On June 28, 2022, the convention was adjourned sine die.

Overall, there were 75 proposed amendments submitted either by individuals, groups or state delegations. In the end, from those 75 proposals, there were 8 committee proposals adopted by the 4<sup>th</sup> FSMCC. Two (2) proposed amendments were adopted prior to the extended recess in March 2020 and six (6) were adopted in June, 2022. The latter six (6) adopted proposals were formally transmitted to the FSM President on June 30, 2022 for his pursual for a national referendum.

**OFFICERS**

**DELEGATES**

**COMMITTEES**

**STAFF**

**4<sup>th</sup> FSM CONSTITUTIONAL CONVENTION**

**OFFICERS AND STATES DELEGATES**

**CONVENTION OFFICERS:**

PRESIDENT: Hon. REDLEY KILLION

VICE-PRESIDENT: Hon. SALVADOR IRIARTE (ISO NAHNKEN)

FLOOR LEADER: Hon. ANDREW YATILMAN

CHAIRMAN COMMITTEE OF THE WHOLE (COW): Hon. JOHNSON A. ASHER

**CONVENTION DELEGATES/REPRESENTATIVES**

**State of Chuuk.**

Hon. Redley Killion- At-Large

Hon. Peter Sitan/ Hon. Roger Arnold- ED No. 1

Hon. Marcus Samo- ED No. 1

Hon. Camillo Noket/ Hon. Joannes (Johnny) Risin- ED No. 2

Hon. Nickson M. Bossy- ED No. 2

Hon. Jack S. Fritz- ED No. 3

Hon. Myron I. Hashiguchi- ED No. 3

Hon. Cindy Siren Mori- ED No. 4

Hon. Kind K. Kanto- ED No. 4

Hon. Asterio R. Takesy- ED No. 5

Hon. James A. Naich- ED No. 5

**State of Kosrae**

Hon. Johnson A. Asher- At-Large

Hon. Yoslyn George Sigrah- ED No. 1

Hon. Canney L. Palsis- ED No. 1

**State of Pohnpei**

Hon. Salvador Iriarte (Iso Nahnken )- At-Large

Hon. Akillino H. Susaia- ED No. 1

Hon. Tendy (Tesiwo) Liwy- ED No. 1

Hon. Berney Martin- ED No. 2

Hon. Salomon Saimon- ED No. 2

Hon. Mason Albert- ED No. 3

Hon. Ricky F. Cantero- ED No. 3

**State of Yap**

Hon. Victor Nabeyan - At-Large

Hon. Andrew R. Yatilman- ED No. 1

Hon. Andy P. Choor- ED No. 1



**CONVENTION COMMITTEES**

**PRE-CONVENTION COMMITTEE:**

Chairman: Ricky F. Cantero, Vice Chairman: Andrew Yatilman, Sec./Trea.: Yoslyn G. Sigrah  
Chuuk State:

DE James A. Naich,  
DE Myron I. Hashiguchi

Kosrae State

DE Yoslyn G. Sigrah  
DE Johnson A. Asher

Pohnpei State

DE Ricky Cantero  
DE Salomon Saimon

Yap State

DE Victor Nabeyan  
DE Andrew Yatilman

**COMMITTEE OF THE WHOLE:**

Chairman: Del. Johnson A. Asher

Members: All Delegates

**COMMITTEE ON CIVIL LIBERTIES AND TRADITIONS:**

Chairman: Del. Mason Albert      Vice-Chairman: Del. Camillo Noket/ Vacant

Chuuk State Delegates:

Del. Nickson M. Bossy  
Del. Jack S. Fritz  
Del. Kind K. Kanto  
Del. James A. Naich  
Del. Camillo Noket/ Del. Joannes (Johnny) Risin

Kosrae State Delegates:

Del. Canney L. Palsis  
Del. Yoslyn G. Sigrah

Pohnpei State Delegates:

Del. Salvador Iriarte (Iso Nahnken)  
Del. Mason Albert  
Del. Salomon Saimon  
Del. Akillino H. Susaia

Yap State Delegates:

Del. Victor Nabeyan  
Del. Andrew R. Yatilman

**COMMITTEE ON PUBLIC FINANCE AND REVENUE:**

Chairman: Del. Peter Sitan/ Del. Jack Fritz Vice-Chairman: Del. Tendy Liwy  
Chuuk State Delegates:  
Del. Jack S. Fritz  
Del. Myron I. Hashiguchi  
Del. Cindy Siren Mori  
Del. Camillo Noket/ Del. Joannes (Johnny) Risin  
Del. PeterSitan/ Del. Roger Arnold  
Kosrae State Delegates:  
Del. Johnson A. Asher  
Del. Canney L. Palsis  
  
Pohnpei State Delegates:  
Del. Ricky F. Cantero  
Del. Tendy Liwy  
Del. Berney Martin  
Del. Akillino H. Susaia  
Yap State Delegates:  
Del. Andy P. Choor  
Del. Andrew Yatilman

**COMMITTEE ON GOVERNMENT STRUCTURE AND FUNCTION:**

Chairman: Del. Victor Nabeyan Vice Chairman: Del. Akillino H. Susaia  
Chuuk State Delegates:  
Del. Nickson M. Bossy  
Del. Myron I. Hashiguchi  
Del. James A. Naich  
Del. Marcus Samo  
Del. Peter Sitan/ Del. Roger Arnold  
Kosrae State Delegates:  
Del. Canney L. Palsis  
Del. Yoslyn G. Sigrah  
Pohnpei State Delegates:  
Del. Ricky F. Cantero  
Del. Tendy Liwy  
Del. Berney Martin  
Del. Akillino H. Susaia  
Yap State Delegates:  
Del. Victor Nabeyan  
Del. Andrew R. Yatilman

**COMMITTEE ON GENERAL PROVISIONS:**

Chairperson: Del. Yoslyn G. Sigrah      Vice Chairman: Del. Andy Choor

Chuuk State Delegates:  
Del. Jack S. Fritz  
Del. Kind K. Kanto  
Del. Cindy Siren Mori  
Del. Marcus Samo  
Del. Asterio R. Takesy

Kosrae State Delegates:  
Del. Johnson A. Asher  
Del. Yoslyn G. Sigrah

Pohnpei State Delegates:  
Del. Salvador Iriarte (Iso Nahnken)  
Del. Tendy Liwy  
Del. Berney Martin  
Del. Salomon Saimon

Yap State Delegates:  
Del. Andy P. Choor  
Del. Victor Nabeyan

**COMMITTEE ON STYLE AND ARRANGEMENT:**

Chairman: Del. Salomon Saimon      Vice Chairman: Del. James A. Naich

Chuuk State Delegates:  
Del. Myron I. Hashiguchi  
Del. James A. Naich  
Del. Camillo Noket/ Del. Joannes (Johnny) Risin  
Del. Asterio R. Takesy

Kosrae State Delegates:  
Del. Johnson A. Asher

Pohnpei State Delegates:  
Del. Mason Albert  
Del. Ricky F. Cantero  
Del. Salomon Saimon

Yap State Delegates  
Del. Andy P. Choor

**CONVENTION SECRETARIAT STAFF**

- Mr. Kapilly Capelle-----Convention Secretary
- Ms. Kathleen M. Burch-----Chief Legal Counsel
- Ms. Jessica Reyes-----Chief Clerk
- Mr. Belan Yoma-----Deputy Secretary
- Mrs. Mary Kilmete-----Administrative Officer
- Ms. Claudia David-----Public Information Officer
- Mr. Rosen Nowel-----Sargeant-At-Arms
- Mr. Dayston Roby-----IT Supervisor
- Mr. Derrick lehsi-----Webmaster
- Mr. Atarino Heliesar-----Journal Clerk\*
- Ms. Krystal Saimon-----Journal Clerk/Legal Assistant+
- Ms. Tammy Davis-----Legal staff\*
- Ms. Hila Asanuma-----Legal staff+
- Mr. Rudson Robert-----Legal Assistant+
- Mrs. Joy Y. Retalmi-----Administrative Assistant+
- Mrs. Dorinda Thomas-----Secretary\*
- Ms. Aldea Edward-----Secretary\*
- Mr. Les Lokopwe-----IT Technician+
- Mr. Santos Abraham-----Administrative Assistant+
- Mr. Andrew Falcam-----Administrative support staff+
- Mr. Vitus Susaia-----Administrative Assistant \*
- Ms. MarJose Redy-----Account technician \*
- Mrs. Jenny Heliesar-----Journal Clerk Assistant\*
- Mrs. Nercy Simina-----Secretary\*
- Mr. Zag Puas-----Legal Assistant\*
- Mr. Enlet Jr. Enlet-----Legal Assistant\*
- Ms. Romina Halbert-----Page
- Ms. Bertha Joseph-----Page+
- Ms. Finolla Pertinant-----Page+
- Ms. Liderlynn Santos-----Page+
- Mr. Jessie Donre-----Page+
- Ms. Lenjessica Loyola-----Page+
- Ms. Anniesha Fredrick-----Page+
- Ms. Chesny Esiel-----Page+
- Ms. Alecia Rex-----Janitor+
- Ms. Akina Joseph -----Page\*
- Ms. Joice Mathias-----Page\*
- Mr. Pete Micky-----Page\*
- Mr. Lance Mongkeia-----Page\*
- Ms. Lelihna Lawrence-----Page\*
- Ms. Macky Mark-----Janitor\*

Note: Each State Delegation hired its own support staff prior to COVID-19 Pandemic Recess.

\* - Secretariat Support Staff prior to COVID-19 Pandemic Recess, from Dec., 2019 to March 14, 2020.

+ -Secretariat Support Staff after the Recess, from May 22, 2022- July 01, 2022.

**PLENARY  
JOURNALS  
(45 SESSION-DAYS)**

FOURTH CONSTITUTIONAL CONVENTION  
OF THE FEDERATED STATES OF MICRONESIA JOURNAL

**FIRST DAY**

Tuesday, January 7, 2020

(Introduction began at 10:40 a.m.)

**INTRODUCTION OF DELEGATES**

**Convention Secretary Capelle:** Kaselehlieh maingko, Len Wo, Ran Annim, Mogethin, greetings/Good morning Ladies and Gentlemen. Since the whole of Pohnpei, the FSM and the world, literally, is also watching and listening in with us this morning in real time, please allow me to accord sentiments of respect, honor, and praise in Pohnpeian to the owners, guardians, and traditional chiefs of this land upon which we now assemble and the country we call home. I pahn tihengki ahi tungoal sakaradahp kaping mwuledok pahn kupwuren samatail Kauno Koht pwehki roson ieias me ihr ketin kapi pohn peiwet oh nan kahndeke kapatapat wet, kaip enihlap pohn mwoalen wau ileilehn wein Pohnpei, keipweni, sakarmesik pahn kupwuren wasalapalap mwonsapwoko/eriksohko en pehi wet, keipweni pohn mwoalen Ourior, sekeren wau lap pahn kupwuren Iso Nahnken ko en Pohnpei u, ahp mehleh Seihhn Serihhn Iso Nahnken en Wein Nett me pahn ketin mwoaledihr oh tapwih ketdi lap wet, wauhu lap tohrror pahn kupwuren Likendko, Nahnalengko, Nahnkeniei ko, oh lapalap en tiahk ketdi karos nan kahn deke kapatpat wet sang wien Kosrae, Chuuk, Yap oh Pohnpei. Mwonsapwoko/Isoko, reketin kupwurekinie ahi tungoal elep lepin sepwilen mwohn ei pahn patohwen doula oh iang pahki dedoak kesemwppwal wet. Pwehki dedoahkwet doke wein kahndeke kapatapat, re ketin lapwtingiting oh kupwure pwe ahi tungoal pato en kak mengei ong sapwelmahr aramas pohn pehi wet oh pil tohn wehi teikan me iang towe oh patehng doadoahk lap wet rahnwet. Ahi tungoal sakarada pahn pato ni lokea de patohwen Wai.

Traditional Paramount and High Chiefs of Pohnpei, Yap, Chuuk and Kosrae, President Panuelo, Speaker Simina, Chief Justice Yamase, Vice President George, Honorable Members of 21<sup>st</sup> FSM Congress, Delegates-elect to the 4<sup>th</sup> FSM Constitutional Convention, Founding Father/Senior Pastor Henry, State Governors, State Speakers, FSM Cabinet members, State Cabinet Members, Municipal Chiefs and Leaders, traditional leaders, the Clergy, SYCA, citizens, friends, ladies and gentlemen who are present in this Chamber at the moment, as well as those who are tuned-in to this live broadcast, either by radio or by live internet streaming in the FSM and throughout the world today. A very pleasant Good Morning and

Welcome everyone to the Opening of the Fourth Constitutional Convention of the Federated States of Micronesia. The delegates-elect will enter the chamber, be introduced, and escorted individually by the Pages to their respective seats, momentarily. The introduction will be by State in alphabetical order as follows: Chuuk State, Kosrae State, Pohnpei State and Yap State. For each State the introduction will begin with the at-large delegate-elect followed by delegates-elect of election districts in numerical order. And now, Ladies & Gentlemen, introducing the Delegates-Elect:

**Representing our beautiful State of Chuuk.**

For the At-Large seat from the State of Chuuk, Delegate-elect Redley Killion. (Applause)

From Chuuk State E.D. No. 1 or the Mortlocks Region: Delegate-elect Peter Sitan, (Applause); and Delegate-elect Marcus Samo. (Applause)

From Chuuk State E.D. No. 2 or the Northern Namoneas Region: Delegate-elect Camillo Noket (Applause); and Delegate-elect Nickson M. Bossy. (Applause)

From Chuuk State E.D. No. 3 or the Southern Namoneas Region: Delegate-elect Jack S. Fritz (Applause); and Delegate-elect Myron I. Hashiguchi. (Applause)

From Chuuk State E.D. No. 4 or the Faichuk Region: Delegate-elect Cindy Siren Mori (Applause); and Delegate-elect Kind K. Kanto. (Applause)

From Chuuk State E.D. No. 5 or the Northwest Islands Region: Delegate-elect James A. Naich (Applause); and Delegate-elect Asterio R. Takesy. (Applause)

**Kosrae State: Representing our State of Kosrae.**

For the At-Large seat representing the State of Kosrae, Delegate-elect Johnson A. Asher. (Applause)

From Kosrae State E.D. 1: Delegate-elect Yoslyn George Sigrah (Applause); and Delegate-elect Canney L. Palsis. (Applause)

**Pohnpei State: Representing our host State of Pohnpei**

For The At-Large seat representing the State of Pohnpei, Delegate-elect His Royal Highness Iso Nahnken Salvador Iriarte. (Applause)

From Pohnpei E.D. 1 or Sokehs, Kolonia, Sapwuafik, Nukuoro and Kapingamarangi: Delegate-elect Akillino H. Susaia; (Applause) and Delegate-elect Tendy (Tesiwo) Liwy. (Applause)

From Pohnpei E.D. No. 2 or Madolenihmw and Kitti: Delegate-elect Berney Martin; (Applause) and Delegate-elect Salomon Saimon. (Applause)

From Pohnpei E.D. 3 or U, Nett, Mwoakilloa and Pingelap: Delegate-elect Mason Albert (Nahnawahn U); (Applause) and Delegate-elect Ricky F. Cantero. (Applause)

**Yap State: Representing our State of Yap**

For the At-Large seat for the State of Yap, Delegate-elect Victor Nabeyan. (Applause)

From Yap State Election No. 1, Delegate-elect Andrew R. Yatilman; (Applause) and Delegate-elect Andy P. Choor. (Applause)

Thank you very much Pages. Kahlapoko, Isohko, Mr. President, Leaders, Ladies and Gentlemen, seated before you in this chamber; are the 24 dignified Elected Delegates by the people of our nation entrusted to undertake this historic duty to review, articulate, analyze and recommend compelling and important changes (amendments) needed for our nation's constitution- the highest law of our land and the foundation upon which our democratic existence shall be governed to be a perpetual union. So, once again please join me in extending another warm round of applause to these well-deserving ladies and gentlemen- the Delegates-Elect to the 4th Constitutional Convention of the FSM. (Applause)

**INTRODUCTION OF THE TEMPORARY PRESIDENT**

**Convention Secretary Capelle:** To officially convene this Convention, pursuant to the enabling law that created the 4<sup>th</sup> Constitutional Convention of the FSM, Public Law No. 21-19, sub-section (2) of section 6 stipulates that, “the President of the Federated States of Micronesia or his designee shall **act** as President of the Convention until the Convention selects a President from among its membership.” That being the case, the enabling law effectively designated the current, the sitting FSM President as Acting President or Temporary President of the 4<sup>th</sup> *Constitutional Convention of the FSM*.

It is a rare privilege and a distinct honor for me to introduce His Excellency, David W. Panuelo, President of the Federated States of Micronesia. May I invite His Excellency to his proper seat where he will preside over the Convention proceedings, henceforth, accordingly. Thank you Mr. Sergeant-at-Arms, please escort President Panuelo to the Convention President's seat. Ladies and Gentlemen, please join me in welcoming His Excellency, President Panuelo, to preside over the official convening of this historic undertaking.

*(Applause as the President is escorted by the Sergeant-at-Arms to his seat).*

## CALL TO ORDER

**Acting President Panuelo:** Thank you Secretary Capelle for your great work, an excellent job. At this time, may I ask that we all rise for the singing of the National Anthem that will be sang by the Sokehs Youth Council Association (SYCA).

(Singing of the National Anthem)

On all our behalves I would like to take this opportunity to thank the members of the Sokehs Youth Council Association for the beautiful rendition of our National Anthem. Let us give them a round of applause. (Applause)

In the spirit of patriotism and unity and pursuant to Public Law No. 21-19, as amended, I hereby call the Fourth Constitutional Convention of the Federated States of Micronesia to order.

## INVOCATION

**Acting President Panuelo:** At this time, It is with great honor and privilege to call upon one of our Founding Fathers of this great Nation and also a Senior Pastor to offer the Invocation, Senior Pastor Bethwel Henry. May I call on the Sergeant-At-Arms to please escort Senior Pastor Henry to the podium.

(Prayer is delivered)

**Acting President Panuelo:** Thank you very much, Founding Father/Senior Pastor Henry.

## OPENING REMARKS BY ACTING PRESIDENT PANUELO

(Brief remark is delivered and short recess is called subject to the call of the Temporary President)

## DESIGNATION OF TEMPORARY FLOOR LEADER

**Acting President Panuelo:** In order for us to smoothly and efficiently progress forward, I would like to call upon Delegate-elect Andrew Yatilman to be our Temporary Floor Leader this morning. Any objection?

All those in favor of the motion say “Aye”? All opposed say “Nay”?

(The motion passed by voice vote of the Delegate-elect Yatilman to be Temporary Floor Leader.)

The motion carried. So be it. Delegate-elect Andrew Yatilman will be our Temporary Floor Leader.

#### ADOPTION OF PRE-CONVENTION COMMITTEE MEETING OUTCOMES

**Acting President Panuelo:** Again, for us to proceed smoothly, we need to adopt Outcomes of the PCC including among others Temporary Rules of Procedures for this Convention to use.

Thus, moving on with the first order of business, calling for the Adoption of the Temporary Rules of Procedure, may I now call upon the Chairman of the Pre-Convention Committee to report.

**Delegate-elect Cantero:** Thank you, Mr. President. Pursuant to Public Law No. 21-19, as amended, the Pre-Convention Committee developed a set of rules to govern the proceedings of this Convention and proposed convention budget and other matters. Through each Committee member, these proposed budget and rules have been distributed to the Delegates-elect. Thus, on behalf of the Pre-Convention Committee and myself, I hereby move that said proposed budget and rules of procedures be adopted.

**Delegate-elect Hashiguchi:** Second.

**Acting President Panuelo:** It’s been moved and seconded that the Budget and Rules of Procedure, as proposed by the Pre-Convention Committee, be adopted. Any discussion? If none, all those in favor say “Aye”. All those opposed say “Nay”.

(The motion passed by voice vote of the Delegates-elect).

Motion carried. Now we have the Temporary Rules of Procedure and Budget.

### QUALIFICATIONS REPORT

**Acting President Panuelo:** The next item is the Qualifications Report of the Delegates-elect. Again, may I call upon the Chairman of the Pre-Convention Committee for this matter?

**Delegate-elect Cantero:** Mr. President, I move that we have a short recess.

**Acting President Panuelo:** Short recess.

Acting President Panuelo declared the Convention recessed at 11:15 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:17 a.m.

**Acting President Panuelo:** The Convention is now back to order.

**Delegate-elect Cantero:** Thank you, President Panuelo, for your support of the Convention process and for availing time to serve as Temporary President. Thank you also for the continued great leadership for our country and for our people.

Acting President, on behalf of the collective members and Delegates-elect to the Pre-Convention Committee of the 4<sup>th</sup> Constitutional Convention of our great country, I am extremely honored to present the Committee's report on the qualifications of Convention Delegates. Pursuant to Public Law 21-19, your Pre-Convention Committee was organized at the call of Speaker of Congress on December 3, 2019, during the margins of a Special Session of Congress held in our State of Chuuk. Upon organization, your Committee immediately commenced its work to prepare necessary arrangements needed for a successful Convention, as described in the said Public Law.

With respect to the eligibility of Delegates-elect, to sit as Delegates to the 4<sup>th</sup> Constitutional Convention, your Committee reviewed the electoral qualifications of all Delegates-elect, as certified by the Acting National Election Commissioner on November 12, 2019. The Acting Commissioner's certification confirmed that all Delegates present today were elected in accordance with Title 9 of the FSM Code, and are qualified to perform service as Delegates to the Fourth Constitutional Convention of the FSM. A copy of the document confirming certification is attached, and is part and parcel of this Report.

Upon review, your Committee and its members have unanimously concluded that all Delegates-elect are eligible and possess the qualifications for seating in the Convention. Additional research by the Committee has also resulted in the same conclusion. Copies of this additional research are also attached and have also become part and parcel this report.

With the foregoing being said, Mr. Temporary President, your Committee hereby concludes that each and every Delegate-elect is eligible and qualified to serve as a Delegate to the 4<sup>th</sup> Constitutional Convention. Your Committee, therefore, recommends that the credentials of each Delegate-elect be accepted, and that they collectively will take the Oath of Office and be seated as Delegates to the 4<sup>th</sup> Constitutional Convention of our country.

Mr. Temporary President, with honor, I name the Delegates as follows:

**From our State of Chuuk:**

1. At-Large Delegate-elect Redley Killion
2. Delegate-elect Peter Sitan
3. Delegate-elect Marcus Samo
4. Delegate-elect Camillo Noket
5. Delegate-elect Nickson M. Bossy
6. Delegate-elect Jack S. Fritz
7. Delegate-elect Myron I. Hashiguchi
8. Delegate-elect Cindy Siren Mori
9. Delegate-elect Kind K. Kanto
10. Delegate-elect Asterio R. Takesy
11. Delegate-elect James A. Naich

**From our State of Kosrae:**

1. At-Large Delegate-elect Johnson A. Asher
2. Delegate-elect Canney L. Palsis

3. Delegate-elect Yoslyn G. Sigrah

**From our State of Pohnpei:**

1. At-Large Delegate-elect - Iso Nahnken of Nett, His Majesty Iso Salvador Iriarte

2. Delegate-elect Akilino H. Susaia
3. Delegate-elect Tendy (Tesiwo) Liwi
4. Delegate-elect Berney Martin
5. Delegate-elect Salomon Saimon
6. Delegate-elect Mason Albert
7. Delegate-elect Ricky F. Cantero or yours truly

**From our State of Yap:**

1. At-Large Delegate-elect Victor Nabeyan
2. Delegate-elect Andrew R. Yatilman
3. Delegate-elect Andy P. Choor

Respectfully submitted and signed by Pre-Convention Committee  
Chairperson Ricky F. Cantero, Vice-Chairperson Andrew R. Yatilman, Secretary /  
Treasurer Yoslyn G. Sigrah, Delegate James A. Naich, Delegate Salomon Saimon,  
Delegate Victor Nabeyan, Delegate Johnson A. Asher, and Delegate Myron I.  
Hashiguchi.

This is the Report of your Pre-Convention Committee. I will end as I started  
by again thanking you for your continued leadership of our country, for our people,  
and your continued support of our Convention process. Thank you.

Mr. Temporary President, I move for the adoption of this written report.

**Delegate-elect Hashiguchi:** Second.

**Acting President Panuelo:** The report has been presented for consideration.  
It's been moved. If no other discussion, all those in favor of the motion of the  
adoption of the report as presented say "Aye", all opposed say "Nay". The motion  
carried by voice vote to adopt the Qualifications Report, as presented. The report  
has been adopted.

As your temporary President, I wish to seize this brief moment to convey my  
personal sentiments of congratulations to all Delegates-elect to our 4<sup>th</sup>  
Constitutional Convention. Congratulations to you all.

ADMINISTRATION OF OATH

**Acting President Panuelo:** The next item on our Order of Business is the Administration of Oath to all Delegates-elect. And may I call upon the Sergeant-at-Arms to escort the Honorable Chief Justice Dennis K. Yamase of our FSM Supreme Court to the podium.

(Chief Justice Yamase was escorted to the podium by the Sergeant-at-Arms.)

**Chief Justice Yamase:** Thank you. For the oath of office, may I please ask all the delegates to please rise?

(Delegates rose)

**Chief Justice Yamase:** Please raise your right hands and repeat after me.

*(Delegates raised their right hands.)*

**Chief Justice Yamase:** I, and state your name--

**Delegates-elect:** I (name stated--

**Chief Justice Yamase:** --do solemnly swear--

**Delegates-elect:** --do solemnly swear--

**Chief Justice Yamase:** --that I will faithfully execute--

**Delegates-elect:** --that I will faithfully execute--

**Chief Justice Yamase:** --the office of delegate--

**Delegates-elect:** --the office of delegate--

**Chief Justice Yamase:** --to the Fourth Constitutional Convention--

**Delegates-elect:** --to the Fourth Constitutional Convention--

**Chief Justice Yamase:** --of the Federated States of Micronesia--

**Delegates-elect:** --of the Federated States of Micronesia--

**Chief Justice Yamase:** --and will to the best of my ability--

**Delegates-elect:** --and will to the best of my ability--

**Chief Justice Yamase:** --uphold--

**Delegates-elect:** --uphold--

**Chief Justice Yamase:** --promote--

**Delegates-elect:** --promote--

**Chief Justice Yamase:** --and support--

**Delegates-elect:** --and support--

**Chief Justice Yamase:** --the laws--

**Delegates-elect:** --the laws--

**Chief Justice Yamase:** --and the Constitution--

**Delegates-elect:** --and the Constitution--

**Chief Justice Yamase:** --of the Federated States of Micronesia--

**Delegates-elect:** --of the Federated States of Micronesia--

**Chief Justice Yamase:** --so help me God.

**Delegates-elect:** --so help me God.

**Chief Justice Yamase:** Thank you very much. Congratulations. And you may be seated. (Applause)

**Acting President Panuelo:** Thank you very much, Chief Justice Yamase. I also wish to add my congratulations to each and every one of you.

## ROLL CALL

The next item is the Roll Call. Now I will ask the Chief Clerk to call the Roll.

**Chief Clerk Reyes:** called the roll; all 24 delegates are present.

**Acting President Panuelo:** Thank you very much, Chief Clerk. We have a full house. We can now transact business.

## ADOPTION OF OFFICIAL RULES OF PROCEEDURE

**Acting President Panuelo:** Now, the next item is the Adoption of the Rules of Procedure for the Convention.

**Delegate Cantero:** Mr. Acting President.

**Acting President Panuelo:** Delegate Cantero.

**Delegate Cantero:** I move that the temporary Rules of Procedure, which were adopted earlier, be made the Official Rules of Procedure of this Convention.

**Delegate Hashiguchi:** Second.

**Acting President Panuelo:** Any discussion? If none, all those in favor of the motion say “Aye”. All those who opposed say “Nay”.

The motion carried by voice vote to adopt the temporary Rules of Procedure, which were adopted earlier, as the Official Rules of Procedures of the Fourth FSM Constitutional Convention.

## NOMINATION/ELECTION OF THE PRESIDENT

**Acting President Panuelo:** With the adoption of these Official Rules for the Convention, permanent transaction of Convention business may now continue, starting first and foremost with the election of Convention Presiding Officers. I now open the floor for nominations.

**Delegate Cantero:** Mr. Acting President, I would like to nominate delegate Redley Killion, delegate from the State of Chuuk, as the President of this Convention.

**Delegate Hashiguchi:** Second.

**Acting President Panuelo:** It's been moved and seconded that Delegate Redley Killion representing Chuuk State will be President of this Convention. Any other nominations?

**Delegate Cantero:** Mr. Acting President, I move to close nominations.

**Delegate Hashiguchi:** Second.

**Acting President Panuelo:** It's been moved and seconded that the nomination be closed. If no discussion, we can now vote on the main motion which is the election of Delegate Redley Killion as the President. According to the rules, if I'm not mistaken, election of officers shall be done by secret ballot.

**Delegate Cantero:** Mr. Acting President.

**Acting President Panuelo:** Delegate Cantero.

**Delegate Cantero:** Mr. Acting President, because there is only one nomination, I move that the rule on secret ballots be suspended.

**Delegate Hashiguchi:** Second.

**Acting President Panuelo:** It's been moved and seconded that the Convention suspended the rules on election of the Convention President to be done by secret ballot. Any more discussion? If no other discussion, all those in favor of the motion say "Aye", all opposed say "Nay". Motion carried.

(The motion carried by voice vote of Delegates.)

It is understandable that since there's only one candidate and no other candidates, therefore, there's only one nomination and I can now declare that Delegate Redley Killion has been elected as the President of the Fourth FSM Constitutional Convention. (Applause)

Pursuant to Public Law No. 21-19 it says “The President of the Federated States of Micronesia, or. . . designee, shall act as President of the Convention until the Convention selects a President from among its membership. Now that we have a President of our 4<sup>th</sup> Convention may I ask the Sergeant-at-Arms to escort Delegate Redley Killion, to the Chair seat so I can retire.

Ladies and gentlemen let us all give the President of the 4<sup>th</sup> FSM Constitutional Convention a big round of applause. (Applause)

(Sergeant-at-Arms escorted the new President of the Convention to the Chair and escorted President Panuelo to his designated seat in the gallery.)

### CONVENTION PRESIDENT TAKES HIS SEAT

**President Killion:** Thank you, Your Excellency President Panuelo. You have done an excellent job in running our business this morning. I accord sentiments of praise, gratitude, and sincere appreciation to you for your continued support of the Convention Process. Thank you very much. Now, may I please call for a short recess, subject to the call of the Chair.

President Killion declared the Convention recessed at 11:48 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:50 a.m.

### REMARKS BY CONVENTION PRESIDENT

**President Killion:** We can now move on. I have prepared a brief remark to deliver. Please bear with me.

President Panuelo, Speaker Simina, Chief Justice Yamase, Traditional Leaders from throughout the Federation, especially from the Host State of our National Government, Leaders from our Four States and Local Government, Fellow Delegates and fellow Citizens, Ladies and Gentlemen.

It is only fitting and proper that I express, at the outset, my sincere gratitude to my fellow delegates for the honor and privilege that they bestowed upon me by electing me as the President of this 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia. The challenge that lies ahead of us for

the duration of the Convention plenary and its related activities is enormous and daunting. In your presence and with our collective citizenry as witnesses to our resolve, I pledge to do my very utmost in leading this historic undertaking to a successful outcome.

Yet, there is no doubt in my mind that the success in this endeavor lies just as much in your capable hands as it is in mine. May I therefore call on you for your help and cooperation, individually and collectively? May I count on you to contribute generously to an achievement of which we can all be proud and, more importantly, to which the citizens of this land rightly deserve. Our citizens have placed their confidence – indeed a sacred trust – in all of us as delegates. We have little option but to give full measure of devotion to our indispensable mandate and we must deliver such mandates as called for in the enabling legislation for this convention. In this exercise of a civic duty of such large proportion, we must not overlook to seek providential guidance and blessings.

Fellow Delegates, coming together at the seat of our National Government to review the efficacy and the fairness of the supreme law of our land and to make repair as necessary and appropriate, in a deeper reflection, is a proud moment in the history of our nation-building and our struggle for self-determination and independence. The foundational Micronesian Constitutional Convention of 1975 was a monumental turning point in the long road to our independence where after more than four centuries we at long last become “the proud guardians of our own islands, now and forever.” May the foresight, courage, and commitment of our Founding Fathers to “Union, Liberty, and Peace” continue to be an inspiration and basis of action for us in this 4<sup>th</sup> Constitutional Convention.

Equipping the people with the opportunity every ten years to decide whether or not to hold a Convention to review our supreme law of the land is not a minor provision of the Constitution. By making it a mandatory Constitutional process, it reflects the wisdom and conviction of our Forefathers that our sovereignty is not derived from the generosity of the state but resides ultimately in “*We, the people of Micronesia.*”

But this required process of the Constitution would seem meaningless if it were not acted upon and effectively implemented. In this regard, let me express on behalf of the Convention our gratitude to President Panuelo, Speaker Simina and the Members of Congress, as well as Chief Justice

Yamase, for seeing to it that the wishes of the citizens are carried out. We appreciate very much the assistance that the branches of our national government as well as those from our various state governments have generously provided to the preparation of this Convention. After all, we are all partners in this national exercise. Hence, your continued assistance is essential to our collective success.

Likewise, I would like to express our thanks and gratitude to Chairman Ricky Cantero and members of the Pre-Constitutional Convention Committee for their hard work and dedication in doing the needed preparatory tasks for this convention to enable us to convene this Convention.

In essence, we are here to ensure the continuing relevance, fairness, and responsiveness of our Constitution in an increasingly challenging globalized world in which we live today.

Indeed, we have come a long way from the days when man traveled in rafts and canoes to now when we “voyage among the stars.” Our FSM Constitution has been a critical component of our nation-building process and based on our collection experience of the last close to half a century, we need to ensure that our Constitution continues to bring vitality and relevance in our ongoing nation-building efforts.

But this is far from being a call for wholesale transformation in the essential foundation of our legal system and government structure. To the extent necessary and proper, this Constitutional Convention is a reaffirmation of who we are – that, we are Micronesians, proud of our heritage and committed to protect the promise of the future, including mutual enjoyment and equitable sharing of the endowments of our land, natural, cultural, and other forms of resources.

Fellow delegates, I am sure that we all came with so many ideas to this Convention. Our resolve should be to agree on a meaningful package of outcomes to give to our people for their review and judgement. I am confident that the different ideas that we will be discussing and deliberating on in the next 30 to 45 days will be of value in the improvement of our constitution to further strengthen unity and prosperity for our nation to further improve the wellbeing of our people now and in the years to come.

Thank you, Kinisou Chapur, Kalahngan, Kamagar, and Kulo Mulalahap. (Applause)

#### NOMINATION/ELECTION OF THE VICE PRESIDENT

**President Killion:** Let's move on to the election of the Vice President. I will now entertain a nomination.

**Delegate Cantero:** Mr. President.

**President Killion:** Yes, Chairman Cantero.

**Delegate Cantero:** I have the privilege to nominate the Delegate from Pohnpei State, His Majesty, His Highness Iso Salvador Iriarte, to be the Vice President of the Fourth FSM Constitutional Convention.

**Delegate Hashiguchi:** Second.

**President Killion:** Delegate Iso Salvador Iriarte of the State of Pohnpei has been nominated and has been seconded as Vice President of our Convention. Any other nominations?

**Delegate Cantero:** Mr. President, If I may.

**President Killion:** Chairman Cantero, you have the floor.

**Delegate Cantero:** I move to close nominations for the Vice Presidency.

**Delegate Hashiguchi:** Second.

**President Killion:** It's been moved and seconded that the nominations be closed. No discussion? If there is no discussion, since there's only one nomination, I can now declare, and if no objection, that Delegate Iso Salvador Iriarte of Pohnpei State is hereby elected as Vice President of this Convention. Let us give him a round of applause. (*Applause*)

#### NOMINATION/ELECTION OF THE FLOOR LEADER

**President Killion:** The next position is the Floor Leader for the Convention. I will now entertain a motion for nomination.

**Delegate Cantero:** Mr. President.

**President Killion:** Delegate Cantero.

**Delegate Cantero:** I hereby move to nominate Delegate Andrew Yatilman of Yap State to be the Floor Leader of the Convention.

**Delegate Hashiguchi:** Second.

**President Killion:** Delegate Andrew Yatilman has been nominated as the Floor Leader of the Convention. Any other nomination?

**Delegate Cantero:** Mr. President.

**President Killion:** Delegate Cantero.

**Delegate Cantero:** I move to close nomination.

**Delegate Hashiguchi:** Second.

**President Killion:** It's been moved and seconded that the nominations be closed. So if no discussion, since there is only one candidate for that position of Floor Leader, Delegate Andrew Yatilman is hereby elected as Floor Leader of the Convention. Let us give a round of applause. (*Applause*)

NOMINATION/ELECTION OF THE CHAIRMAN OF THE COMMITTEE OF  
THE WHOLE

**President Killion:** We can now move on to the nomination and election of the Chairman of the Committee of the Whole. Any nominations?

**Delegate Cantero:** Mr. President.

**President Killion:** Yes, Chairman Cantero.

**Delegate Cantero:** Mr. President, I would nominate Delegate Johnson Asher as Chairman of the Committee of the Whole.

**Delegate Hashiguchi:** Second.

**President Killion:** Any other nomination?

**Delegate Cantero:** Mr. President.

**President Killion:** Yes, Delegate Cantero

**Delegate Cantero:** I move to close nominations.

**Delegate Hashiguchi:** Second.

**President Killion:** It's been moved and seconded that the nomination is hereby closed. Therefore, Delegate Johnson Asher has been nominated to be the Chairman of the Committee of the Whole. Having no other challengers, I hereby declare the Delegate Johnson Asher to be the Chairman of the Committee of the Whole. Let us give a round of applause. (*Applause*)

President Killion declared the Convention recessed at 12:15 noon subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 12:23 noon.

### **APPOINTMENT OF THE CHAIRMEN OF THE STANDING COMMITTEES**

**President Killion:** We have five Standing Committees of the Convention. Let me begin with –

1-The Chairman of the Civil Liberties and Traditions Committee is Delegate Mason Albert from the State of Pohnpei;

2-The Chairman of the Government Structure and Functions Committee is Delegate Victor Nabeyan from the State of Yap;

3-The Chairman of the Style and Arrangement Committee is Delegate Salomon Saimon from the State of Pohnpei;

4-The Chairperson of the General Provisions Committee is Delegate Yoslyn G. Sigrah from the State of Kosrae; and

5-The Chairman of the Public Finance and Revenue Committee is Delegate Peter Sitan from the State of Chuuk.

The Vice Chairmen and the members of these Committees will be decided later, if they have not been decided already.

Let's give a round of applause to the appointed chairmen of the Standing Committees of our 4<sup>th</sup> FSM Constitutional Convention. (Applause)

The Chair calls for a short recess.

President Killion declared the Convention recessed at 12:50 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 12:52 p.m.

### **MISCELLANEOUS BUSINESS**

**President Killion:** Moving on our agenda today. Any Miscellaneous Business?

**Delegate Bossy:** Point of privilege, Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Thank you. I would like to take this opportunity to introduce some important people in the gallery. First of all, I would like to formally introduce the lady that you stated is your wife, Marcelly Killion, who is now standing behind the throne, Marcelly Killion. (Applause)

**President Killion:** Thank you.

**Delegate Bossy:** Mr. President.

**President Killion:** Go ahead! Continue.

**Delegate Bossy:** Secondly, the finee samon non Iras, wife or spouse of Honorable Delegate Camillo Noket, who is the Paramount Chief in Weno Municipality, Anna Noket. (Applause)

And one very important person to me from Nepukos, Ms. Sheri Baker Saimon, the wife of Honorable Delegate Salomon Saimon. (Applause)

Our diligent and hardworking physician Mr. Abraham. (Applause)

Our diligent and hardworking staff for the Chuuk Delegation, Ms. Myjoleen (Mymy) Kim. (Applause)

And second introduction is to recognize all Chuukese who are present in the gallery and everyone. As we acknowledge the presence of His Excellency Panuelo, Founding Father Henry, Chief Justice Yamase, and the traditional leaders. The Nahnmwarkis representing all the traditional leaders from this hosting state of Pohnpei. Thank you very much, Mr. President.

**President Killion:** Thank you. Any other?

**Delegate Albert:** Mr. President.

**President Killion:** Yes. Delegate Albert.

**Delegate Albert:** Thank you, Mr. President. I was fortunate and blessed to be elected as one of the seven councilmen of U municipality. Swearing in took place simultaneously with ours. Even though I chose to be here and be part of the ceremony, my heart is with my people. I beg for your understanding in excusing me so I can go and join my people and do my own swearing-in. So, with that, I ask that I be excused.

**President Killion:** Thank you very much. So, based on that, you are hereby excused to join that very important function. There's a reception tonight. Any other Miscellaneous Business?

**Delegate Cantero:** Mr. President, if I may.

**President Killion:** Yes, Chairman Cantero

**Delegate Cantero:** I think it is also incumbent upon me to introduce a couple of people here, particularly our staff, the people we hired to provide us the support that we need to get the work across the finish line. If I may, let me just introduce Mr. Kapilly Capelle. He was hired and now he's the Convention Secretary. He's a very capable man, so Mr. Capelle?

At the same time, let me just move on, I will also introduce a very capable person as well, Ms. Kathy Burch, she is our legal counsel.

And last but certainly not the last, the very capable person who has been very good to us, help us keep our records, Ms. Jessica Reyes.

And lastly Mr. President, perhaps a comment under Miscellaneous, the challenge that we went through signifies to me, this is the kind of challenge that is expected of all of us as we progress and try to make things better for our country. The fact that we're able to resolve it also is a testimony that we can work together as a team and if we're willing to do that, we'll be successful. That is a clear testimony to the challenge that we just went through so, I want to thank each and every one of you for your patience and expertise in getting that across. We have great leaders here. So, thank you so much for getting that across. Thank you, Mr. President.

**President Killion:** Thank you very much, Chairman Cantero. Any other Miscellaneous Business?

**Delegate Susaia:** President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. Let me follow suit with some recognition. First of all, on our behalf, let me extend our commendation to Mr. Cantero for a job well done in managing the Pre Con Committee. And the members of the Pre Con. On his behalf I wish to convince him to recognize his father, Mr. Francisco Cantero who is in the gallery. Sitting next to him is our former Speaker of Sokehs Municipal Council, Balthezar Sardis.

And because I understand that our Journal may be read by future generations, let me recognize my wife, so that they will know that she was in attendance observing the first day of our Convention, Mihpel Olter Susaia. And all the Pohnpeians who took their time out of their busy schedules to be with us here. You never know, elections are important for people like us who are always looking for jobs. Thank you, President.

**President Killion:** Thank you, Delegate Susaia. Any other miscellaneous business?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Delegate Sitan.

**Delegate Sitan:** Thank you very much, Mr. President. First of all, let me congratulate you, Vice President, Floor Leader, and Chairman of the Whole and the fellow Chairmen of the Committees. To follow suit with my friend here on my left, I also want to introduce my wife, Epelihter Edgar Sitan and my son, Stanley Peter who skipped his registration for school at University of Guam just to observe this. And I just want to make a short comment before. I look around and see very talented individuals sitting here. First I acknowledge for the first time a traditional leader being elected by the people to represent them in this gallery, Iso Nahnken of Nett. Number two, I also recognize that this may be also the first time I see ladies are now being elected to be part of this exercise. I look back to the last three conventions. Maybe we shouldn't count the first one, but the last two. There were many proposals, and in the end nothing came out. For that reason, I want to put a challenge to all us, given our multitude of representations here. I for one don't want to spend 30 or 40 days in this exercise and in the end, it will be like the last two. So, I hope we work together as a group for the interest of our nation; and hopefully, we don't have too much ambition to have too many in. Perhaps we can get less and we can work so hard and make sure our people vote for the amendment that we make. I would also like to challenge the Speaker of the Congress and the President to help this Convention to also allocate enough money so we can do a proper education, hopefully, including the members so our efforts here are not in vain. Thank you very much.

**President Killion:** Thank you very much, Delegate Sitan. Any other Miscellaneous Business?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. In furthering Delegate Susaia's commendation to Pre Con Chair for the very good work that he did, managing the work of the Pre Con. I know he doesn't want to recognize his own wife, but I'd like for the record to recognize Daisy Cantero who is in the gallery. I don't want to speak on behalf of my Chairman, but I'd like to have you staff, our staff, because everybody seems to have their staff on board already. So, I'd like to believe that our staff can also start working today, and I told her to be here to observe, JosieAnn L. Yatchdar.

And finally, the others I want to thank include the people of Yap for voting for me and all the other Delegates of Yap to be here, to represent them at this Convention. Thank you, Mr. President.

**President Killion:** Thank you very much, Floor Leader. Any other Miscellaneous Business?

**Delegate Sigrah:** Mr. President, if I may.

**President Killion:** Yes, Delegate Sigrah.

**Delegate Sigrah:** I think you need to hear a woman's voice for a change and Kosrae also. I think my first point of privilege is thank you very much for allowing me to sit right here in the middle and looking at you directly. I have all these men and one lady on my right-hand side and all these men on my left side. I feel so overly protected, secure. Thank you very much. As a woman, it's very hard to be here. Out of thousands who voted for me, I was only able to afford one, to come here and witness this very special moment. So, I would like to recognize Faith Siba. She is my niece and she represents both my husband's family and my family so I make it economical and logical. I do have a husband. He's not here in the gallery. Jason Sigrah, he is in Honolulu with our kids. And I would also like to take this time to recognize our Pre Convention Chairman Cantero. He did an excellent job. He went above and beyond the call of duty, working overtime during the Christmas break, New Year, to make sure that all of the products are delivered and also alongside our Secretary Capelle, our legal staff, and the other staff and also our Vice Chairman Yatilman and all of the other Pre Convention members.

Thank you everyone. I would love to continue talking but I know everybody's hungry so thank you very much for giving me this opportune time.

**President Killion:** Thank you very much, Delegate Sigrah. Delegate Palsis.

**Delegate Palsis:** Thank you, Mr. President. I'm really getting hungry. I want to leave here as soon as possible. But I would be remiss if I don't speak. I share all the acknowledgements that were presented by the previous speakers. But I would like to take this time to at least acknowledge some Kosraens who I've seen present at the initial. Now the place is being emptied, but I still owe them the duty to at least acknowledge their presence. Also with us today, my one and only, and I'm afraid if I don't speak out at this time, that I might go home without my left hand. So I would like to acknowledge the presence of my wife and also Johnson's spouse

who is also here today. And I'm thankful for being a Delegate for the 4<sup>th</sup> FSM ConCon and I'm looking forward to work closely with all the Delegates for a successful convention. I thank you very much, Mr. President.

**President Killion:** Thank you very much, Delegate Palsis. Any other Miscellaneous Business?

**Delegate Hashiguchi:** Mr. President.

**President Killion:** Yes, Delegate Hashiguchi.

**Delegate Hashiguchi:** Thank you. Just like my brother Palsis, I would also like to thank my people from my region for electing me – Tonoas, Uman, Fefen, Tsis, and Parem. Thank you and thank my wife for being with me today. Thank you.

**President Killion:** Thank you very much, Delegate Hashiguchi. Any other Miscellaneous Business?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** If I may follow suit with my colleague, but for me, I want to congratulate you and also express on behalf of the people of Southern Namoneas, their congratulations to you but most especially on your behalf and our behalf, Myron and I, thank these delegates for electing you as the President of this Convention. And my wife just texted me and said to accept her congratulations to you. Thank you.

**President Killion:** Thank you very much. Delegate Saimon?

**Delegate Saimon:** Thank you, Chair. First, I'd like to congratulate you, the Vice President Iso, Andrew Yatilman, the Floor Leader. I'd like to again, recognize our Pre-Convention Chairman Ricky Cantero. Mr. Cantero went through a lot of abuse from us for the past three weeks, and we really thank him for keeping up with us. I want to now say that you have inherited the task of perhaps getting abuse from 23 people. Hopefully, not as bad, but we've learned to work together. I know that my colleague from Chuuk has recognized my wife, his sister, Sheri Baker Saimon, also behind me in the gallery, but I'd like to again recognize

her because as Mr. Susaia has confirmed, perhaps one day this will be recorded and will be read so again, I'd like to recognize my wife, Sheri. Kalahngan.

**President Killion:** Thank you very much, Delegate Saimon. Any other?

**Delegate Asher:** Mr. President.

**President Killion:** Yes, Delegate Asher.

**Delegate Asher:** Mr. President. Thank you. It's about time. Mr. President, I would like to take indulgence with your time and the Delegates. To take this time to also join the others, all the Delegates, especially the Delegates from Kosrae in recognizing the Kosraens who are here. A special recognition to my wife, Mrs. Dion Bernard Asher, who is from Chuuk but now from Kosrae.

Mr. President, allow me to pay my utmost respect to traditional leaders, members of the clergy, national leaders, state leaders, municipal leaders, members of the diplomatic core, all who are present here today and witnessing or tuning into this momentous occasion in one form or another.

To my beloved people of the state of Kosrae, Kulo malulap nusuwos ac tarilana ke lalalfongi lowos.

To my fellow delegates, congratulations! We are here.

From the time the people of the great state of Kosrae elected me as the At-Large Delegate to the Fourth FSM Constitutional Convention, I have been asked a handful of times now by several individuals here and there, "why does the FSM *need* a constitutional convention?" or "what could *you* possibly do to the FSM Constitution?" In all honesty, it is a challenge not to feel as though these are questions aimed to *undermine* the *value* of one's efforts invested in participating in the election process and one's ability to contribute to the reform of the highest form of law governing a country.

But I have had time to think about these questions and I recognized that these are crucial questions that *every* delegate in this room, myself included, must address... for the people that we represent, but most importantly,... for ourselves. In answering these questions, we determine the reason(s) WHY we are here.

Why does the FSM *need* a constitutional convention? Because it is in the nature of *all things* throughout time, *to change*. We can all agree that our country has changed since the year 2001, the year of the most recent constitutional convention, or even further back to 1979, the first year our FSM Constitution became adopted. The origin of the word constitution is Latin, “constitutus” which means *the set up* with the suffix “ion” denoting *condition*-how something is. Constitution is therefore the set-up of how *something is*.

The FSM Constitution as the “Mahsup Fullet”, Kosraean for the supreme law of the land, needs to encapsulate what is important and relevant to the people of our country *today*. It needs to encapsulate the *people’s will*. It is the people’s will that has brought all of us here. The *people chose us* and *have entrusted to each one of us* to be their voice-their hand in molding the highest form of law that govern their everyday lives. Benjamin Franklin during his constitution convention final speech in 1787 asked “When you assemble a number of men (and women) to have the advantage of their joining wisdom, you inevitably assemble with those men and women all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly, can a perfect production be expected?”

I pray that despite all of our differences and perspectives that the best interest of our people will prevail...so that we may produce something that represent our people’s values.

Fellow delegates. Seize this moment. Kulo Malulap.

**President Killion:** Thank you very much, Delegate Asher. Any other Miscellaneous Business?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** Sorry to be talking too much, but I completely forgot to recognize someone from our Delegation. We actually have two staff and I omitted to recognize one of them and that’s Clement Mulalap Yow based in New York, and we’re grateful that he’s able to fly all the way out here to staff the Yap Delegation. I believe he may be in the gallery observing; so, I want us to recognize him for his presence here this morning. Thank you.

**President Killion:** Thank you very much.

**Delegate Samo:** Mr. President.

**President Killion:** Yes, Delegate Samo.

**Delegate Samo:** Thank you, Mr. President and I associate myself with the excellent sentiments already expressed by the Honorable Delegates. Mr. President, I have a brief statement, if you don't mind, I will read it.

**President Killion:** Go ahead.

**Delegate Samo:** Mr. President, let me congratulate you and the other officers for your election to lead us in this 4th FSM Constitutional Convention. You have my full support.

I must FIRST give thanks to the ALMIGHTY for this life we all have together, especially as we begin a new year. Please allow me to join you and others in paying my respect to the traditional leaders of Pohnpei (and of course traditional leaders throughout our Nation as well) for allowing us to hold our meeting here in beautiful Pohnpei. I must also accord special recognition to the traditional leaders who are members and our colleagues on this 4th Constitutional Convention. There is no doubt your input into our deliberation on matters pertinent to tradition and customs will be beneficial to our work. And if I may -- please accept my apology in advance if I fail to address you with the proper customary and traditional etiquette throughout our ConCon interaction and deliberation.

Let me also pay my respect to the President of the FSM and the Vice President, the Speaker and members of the 21 FSM Congress, our FSM Supreme Court Chief Justice, and the public servants for their support in this convention. Likewise, I extend my humble respect to the Governors of the states and members of their state legislatures, their ConCon representatives, dignitaries, for their collective wisdom in supporting the necessity to have the 4th Constitutional Convention.

Mr. President, I will remiss if I don't say my "elletin kilisou chapur" to the Mortlockese people who elected Delegate Peter Sitan and me to represent them in this 4th Constitutional Convention. Also, with admiration and acknowledgment to those candidates, who like us wanted to represent their people – to them -- ach elletin killisou ren ach angang mi fis lon tong me tipew. Finally, my supporting

wife, children, family, and friends are, of course, my strength in this special constitutional undertaking. Killisou chapur ngeni kemi monson.

The preamble of our Constitution begins with the words, “We, the people of Micronesia...” It’s a great reminder to all of us that the people are the guardians of the Constitution. This is confirmed by Article II, section 1, wherein it says: “this Constitution is the expression of the sovereignty of the people and is the supreme law of the Federated States of Micronesia...” Our founding fathers fought very hard to unite us as a political family under one flag-- affirming unity, sovereignty, and our inherent differences-- our identity as a people. It is not an accident that we are here today under that vision embracing our diversity. Diversity is our strength. Today we are revisiting that vision of re-strengthening our existence through this Constitutional Convention. We want to revisit provisions of our constitution that appear to be counterproductive to our national development agenda. The provisions of our constitution that are no longer relevant must be changed for the better.

Mr. President, it’s probably unorthodox of me, at this time, to comment on the outcome of our work as we haven’t even started. But, what I’ve sensed so far from our consultations is very encouraging. The passion and wisdom expressed by you honorable delegates made me proud of the work we are about to do together. However heated our debate may be, it’s because of our passion and commitment to have a Nation united in peace and liberty, as we re-design our Constitution to transform the life and welfare of our people to higher standard. Clearly, we must put the interest of our people at the heart and core of our deliberation and decision.

With that, let me highlight a parameter I set for myself during this 4th ConCon as guiding principle, with the hope they can be useful to others:

- I will NOT support any proposal that will have the appearance of dividing our nation.
- While we should learn from history, I will NOT support any proposal that will use history as an excuse not to advance our National interests.
- Lastly, while the Constitution should remain the “Supreme Law of the Land”, I will support proposed amendments that are pragmatic, relevant, realistic, and forward- looking.

Mr. President and Honorable Delegates, Thank you for your attention. I pledge full cooperation to work with each and every one of you during this 4th FSM ConCon.

**President Killion:** Thank you very much, Delegate Samo. Any other Miscellaneous Business?

**Delegate Liwy:** Thank you. Mr. President. Isohko, Mr. President, and Honorable Delegates of the Fourth FSM Constitutional Convention. Do allow me this great opportunity to say a few words of appreciation. I would like to take this opportunity to thank Nahnpwutak Pikiniap, Nanmwarki En Sokehs, His Majesty Herculano Kohler who was present here today and the people of Sokehs. Also, I thank the people of Sapwuahfik; thank Alik and the people of Kapingamarangi; thank Mayor of Nukuro and the people of Nukuoro; thank Mayor of Kolonia Town and the people of Kolonia Town for giving me their vote of confidence, myself and my colleague, His Excellency Ambassador Akilino Susaia, to be able to be among these great gentlemen here in this Convention. Since everybody was recognizing their other half, I would also like to take this opportunity to recognize my other half, which is sitting at the very back, Ms. Isabella Primo and there were a few people from my Election District who are present. I just want to make correction that Balthazar Sardis who is still the Speaker not former. And if I may not know the names of the other people from election district one who are present but for them to be also included in the journal. Here are some of them, Senator-elect Mitaro Simina, Senator-elect Jayson Walter, Mr. Stanley Mickey, Mr. Santos Abraham, the Sokehs Youth Council Association (SYCA), Karmerihter Primo, Peter Primo, Agnes Primo, Inocensio Primo, Yulie S. Primo, and Maria (Pwotik) Primo.

Thank you very much, Mr. President.

**President Killion:** Thank you, Delegate Liwy.

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich.

**Delegate Naich:** Thank you Mr. President and Fellow Delegates. My greetings and respect to all of you on the convening day of this Convention.

There are some people from the Northwest Islands of Chuuk who are in the gallery witnessing this auspicious occasion. Included among them is Paulina Yourupi-Sandy, a former staff of the Chuuk State Department of Education who is now running an educational NGO here in Pohnpei; there are also some students attending the COM National Campus. With your indulgence, I would like to

present them for recognition. With your indulgence, I would like to extend my very best wishes of the New Year to the people of the Northwest. I also want to express my gratitude for the confidence you have placed in me by electing me as one of your two delegates to the Convention. I am sure I speak on behalf of both myself and my colleague Delegate Asterio Takesy when I assure you that we are here to work hard for the Northwest, for our beautiful State of Chuuk, and for our beloved Federated States of Micronesia.

Having said all of the above, Mr. President and Colleague Delegates, I further seek your indulgence to highlight six principles that may be called the “Anatomies of Democracy.” I believe they are essential for due consideration in the task that lies before us to review our supreme law of the land. These are opposing forces or fusions that are believed to lead to a synthesis or equilibrium that is prerequisite to the survival of Democracy, whether native born or implanted in large measure. Balance, in other words, must not be sight of in our Constitutional review.

The first anatomy or principle is that while the Rule of Majority must be respected and upheld, the legitimate Interests of Minority must not be allowed to wither away altogether; it should be protected to the extent necessary and appropriate. Democracy may not be the most efficient form of governance; but it must have a strong sense of fairness or justice and compassion at its core. Absent such qualities to ensure that “ambition is made to counter ambition,” our government is likely to become one of the survival of the fittest and the strongest, which should not be the aspiration of the supreme law of the land.

Second, while our Constitution must strive to promote the commonwealth or the collective interests of the community, let it not be advanced at the expense of individual rights or civil liberties. After all, the government derives its authority from the people, or the collectivity of the citizens, in whom our sovereignty ultimately rests.

Third, it is a common fallacy to equate Democracy with formal, often one-directional, decision-making, which often finds discord with consensus-building, an ancient, priceless Micronesian decision-making style. In other words, let the FSM Constitution continue to be a functional equilibrium between the indigenous system and the ways of the new waves.

The fourth anatomy or principle that our Constitution must continue to maintain is a sense of proportion, especially in regards to keeping a proper balance between rights and obligations, not only for individuals but also governments.

Fifth, in terms of resource allocation and development, let the FSM Constitution be reaffirmed as the foundation of Equality and Inequity. Insofar as the Constitution is critical to our nation-building and capacity-building, such questions of economic nature are unavoidable.

The sixth and final principle is related to the fifth principle. Stated in layman's terms, our Constitution must continue to aspire to maintain, ultimately, a sound balance between spending for today and savings for tomorrow. Let it be recalled that our mandate here is not only to prescribe a system of conduct for the recent generation but also to create a vision for our succeeding generations.

Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Naich. Any other last miscellaneous before we ask Delegate Cantero? I have one, regarding the issue on the Special Committee to Wait on the President and Vice President, have we established any other provision in our rules that may hinder that effect? If it is okay, so I hereby appoint the following persons to be in the Special Committee to Wait on the President, Vice President, Speaker as discussed earlier.

From Yap, Delegate Andy Choor

From Chuuk, Delegate Cindy Mori

From Kosrae, Delegate Yoslyn Sigrah

From Pohnpei, Delegate Akilino Susaia

And may I ask Delegate Susaia to be the Chairperson of that committee, and you consult the charter and plan your meeting to meet our leaders so that you can report back to us.

We're coming to the end of today's session. It's been a long day. I would like to call on Delegate Cantero if he has any announcements. Now, we come down to Item 16 on our agenda, Announcements.

### ANNOUNCEMENT

**Delegate Cantero:** Thank you Mr. President. We have two announcements that we prepared. One is we've made arrangements for us to take photo here. The

first photo will be the presiding officers. The second photo will be by the five Chairmen of the Standing Committees. The third photo will be by the members of the PCC. I think it's important to have some photos taken of us and the last photo of course will be everybody else. This is the place to have the photos. I think it's a good arrangement for us as suggested by the Pre-Convention Committee. I hope you don't mind this arrangement. Our second announcement is that our good President, our very capable President Redley Killion will be hosting a function tonight at Cliff Rainbow Hotel around 6 o'clock so please let's be there. That's the time for us to unwind and socialize and get to know each other a little bit better with food and wine. That will also help us get our work across better with good understanding and cooperation. So, tonight at 6 o'clock at Cliff Rainbow, we will have a dinner reception. Mr. President, those are the only two announcements that I've prepared. Thank you so much.

**President Killion:** Thank you so much, Cantero. So, photo session here right after our meeting and dinner tonight at 6 o'clock at Cliff in our honor so Delegates are invited so see you tonight. And by the way, I see the rain and it is a good omen for us. We're blessed today. So, any other last announcements? If not. Just to clarify on the names of the Chairpersons, that's based on consultation and the membership of each Committee to be submitted to, I mean circulated so they can start working on organizing, especially on the Vice Chairman of each of those Committees. As pointed out earlier, there are certain proposals that have already been drafted and ready to be disseminated for action for those committees so that we don't waste time and we move on without dealing with those issues. Other administrative matters may be discussed tomorrow.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Delegate Nabeyan?

**Delegate Nabeyan:** Thank you, Mr. President. I'm just wondering maybe at some point before tomorrow, our Secretariat can inform the Standing Committee Chairs of their assigned work space or the Chairmen of the Committees be assigned of their assigned office space. Thank you.

**President Killion:** Thank you, Delegate Nabeyan. Perhaps the Floor Leader can take that up with the Convention staff, Kapilly and Kathy on the assignment of the membership as well as assignment of space. Floor Leader, you have any comments on that?

**Floor Leader Yatilman:** Thank you very much, Mr. President. We will work with the Convention staff on the assignment of rooms. Thank you.

**President Killion:** Thank you.

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** Mr. President, thank you. I would like to thank the Pre-Convention Committee for forcing upon us to wear suit and tie today. So, I would like to ask what will be the dress code from tomorrow on? Do we still wear these things or?

**President Killion:** It's optional.

**Delegate Kanto:** Optional?

**President Killion:** Yes, it's up to you. Today was the only one that required suit and tie. From tomorrow on, it's up to you, whichever you feel comfortable with. Suit and tie or just island wear.

**Delegate Kanto:** Then, Mr. President, I move that we recess until tomorrow.

**President Killion:** Okay. If no objection, we stand in recess until tomorrow at 10 o'clock.

**Delegate Susaia:** President.

**President Killion:** Go ahead.

**Delegate Susaia:** May I amend the motion?

**President Killion:** Yes.

**Delegate Susaia:** I move to recess subject to call of the Chair so that the President can complete the consultation necessary to formalize the members of the Committees. What do we meet tomorrow for?

**President Killion:** As I have said, we have already separated the names of members of the Delegations to each of the five committees. Unless I'm mistaken, I

thought that has been done. It's just a matter of compiling all that and we already have a list.

**Delegate Susaia:** If that's the case so the committees can organize, have time to organize themselves and the Special Committee can perform the task that you've assigned so when we return in Plenary, there is something for us to discuss.

**Delegate Sitan:** Short recess please.

**President Killion:** I declare for a short recess.

President Killion declared the Convention recessed at 1:57 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 1:59 p.m.

**President Killion:** We're now back to session. If no other miscellaneous or announcements, we're going to close with the understanding that at the end of today's session, a photo session, each Delegation Chairman to come and share with us or provide information on membership of each of the five committees from the Delegation as we have agreed to earlier today on the five committees and the chairperson of each of the committees.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes.

**Floor Leader Yatilman:** Before we take recess, there were two motions, one for adjournment and one to amend that motion. So, which are we going to entertain?

**Delegate Susaia:** I withdraw my motion.

**President Killion:** Okay. So, Delegate Susaia withdrew his motion. So, we have the main motion on the floor. There is a motion to recess until 10:00 a.m. tomorrow. Any objection? If there is no objection, all those in favor say "Aye". All those who oppose say "Nay". Motion carried.

The motion carried by voice vote of Delegates.

This Convention stands in recess until 10:00 o'clock tomorrow morning, Wednesday, January 08, 2020.

President Killion declared the Convention recess at 2:12 p.m., until 10:00 a.m., Wednesday, January 8, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**SECOND DAY**

Wednesday, January 8, 2020

**CALL TO ORDER**

**President Killion** called the Fourth FSM Constitutional Convention to order at 10:31 a.m., Wednesday, January 8, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** May we have a silent of prayer before we proceed.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Wichep called the roll,

**Chief Clerk Wichep:** Mr. President, 23 delegates are present.

**President Killion:** Thank you! Delegate Saimon has a valid excuse/reason and he will be joining us later as requested. So moving on, on item number 4, Adoption of the Journal.

**ADOPTION OF JOURNAL**

Floor Leader Yatilman: Mr. President, can I ask for a short recess?

President Killion declared the Convention recessed at 10:35 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 10:38 a.m.

**President Killion:** May I ask Floor Leader to make a motion.

**Floor Leader Yatilman:** Thank you Mr. President, I move that we dispense with the reading of the Journal.

**Delegate Martin:** Second.

**President Killion:** It has been moved and seconded that we suspend the reading of the journal. Motion carried. Item 5, Communications

**Chief Clerk Wichep:** Mr. President, there are no Communications.

**President Killion:** Item 6, Unfinished Business

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 7, Reports of Committees

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 8, First Reading of Committee Proposals

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 9, Second Reading of Committee Proposals

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 9, Final Reading of Constitutional Amendments

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 11, Consideration of Resolutions

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 12, Introduction of Delegate Proposals and Resolutions

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 13, Special Orders

**Chief Clerk Wichep:** None Mr. President

**President Killion:** Item 14 Any Miscellaneous business?

**Floor Leader Yatilman:** Mr. President!

**President Killion:** Yes Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move for recess subject to the call of the Chair.

President Killion declared the Convention recessed at 10:51 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 10:58 a.m.

**President Killion:** Okay! Session is now back after our short recess. Now, Floor Leader.

**Floor Leader Yatilman:** Thank you very much Mr. President. And did I understand that you want me to read out the different Committees, right? Or withdraw my motion? Okay, I withdraw my motion Mr. President.

**President Killion:** We're on Miscellaneous so we can move on and for the record, I am going to read out the names and of course the membership of Committees. The Committee on Civil Liberty, the members are Delegate Noket, Delegate Bossy, Delegate Fritz, Delegate Kanto, Delegate Mori, Delegate Naich, Delegate Yatilman, Delegate Albert as Chairman, Delegate Saimon, Delegate Susaia, Delegate Iso Nahnken Iriarte, Delegate Palsis, and Delegate Sigrah. For the Committee on Finance and Revenue, Delegate Noket, Delegate Sitan as Chairman, Delegate Samo, Delegate Fritz, Delegate Hashiguchi, Delegate Choor, Delegate Yatilman, Delegate Susaia, Delegate Iso Nahnken Iriarte, Delegate Cantero, Delegate Palsis, and Delegate Asher. Committee on Government Structures and Functions are Delegate Sitan, Delegate Samo, Delegate Hashiguchi, Delegate Bossy, Delegate Naich, Delegate Nabeyan as Chairman, Delegate Susaia, Delegate Cantero, Delegate Martin, Delegate Liwy, Delegate Palsis, and Delegate Sigrah. On the Committee on General Provision, Delegate Mori, Delegate Samo, Delegate Fritz, Delegate Kanto, Delegate Takesy, Delegate Choor, Delegate Nabeyan, Delegate Iso Nahnken Iriarte, Delegate Saimon, Delegate Martin, Delegate Liwy, Delegate Sigrah Madam as Chairwoman, and Delegate Asher. And the last Committee on Style and Arrangement, Delegate Noket, Delegate Naich, Delegate Choor, Delegate Saimon as Chairman, Delegate Albert, Delegate Asher, Delegate Takesy, and Delegate Mori. And again as I said the official listing has already been distributed and we're in compliance to the Rule. Yeah, Delegate Saimon..

**Delegate Saimon:** Thank you Mr. President. First I'd like the record to recognize that I did come in today. I apologize that I had a prior engagement in which I did speak with the President last night. In addition to that, since this is the official document for the listing of membership of the Committees, I see my name at three different places. It should be SA "Salomon" not SO. Just for the record. "SALOMON."

**President Killion:** Thank you! It shall be noted and sorry about that. It's going to be corrected. But again, as I was saying earlier Mr. Saimon, you are excused and thank you for coming back.

**Delegate Palsis:** Thank you! I heard the placement of the membership in your Committees and I happened to run into two different names. Under Civil Liberty, number 12 is Canny. In the other two Committees, there's an E added. The correct spelling is "CANNEY". So I just want to make sure that I don't get evicted when I sit in for Liberty because the spelling for my name under Liberty Committee is a name change without a court order. So if that can be corrected to reflect the legal name, I would ask that proper amendment can be made just so that I can officially be seated in that Committee.

**President Killion:** Thank you very much Delegate Palsis. That shall be noted and taken care of.

**Delegate Noket:** Also on that line on Style and Arrangement Committee, some of the names are just first names but the others they have all last names except the Style and Arrangement. And this is for official record, I would like to put the last names also on Naich, Camillo, Johnson, Takesy, and maybe some of them are mixed up, they have last name but no first name. So this is a little bit confusing. May I ask that because of the official record, it should be changed.

**President Killion:** Thank you very much Delegate Noket. Your comments are well taken so they will be reflected in the records for the right first names and last names.

**Delegate Noket:** Also on the General Provision item five, I don't know this person "Asterion Takesy." Who is this Asterion Takesy, another Delegate or ?

**President Killion:** I can assure you there is none. There is only Asterio! That is the only Delegate Asterio. May be there's one out there but .... So it shall be recorded as corrected.

**Delegate Mori:** Thank you Mr. President. Good Morning President and fellow Delegates. Just on the official listing on the Committees, I believe this was just an oversight but on the Committee of Civil Liberties, Delegate Mori, myself is no longer on this Committee otherwise we six on Civil Liberties and on the Finance Committee, Mr. Marcus Samo is no longer on that Committee as for the changes made earlier. Also on Styling Arrangement, Delegate Mori, myself, I'm no longer on that Committee but I've asked that Delegate Hashiguchi should be included.

**President Killion:** Thank you Delegate Mori. Those changes or corrections, modifications are noted and shall be reflected in this listing.

**Delegate Hashiguchi:** Thank you Mr. President! So on the Committee on Finance, the number is 14 so we delete one, right? So we comply with the requirements up to 13 members?

**President Killion:** Yeah.

**Delegate Hashiguchi:** So since the shortage of one member of Style and Arrangement, I requested that I will be added on. It's only eight members.

**President Killion:** Yeah! Again on the Committee on Finance and Revenue as noted earlier, Cindy Mori's name was deleted so we have 13 rather than 14.

**Delegate Sitan:** May I ask for a short recess, please?

President Killion declared the Convention recessed at 12:00 pm, subject to the call of the Chair.

The Convention reconvened at 12:40 noon.

**President Killion:** The Convention comes to order again. Before we took a recess, there was a motion to recess so maybe Floor Leader can qualify that further so there will be no problems for the record. And during the preceding session, I had read out the names of delegates in each of the five committees so we realized that there were some technical errors and after consultations with the various delegations' chairperson, we now have a more-less corrected revised listing. I wish I can read you the minutes and a final hardcopy of that will be distributed by tomorrow's session. For Civil Liberties and Traditions from Chuuk Delegation, Delegate Noket, Delegate Bossy, Delegate Fritz, Delegate Kanto and Delegate Naich. For Kosrae, Delegate Palsis and Delegate Sigrah. For Pohnpei State, Delegate Saimon, Delegate Susaia, Delegate Iso Nahnkin Iriarte and Delegate Albert as the Chair of that Committee. And from Yap, Delegate Yatilman and Delegate Nabeyan.

Committee of Finance and Revenue. From Chuuk, Delegate Noket, Delegate Sitan as Chairman, Delegate Mori, Delegate Fritz and Delegate Hashiguchi. Kosrae State, Delegate Palsis and Delegate Asher. Pohnpei State, Delegate Liwy, Delegate Cantero, Delegate Martin and Delegate Susaia. From Yap State, Delegate Choor and Delegate Yatilman.

Committee on Government Structure and Functions. From Chuuk State, Delegate Sitan, Delegate Samo, Delegate Hashiguchi, Delegate Naich and Delegate Bossy. Kosrae State, Delegate Palsis and Delegate Sigrah. From Pohnpei State, Delegate Susaia, Delegate Cantero, Delegate Martin and Delegate Liwy. From Yap State, Delegate Nabeyan as Chair of the Committee and Delegate Yatilman.

Committee on General Provisions. From Chuuk, Delegate Fritz, Delegate Samo, Delegate Kanto, Delegate Mori and Delegate Takesy. Kosrae State, Delegate Sigrah as Chairperson and Delegate Asher. Pohnpei State, Delegate Iso Nahnkin Iriarte, Delegate Saimon, Delegate Martin and Delegate Liwy. From Yap State, Delegate Choor and Delegate Nabeyan.

And lastly, Committee on Style and Arrangement. From Chuuk, Delegate Noket, Delegate Naich, Delegate Takesy and Delegate Hashiguchi. From Kosrae State, Delegate Asher. Pohnpei State, Delegate Saimon as Chair of that Committee, Delegate Albert and Delegate Cantero. From Yap State, Delegate Choor.

And as I said, this is a revision or correction of what had read in earlier session, so these are the Committee Members as well as Chairman or Committee Chairperson as per our Rules. The Committee will get together and elect or select Vice Chair of each of those Committees. The schedules of hearings and meetings of each of the Committees have been made and will be distributed by tomorrow morning so all the Committees will know your schedules. So that's all the information and that should suffice to resolve that issue. Thank you! Any Comments?

**Delegate Sitan:** Yeah, Mr. President. I move that we accept the things you just said. In addition, I also want to ensure that we also delete the previous announcements on Committees and all the other technical adjustments that we discussed before to be struck from the Journal. I so move.

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that the motion has proposed by Delegate Sitan. Any discussions? If no discussion, all those in favor say Aye. Opposed say No, Motion carried. Any other matters on Miscellaneous? Yes, Delegate Takesy.

**Delegate Takesy:** Thank you Mr. President. Mr. President, I took the floor to beg the indulgence of this Convention to allow me to insert for the record of yesterday the name of my spouse, Christina Takesy. She had to leave at lunch time because she is diabetic so she couldn't stay through. So I did not introduce her in time. I'm asking you this Mr. President; if it could not be corrected, the Convention could be charged with a broken marriage. Thank you very much.

**President Killion:** Thank you very much Delegate Takesy. It shall be noted in the record. Any other ?

**Delegate Mori:** Mr. President?

**President Killion:** Yes. Delegate Mori.

**Delegate Mori:** Thank you Mr. President. Under Miscellaneous I apologize in advance if it is a minor issue but .... Are these our regular name plates from the Convention?

**President Killion:** The names? Yeah. Any answer to that? Yeah it should be, unless you have change. Yeah, Delegate Cantero.

**Delegate Cantero:** Will it be okay to defer to Secretary to answer the question?

**Delegate Fritz:** Mr. President, may we have a short recess please?

**President Killion:** Thank you Delegate Fritz. A short recess is declared, subject to the call of the Chair.

President Killion declared the Convention recessed at 1:24 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 1:29 p.m.

**President Killion:** So now we go back to business. Any other matters? If not, we go to item 15 Announcements.

### **ANNOUNCEMENTS**

**President Killion:** Any announcements?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes. Delegate Sitan.

**Delegate Sitan:** I'm speaking on behalf of all the Committees as we met and we all decided that starting today at 2:30 p.m. Finance Committee will meet at the Public Hearing Room behind the Congress Office Building. At 2:50 p.m. will be the Committee on Government and Structure, 3:10 p.m. will be the Committee on General Provision, 3:50 p.m. will be Civil Liberties and 4:10 p.m. will be Style and Arrangement, just in time for sakau. And the purpose of this meeting is for organizing ourselves and we will allot 20 minutes for each Committee to organize, so by tomorrow when we meet, we will announce the organization of the Committees. Thank you very much.

**President Killion:** Thank you very much Chairman Sitan. Any more announcements?

**Delegate Albert:** Mr. President.

**President Killion:** Yes Delegate Albert.

**Delegate Albert:** Yes, for the Styles I believe Mr. Salomon is the Chairman for it and I'm also a member. But for the Civil Liberties Committee, may I ask that members meet tomorrow at 9 a.m. before the session, better than coming at 3 p.m.?

**Delegate Sitan:** Mr. President, may I ask for a short recess please?

**President Killion:** Short recess is declared, subject to the call of the Chair.

President Killion declared the Convention recessed at 1:30 p.m., subject to the call of the Chair.

The Convention reconvened at 1:35 p.m.

**President Killion:** Now we're back to session, Floor Leader?

**Floor Leader Yatilman:** Thank you very much Mr. President, I move that the Convention stands in recess until tomorrow morning at 10 a.m..

**Delegate Fritz:** Second.

**President Killion:** It has been moved and seconded that the Convention stands in recess until tomorrow at 10 a.m. All those in favor say Aye. Opposed say No, Motion carried to recess until tomorrow at 10 a.m.,

President Killion declared the Convention recessed at 1:36 p.m. until 10 a.m., Thursday, January 9, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**THIRD DAY**

Thursday, January 9, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:31 a.m., Thursday, January 9, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our Convention to order. Before we do that, I wish to have us pause for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

**President Killion:** Before we proceed, for the record, I wish to appoint Delegate Cantero to be the temporary Floor Leader of this morning's session in the absence of our Floor Leader Yatilman who has other urgent matters to take care of this morning. This time I would like to have our Secretary read the roll call.

Chief Clerk Reyes called the roll, 23 delegates are present.

**President Killion:** Thank you very much Convention Secretary. So, we have a quorum to transact business this morning. So, moving on, Item 4, Adoption of Journal.

## ADOPTION OF JOURNAL

**Delegate Fritz:** Mr. President.

**President Killion:** Delegate Fritz.

**Delegate Fritz:** Thank you very much. Just for the record, it should be reflected I believe that our good Floor Leader is absent with excuse.

**President Killion:** Yes, thank you. Floor Leader Yatilman is excused and may be joining us later, but he's excused today. It shall be reflected in our record.

**Delegate Cantero:** Recess please, Mr. President. May I call for a short recess?

President Killion declared the Convention recessed at 10:35 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:36 a.m.

**President Killion:** So, we're back to business. Acting Floor Leader Cantero.

**Delegate Cantero:** Thank you, thank you and good morning Delegates. It's really good to see all of you here. Just a note for assuming the role of Floor Leader, thank you so much for that. Specific to Item number 4, I move to suspend the adoption of the Journal as advised. It has yet to be prepared.

**President Killion:** Any second? It's been moved and seconded to suspend the adoption of the Journal. All those in favor say Aye. All those opposed say Nay. Motion carried. Communications, Item 5.

**Chief Clerk Reyes:** For item 5, Communications, as of now we do not have any, Mr. President.

### COMMUNICATIONS: None

### UNFINISHED BUSINESS

**President Killion:** Thank you. Unfinished Business.

**Chief Clerk Reyes:** For Item 6, Unfinished Business, we have Reports on Committee organization.

**President Killion:** So, I would like to have each of the Chairpersons or Chairman of each of the committees as listed in order to make the Report to the Plenary on their organization. And starting off on the Committee on Civil Liberties and Traditions.

**Delegate Albert:** Mr. President.

**President Killion:** Go ahead, Delegate Chairman.

**Delegate Albert:** Thank you, Mr. President. Foremost, let me begin by paying my respects to Iso, you Mr. President, Delegates, and those who are able to join us today. Special recognition to Honorable Congressman Moses, who has been with us since day one. Mr. President, your committee on Civil Liberties and Traditions met yesterday to organize your committee. During deliberations, your committee elected Delegate Camillo Noket as your Vice Chairman for the committee. Kalahngan.

**President Killion:** Thank you, Chairman for that information. So therefore, Delegate Camillo Noket is the Vice Chairman of the committee on Civil Liberties and Traditions. It shall be noted. Any other matters on that before moving on?

**Delegate Martin:** President.

**President Killion:** Yes. Delegate Martin.

**Delegate Martin:** With all due respect to the President, Iso Nahnken and all Delegates, I move for the adoption of the Oral Report by the Chairman.

**Delegate Susaia:** Second.

**President Killion:** Thank you. It's been moved and seconded that the Oral Report by Chairman Albert be adopted. Any Second?

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that the Oral Report as presented by Chairman Albert is adopted. Any discussion? If none, all those in favor of the motion say Aye. All those opposed say Nay. The motion is hereby adopted so the Report is adopted. So, moving on to the Committee on Finance and Revenue. Chairman Sitan.

**Delegate Sitan:** Thank you very much, Mr. President. My respects to you, Iso Nahnken, and fellow Delegates. The committee met yesterday and we have selected Senator, I mean Delegate Liwy to be our Vice Chairman from Pohnpei and I also want to announce our legal counsel for the committee who will be Yancy Cottrill. He is currently the legal counsel for the Committee of Ways and Means for Congress. Further, without even being assigned, I want to say that our committee room will be the Public Hearing Room because I cannot wait any further. Thank you.

**President Killion:** Thank you, Chairman Sitan. Any motion for adoption of the Report?

**Delegate Sitan:** So move.

**President Killion:** It's been moved and seconded that the Oral Report presented by Chairman Sitan is adopted. Discussion? If none, all those in favor, say Yes. All those oppose say Nay. Motion adopted so the Oral Report as presented was unanimously adopted. Moving on. Committee on Government Structure and Functions?

**Delegate Nabeyan:** Thank you, Mr. President. Your Committee on Government Structure and Functions has elected Delegate Akilino Susaia as its Vice President. Thank you. Vice Chairman.

**President Killion:** Thank you Chairman Nabeyan.

**Delegate Martin:** President. I move for the adoption of this Oral Report by my good Chairman Nabeyan.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that the Report as presented by Chairman Nabeyan on the Committee on Government Structures and Functions be adopted. Discussion? If none, all those in favor say Aye. All those opposed say Nay. Motion adopted so the Report was adopted. Moving on to Committee on General Provisions. Chairperson?

**Delegate Sigrah:** Thank you, Mr. President. Good morning to all. The Committee on General Provisions met yesterday, Wednesday, January 8, 2020 at 3 p.m. and it is my honor to present our duly elected Vice Chairman, Delegate from the great state of Yap, Delegate Andy Choor, as the Vice Chairman. Our immediate concern right now is our meeting venues and if there is a budget for the committees so that we can and eat and talk and be merry. Thank you very much.

**President Killion:** Thank you, Chairperson Sigrah. Any motion for the adoption of this Report?

**Delegate Martin:** I so move for the adoption of this said Oral Report.

**President Killion:** Any second? It's been moved and seconded that the Oral Report as presented by Chairperson Sigrah is hereby adopted. Discussion? If none, those in favor say Aye. All those oppose, say Nay. Motion carried. Moving on to Committee on Style and Arrangement. Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. Sakaradahn Wahu pahn kupwuren Isohko. My respects to the President, all members. Your committee on Style and Arrangement met yesterday and the committee chose Mr. Naich, Delegate Naich as the Vice Chairman. The Committee also learned that the Committee will be assigned Ms. Burch as the Committee's legal counsel and we're working to finalize our venue for meetings. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Saimon. Any motion for adoption of the Report?

**Delegate Martin:** So move, Mr. President.

**President Killion:** It's been moved. Any Second?

**Delegate Albert:** Second.

**President Killion:** It's been moved and seconded that the Report as presented by Chairman Saimon is hereby adopted. Discussion? All those in favor of the motion, say Aye. All those oppose say Nay. Motion unanimously adopted. So that's basically the organization of the various committees and on our behalf, I wish to thank each and every one of you, especially the Chairman/Chairperson of those committees and members for your hard work and efforts in organizing the committees so that we can move on and tackle the main issues at hand, which is to deal with the various proposals, Convention proposals that will be forthcoming or to be introduced and they're from, assigned each of your committees based on the subjects. So, moving on, item 7, Reports of Committees.

**Delegate Martin:** President.

**President Killion:** Yes, Delegate Martin.

**Delegate Martin:** With all due respect, I would like to move that we suspend our calendar and move down to item 12.

**President Killion:** Okay. It's been moved and seconded that we leapfrog down from item 7 to item 12, Introduction of Delegate Proposals and Resolutions. It's been seconded. Discussion? So, we're on item 12, if no objection.

**Floor Leader Yatilman:** Recess, Mr. President.

President Killion declared the Convention recessed at 10:45 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:50 a.m.

**President Killion:** We're back to order. A while ago, there was a motion by Delegate Martin to leapfrog down to item 12 that was moved and seconded and. Yes, Delegate Susaia?

**Delegate Susaia:** The original motion by Delegate Martin for the Convention to suspend the calendar of today and move to item number 14 instead of item number 12.

**President Killion:** It's been moved and seconded that the original motion by Delegate Martin be amended to go down to item 14. It was seconded. Discussion? If no discussion, all those in favor, say Aye. All those opposed say Nay. Motion carried. So now we're on item 14.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Chairman.

**Delegate Nabeyan:** The motion to amend the motion was carried. But the actual vote on the first question was not acted upon. Thank you.

President Killion declared the Convention recessed at 10:51 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:52 a.m.

### MISCELLANEOUS BUSINESS

**President Killion:** We still have the main motion as amended by Delegate Susaia. Any more discussion before we vote on that as amended? If no discussion, all those in favor of the main motion as amended, say Aye. All those opposed say Nay. So, motion carried, so the motion was amended. So now, we're on item 14, Miscellaneous, and for the record, I wish to say that on the first day of this Convention, as President of this Convention, I exercise my powers pursuant to Rule 19 to create a special committee for the purpose of communicating with our FSM President and Speaker of our Congress regarding the needs of our Convention. That special committee shall be called the Committee to Liaison with the FSM National Government, so it's not confused with the other Committee to wait on the President and the Speaker of our Congress. The members of the Committee to Liaison with the National Government are Delegate Akilino Susaia from Pohnpei as Chairman, Delegate Cindy Siren Mori from Chuuk, Delegate Yoslyn Sigrah from Kosrae, and Delegate Andy Choor from Yap. The assignment of the Committee is in consultation with me as President of this Convention to communicate the needs of our Convention to our President and Speaker of our Congress on such other task of communicating between Convention and National Government as the Convention may assign from time to time. So, that's really what I wish to say on that matter. Any other comments? Yes, Floor Leader?

**Floor Leader Yatilman:** Short recess, Mr. President.

President Killion declared the Convention recessed at 10:54 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:09 a.m.

**President Killion:** Now our session is back to order. We're on Miscellaneous Business, item 14. Any other Miscellaneous Business?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you very much. From what I observe part of our challenge here is to have our proposals come out on a timely basis. During this morning's session, before I talked to our Secretariat if we have a stationery, and I understand they are developing one. And in order to work together, I would request them to send the stationery also along with the format so some of us could also cut down the work by drafting some of our own ideas and just send it to them. But we just use stationery on our laptop so whatever you call it.

**President Killion:** Thank you, Delegate Fritz. That is noted and it shall be done with our staff. So, it's going to be done. Any other Miscellaneous Business?

**Delegate Takesy:** Mr. President.

**President Killion:** Delegate Takesy?

**Delegate Takesy:** Thank you, Mr. President. My respect to all of you. On the Committee to Wait on the Leadership of our Nation, I would like to suggest that they consider, that the Committee consider communicating to the Leadership the need for, number one, adequate funding for public education, public awareness on the products that will come out of this Convention; number two, that time, sufficient time be given to the awareness, public education so that the people of this country are sufficiently informed to be able to make informed decisions. I would also suggest that the Committee request the Leadership to consider including members of this Convention in the awareness and information purposes, and not necessarily to influence the votes of the people. The people of this country are entitled to make up their independent, informed decisions. So, I think it's going to be important for this Committee to impress on the Leadership for adequate funding and with time to carry out the education and for as full information as possible on the proposals that will be emanating from this Convention. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Takesy. Those are very pertinent issues to be taken up by the Special Committee to meet with our Leadership. Delegate Sitan?

**Delegate Sitan:** I want to say my Miscellaneous off record, so can I ask for a short recess?

President Killion declared the Convention recessed at 11:12 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:28 a.m.

President Killion: Our session is back to order. We're still on item 14, Miscellaneous Business. If no other Miscellaneous Business, we move on to Announcements. Announcement by any Committee Chair or other?

**Delegate Susaia:** President.

**President Killion:** Delegate Susaia.

**Delegate Susaia:** I just wanted to announce that your very, very Special Committee to Liaise and Wait on the President, which? Both Liaise, Wait on the President will meet with the President tomorrow, 8:30 in the morning and I invite other Delegates who may be interested to attend, to come along with us. You're more than welcome to join us. We're still waiting for confirmation from the Speaker for a time to meet him. He had accepted a meeting at one o'clock today, but I ask that we reschedule that. I think it's proper that we meet with the President first before we meet the Speaker. So when we get the confirmation of the time, I will let the members know through email or phone call. Thank you, Mr. President.

**President Killion:** Thank you Chair or Delegate Susaia. You're a diplomat so you know what is best. Thank you. Any other announcements by Chairmen of the Committees? Chairman Nabeyan.

ANNOUNCEMENTS:

**Delegate Nabeyan:** Thank you, Mr. President. Just to make sure that, because yesterday our schedule was passed around for the committee work, the schedule and your Committee on Government Structure and Functions is scheduled for tomorrow in the afternoon. And just because we do not have a proposal assigned to the Committee yet, I'd like to announce that until we won't convene until the Committee is assigned a proposal. Thank you.

**President Killion:** Thank you Chairman Nabeyan. Any other announcements from any of the Chairmen? Chairpersons? I guess, if not, before we call off the day, just a reminder for those of you who are COM-FSM, who are working there, you need to see our Legal Counsel to make sure that your concerns are taken care of in terms of the other benefits. So, if no other concerns, comments, Floor Leader?

**Floor Leader Yatilman:** Mr. President, are we now to adjournment? So, if we are there, then I'd like to move that the Convention stands in recess until tomorrow morning at 10 o'clock.

**President Killion:** It's been moved that we stand in recess until tomorrow morning. All those in favor, say Aye. All those opposed, say Nay. We stand in recess until 10 o'clock tomorrow. Thank you.

The motion carried by voice vote to recess until 10:00 a.m, Friday, January 10, 2020.

President Killion declared the Convention recess at 11:42 a.m., until 10:00 a.m., Friday, November 10, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

## FOURTH DAY

Friday, January 10, 2020

### CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:31 a.m., Friday, January 10, 2020.

### MOMENT OF SILENT PRAYER

**President Killion:** As usual may I call for a moment of silent prayer before we proceed.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Wichep called the roll, 22 delegates are present.

**President Killion:** Thank you! So we have a quorum to transact business. And it shall be noted that delegates Mori and Floor leader Yatilman are excuse. So moving on item 4, adoption of journal.

**Delegate Fritz:** Mr. President?

**President Killion:** Yes.

**Delegate Fritz:** Before we do that, have you designated someone as floor leader temporarily since I see that good floor leader has not come back yet?

**President Killion:** Yes. Thank you, Delegate Fritz. I wish again to request Delegate Cantero to act as our temporary Floor Leader for today's session and I know he's nodding to agree to it so thank you very much Delegate Cantero.

**Delegate Cantero:** Thank you, Mr. President. It continues to be an honor for me to serve as your temporary floor leader and I don't mind doing that for the rest of the convention process. Before we get to adoption of the journal or address an issue, let me start with paying my humble respect to Isohko, highest respect to His Majesty as well as Mr. President and the good delegates around the table. My highest respect to all of you. Mr. President, with regard to agenda item number four, I humbly move to dispense of the agenda, adoption of the journal as advised

by the Convention Secretariat, it is still under construction so I move that we dispense of the adoption of the journal at the moment. Thank you, Mr. President.

**President Killion:** Thank you very much. Any second?

**Delegate Sitan:** Mr. President, can we have a short recess?

President Killion declared the Convention recessed at 11:03 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:16 a.m.

**President Killion:** We're now back to session. We're on item 4, adoption of journal. There was a motion by our Floor Leader to dispense with the adoption of our journal and there was a second. Therefore a vote, all those in favor of the motion say Ay. All those opposed say Nay. Motion carried, moving on to item 5, communications.

## **COMMUNICATIONS**

**Chief Clerk Wichep:** None, Mr. President.

**President Killion:** Reports of committees? I'm sorry, unfinished business?

**Chief Clerk Wichep:** None, Mr. President.

**President Killion:** Item 7, Reports of Committees.

**Chief Clerk Wichep:** None also, Mr. President.

**President Killion:** First Reading of Committee Proposals.

**Chief Clerk Wichep:** None at the moment, Mr. President.

**President Killion:** Item 9, Second Reading of Committee Proposals.

**Chief Clerk Wichep:** None also, Mr. President.

**President Killion:** Item 10, Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Wichep:** None, Mr. President.

**President Killion:** Consideration of Resolutions.

**Chief Clerk Wichep:** None also.

**President Killion:** Item 12, Introduction of proposals and if any of you have proposals to be introduced today, the pages can gather them and bring them forward. Meanwhile also on the subject, please refer to referral sheet number 4-01 that specifies the referral of the various proposals which were introduced yesterday.

**Delegate Susaia:** President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you. I'm not sure about the proper rule that I need to suspend but I wish to withdraw the introduction of my proposal. We have decided, the Pohnpei delegation with due respect to the chairman of our delegation, Iso Nahniken Iriarte, that the delegation will be submitting our proposals as one package and will be introduced as delegation proposals, if the rules permit that. With that may I request that my proposal not be considered as introduced already. The same proposal will be included in the delegation proposals and introduced as delegation a proposal if the rules permit. Thank you, President.

**President Killion:** Thank you. Let's take a recess.

President Killion declared the Convention recessed at 11:21 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:26 a.m.

**President Killion:** Delegate Susaia?

**Delegate Susaia:** Thank you, Mr. President. On behalf of the convention, may I ask that we recognize the presence of the Floor Leader Yatilman and I wish to withdraw the motion I made earlier to withdraw delegate proposal, there's number already, 4-05.

**President Killion:** Is there a second to the motion?

**Delegate Sitan:** Second.

**President Killion:** It's been moved and seconded that the earlier motion by Delegate Susaia be also withdrawn, meaning we keep the proposal on the assignment. So any discussion? Yes, Delegate Martin.

**Delegate Martin:** Thank you. I would like to pay my respects to Iso Nahniken and all the delegates. Just a minor question I think. On item 12, I don't see 4-05 so why are we making motions to withdraw or withdrawing that motion again? It's not on the calendar today, only 4-01.

**President Killion:** That is referral sheet 4-01 that is attached to the order. That includes the assignment of proposal number 4-05, the one that we were referring to so.

**Delegate Martin:** Thank you.

**President Killion:** Thank you very much. We have to vote on that motion. If no other discussion, all those in favor of the motion by Delegate Susaia, say Ay. All those opposed say Nay. Motion carried. Before we continue, I would also like to note for the record that our Floor Leader is here, Floor Leader Yatilman, so he can resume his duties and thank you again Delegate Susaia, I mean Delegate Cantero for the work that you did a while ago. So, moving on, Special Orders?

**Chief Clerk Wichep:** None, Mr. President.

**President Killion:** Thank you. Item 14, Miscellaneous Business.

**Delegate Susaia:** President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Is this where it is appropriate for me to present an oral report from the Special Committee to wait on the President?

**President Killion:** Yes, it is. So, go ahead if you have one.

**Delegate Susaia:** Thank you, Mr. President. Your Committee to Wait/Liaise with the President begs leave to report that the Committee met with the President this morning at 8:30 along with the Vice-President and the Chief of Staff. And we presented to him and the Vice-President the leadership's and the Convention's gratitude for his assistance during the opening of the ceremony, during the opening of the convention. And his leadership guiding the opening of the convention and his commitment to help with the work of the convention. We also made known to him about the convention's request, the leadership's request to see if it is proper and can be done to sub-allot the balance of the original appropriation of \$500,000 that was used for the election of delegates to this convention. And we were informed there was a balance of approximately \$110 plus thousand and that appropriation law, he is the allottee. So the request was made, if we can, if he can sub-allot to you as the President of this Convention. He will be consulting with the Secretaries of Justice and Finance on it and get back to you to let us know what is needed to make that happen. On the issue of legal assistance to the Convention, we also informed him that Chief Justice Yamase has already offered additional staff, legal staff to assist the convention. Therefore, the convention may not need legal assistance from the Department of Justice. But he also reassured, wanted us to reassure the Convention that any other logistical assistance and staffing assistance that the Executive Branch can help with, he will ensure that that is provided to the Convention. I guess those are the major points or issues that we discussed with him this morning and we will do the same this afternoon at two o'clock with the Speaker. With that, I make a motion that we adopt this oral report, Mr. President.

**President Killion:** Thank you. Any second?

**Delegate Asher:** Second.

**President Killion:** Thank you very much. There we have it.

**Delegate Sitan:** Can we discuss?

**President Killion:** It's been moved and seconded that the oral report as presented by Chairman of the Special Committee Susaia is adopted so discussion on the report?

**Delegate Sitan:** Mr. President.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** The one thing we did ask the group somehow is to see if we can ask them to ensure that we get adequate financing for the rest of the ConCon. So I wonder whether that was relayed or not.

**President Killion:** Thank you.

**Delegate Susaia:** Yeah, that was relayed to him very politely because we know that in the Enabling Law, the Convention can send its budget direct to the Congress, but I understand that the PreCon Committee also shared a copy with him on the budget. So he's aware of it and what he really wanted us to know is that he is intent on separating, if in the draft budget that was presented to him included money for post education or public education. He wants the Convention to know that he wants to separate that from our budget that has been submitted to him.

**President Killion:** Thank you. Delegate Takesy?

**Delegate Takesy:** Thank you, Mr. President. Mr. President, my recollection in our conversation to the Special Committee to Wait on the President and the Speaker contained two, three major issues with respect to the public education/public awareness. Number one, that there would be adequate funding, to request for adequate funding. Number two, that time be allotted so that there is adequate time for public education to take place. And then number three, that consideration be given to including members of this Convention for information purposes and for first-hand confirmation of where this is going to be disseminated. I would like to know if these were raised with the President. Thank you.

**President Killion:** Delegate Susaia?

**Delegate Susaia:** Those issues were raised, but we have to be mindful that the Enabling Law itself sets a time in there by Congress, for the public awareness program to be done, to be completed. So in as much as we want enough time to be given for that purpose, there is a time set in the law, that a plebiscite must be conducted on the proposed amendments that will be coming out of this Convention. But yes, he is committed to help and willing to appoint or include us in the public education awareness program. But at the same time, he doesn't want to preempt Congress because Congress has to enact the law or the act to create, I mean, to provide funding for the awareness program or to set in that law or in a separate law the body or the entity to do the awareness program. It can be appointed by him or Congress itself can appoint. But based on his recollection if the law enables him to create a taskforce, he will ensure that representatives of this

Convention are on that taskforce. But as far as sufficient funding is provided, as of this morning he is still awaiting the Department of Finance to provide to him the revenue forecast that he will be submitting to Congress, not just for the Convention but for the entire need of the Executive Branch and all other programs that will be needing supplemental funding. So because of that, he cannot commit that although he knows and he's fully committed to support the budget of the Convention, he wants to see what the projected revenues will be. Thank you, Mr. President.

**President Killion:** Thank you Delegate Susaia. Delegate Takesy?

**Delegate Takesy:** Thank you, Mr. President. I appreciate the explanation by the Chair and is quite well taken. Mr. President, the law that created this Convention does make room and specify that the referendum on the outcome of this Convention will be included in the 2021 national elections referendum. There is also a provision that if there is an amendment that is going to affect the outcome of that election, it should be considered to be held before that. These are the kinds of information that the people should be aware of. It is taken as granted that public awareness will be carried out, but it could be carried out in one week, one day, or six months. Mr. President, with all due respect, the outcome of this Convention will affect our Constitution which will affect people's lives. They need to be given sufficient time to understand and vote intelligently.

**President Killion:** Thank you Delegate Takesy. Those are all valid points.

**Delegate Nabeyan:** Recess, Mr. President.

**President Killion:** Recess is called for.

President Killion declared the Convention recessed at 11:28 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:33 a.m.

**President Killion:** We're back to session. Delegate Susaia?

**Delegate Susaia:** Previous question, Mr. President. That we adopt the oral report.

**President Killion:** So it's been moved and seconded that we adopt the report. All those in favor of the motion, say Ay. All those opposed, say Nay. So the motion is hereby adopted, the report is hereby approved. So moving on, any other miscellaneous business?

**Delegate Susaia:** Mr. President. That was the motion to stop the debate Mr. President. Sorry, but did we adopt the motion to adopt the report?

**President Killion:** Sorry. So the motion to stop the discussion was adopted. So now, we'll vote on the main motion. All those in favor of the motion to adopt the report, say Ay. All those opposed, say Nay. Thank you very much Delegate Susaia. Thank you for your work on the Committee.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I just wanted to speak to the record. Thank you very much for recognizing my presence today. I would like the record to reflect also that I was here yesterday. I forgot to mention that I came yesterday so thank you, Mr. President.

**President Killion:** No question you were here yesterday and you're here today. Thank you. Let the record reflect that. Okay, if no other miscellaneous business.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Yesterday I was told that convention proposal 4-06 sponsored by my good delegate on my left and I was introduced and is now referred to the Civil Liberties Committee and this proposal relates to one of the issues that is intentionally discussed in the social media because it relates to dual citizenship. And I just request the indulgence of the delegates in order to save money since the subject is already in if we can use this vehicle, it doesn't mean that this is what the final outcome will be. But when the committee deals with it, all of us go and raise whatever concerns we have and we quickly issue out the product so we can have something for to deal with. That of course doesn't prevent any delegate to include his or her proposal. I just don't want us to have 24

proposals on the same subject. But at least everybody sees it. But we also include in the proposal our purpose and intent. Actually this was intended for our Chuuk delegation only to understand but she says this is how it should be so there you have it. You have an idea of what we try to put it in. My colleague here wanted to limit the dual citizenship not just from US to FSM, but on the FSM part, only those with husband and wife are FSM citizen, not one of them is a foreigner. We will discuss that in the Committee when that comes.

**President Killion:** Thank you, Delegate Fritz.

**Delegate Susaia:** Mr. President.

**President Killion:** Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. I'm sorry for taking up too much time of the plenary, but I have a miscellaneous business since we are on Miscellaneous Business. May I ask your office, the leadership of the convention and the able legal staff to see to it that Section 9 of the Enabling Law is properly implemented on expenses of delegates and staff? There are various interpretations floating around and I want them to look at this section and interpret to you so that the administrative staff can provide the necessary documents to implement these provisions of the law. Thank you.

**President Killion:** Thank you. Recess is called.

President Killion declared the Convention recessed at 11:38 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:53 a.m.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** Mr. President, I make a motion that the officers, especially you, President, Vice-President, Floor Leader and Secretary to fully implement Section 9 of the Law of this convention by this week, no more later. Thank you.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded as mentioned by Chairman Sitan. Discussion?

**Delegate Saimon:** Chair?

**President Killion:** Yes, Delegate Saimon.

**Delegate Saimon:** And that must include of those that I mentioned yesterday. We need those two, Mr. Capelle and Ms. Burch contracts to be signed. They haven't been signed. They need to be signed.

**President Killion:** Yes. It is understood that shall be the case. Any other discussions? So let's vote. All those in favor of the motion, say Ay. All those oppose, say Nay. Motion carried. So are we still on Miscellaneous? If no other items on Miscellaneous, we move on to.

**Delegate Sitan:** Mr. President, on Miscellaneous, I wonder whether everybody understand the motion. We voted on, but do we all understand the meaning of it?

**President Killion:** The Rule No. 9?

**Delegate Sitan:** Yes.

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich?

**Delegate Naich:** I think the question raised by Delegate Sitan is most appropriate to ascertain that we all understand. I, for one, do not.

**Delegate Susaia:** Discussion on that is closed. Motion was adopted already.

**President Killion:** Let's go back for a recess.

President Killion declared the Convention recessed at 11:58 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 12:01 a.m.

**President Killion:** Now we're back to order. We're still on item 14, Miscellaneous Business. If no more matters on that item, we move on to.

**Delegate Takesy:** Mr. President.

**President Killion:** Yes, Delegate Takesy.

**Delegate Takesy:** Under miscellaneous business. Mr. President, honorable colleagues, my understanding is that the PreCon Committee set up the staffing for this convention and that included not just legal counsels, secretaries, but also public information officer. If that is true, I think that is an important position that has not been to date and I would urge the leadership of this convention to fill that position because it is important that the people are aware of what is happening or not happening at this convention. On that note, Mr. President, I would like to commend you for filling the positions to date. I welcome the assistant convention secretary and the legal counsels. Given the shortness of time, and the shortness of available professional assistance, I would urge the leadership to work with their various committees to make maximum use of the staff we have so that at the end of the day they're deployed to the best use of our time. Thank you, Mr. President.

**President Killion:** Thank you, Delegate Takesy. That is a good point there. We'll take action on that.

**Delegate Kanto:** Mr. President?

**President Killion:** Yes, we are still on Miscellaneous. We have yet to conclude.

**Delegate Kanto:** Here, Mr. President.

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** Thank you, Mr. President. I don't know if my concern is kind of premature, but there was discussion earlier for Monday to be off so that we can join the Pohnpeians celebrate the inauguration of their new leadership. At the same time Congress will be in session on the 27<sup>th</sup>. That's I guess what we've been informed of. So what is kind of our tentative schedule so far?

**President Killion:** The tentative schedule? We're going to recess before Congress comes into session so we're looking at the 22<sup>nd</sup> or 23<sup>rd</sup> of this month.

**Delegate Kanto:** Thank you.

**President Killion:** Okay. Any other Miscellaneous?

**Delegate Asher:** Mr. President, just for the record. Kosrae Delegation have met and we have selected Delegate Canney Palsis as our Chairman.

**President Killion:** Thank you, Chairman Asher. So for Kosrae, Delegate Palsis is the Chairman of your delegation. Thank you very much. Let's give him a round of applause. Delegate Susaia?

**Delegate Susaia:** Thank you, Mr. President. For Pohnpei Delegation, our Iso Nahnken remains as Chairman of our delegation. Thank you, Delegate Susaia. Congratulations to Iso Nahnken, Chairman of Pohnpei delegation. The other two delegations?

**Floor Leader Yatilman:** Mr. President?

**President Killion:** Yap. Yes?

**Floor Leader Yatilman:** Victor is Chairman of our delegation.

**President Killion:** Thank you. That's just a reminder. Delegate Nabeyan is still Chairman of Yap delegation. Likewise, Chuuk? Delegate Naich?

**Delegate Naich:** Thank you, Mr. President. The Chairperson for the Chuuk delegation is Delegate Cindy Mori and Vice-Chair is Delegate Marcus Samo. Thank you.

**President Killion:** Thank you, Delegate Naich. Congratulations those two. Okay we move on. We're still on Announcements. Before we adjourn.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nayeban.

**Delegate Nabeyan:** Are we on Miscellaneous or Announcements?

**President Killion:** We're concluding our Miscellaneous so if no more Miscellaneous we move on.

**Delegate Susaia:** President, can we stand in short recess?

President Killion declared the Convention recessed at 12:13 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 12:15 a.m.

**President Killion:** We were on Item 14, Miscellaneous Business. So if no other Miscellaneous Business, we move on to Announcements. Any Committee Chair wish to make announcements on their committee meetings? Chairman Nabeyan?

**Delegate Nabeyan:** Thank you, Mr. President. I just want to announce to the members of the Committee on Government Structure that were absent at the convening of today's session. We were informed that we have been assigned a legal staff, Tammy Davis. She's the general counsel at the FSM Supreme Court so she'll be assisting us. In terms of venue, I mentioned that we were going to use the DECEM conference room, but that now has been changed. We will be using the Congressional hearing room for all of our committee meetings. At the moment, we are not assigned any proposal but I have asked, during the first meeting I passed around a sheet for contact information but not all the committee members signed on the sheet so I had emailed previously the secretary to compile a list of committee members and their contact information, phone numbers, email addresses so that it'll be easier for us to communicate and hopefully I'll get that information so when there is information to share amongst the members, we will have each other's contact information so thank you Mr. President.

**President Killion:** Thank you Chairman Nabeyan. Any other announcements from the other committee members? Comments?

**Delegate Susaia:** Mr. President.

**President Killion:** Delegate Susaia.

**Delegate Susaia:** I defer to Chairman Albert.

**President Killion:** Chairman Albert?

**Delegate Albert:** Thank you. For our Committee on Civil Liberties, I see that we have about four assignments and may I ask that we meet after plenary today so we can discuss how we're going to move forward?

**President Killion:** Okay. That's an announcement from Chairman Albert on the Committee on Civil Liberties and Traditions.

**Delegate Albert:** Yes, thank you.

**President Killion:** Okay. Any other announcements from the other chairpersons of the other committees? Delegate Sigrah?

**Delegate Sigrah:** Thank you, Mr. President. The committee on General Provisions has one assignment. If the members can read the assignment, the proposal, no meetings. We have ours so I think we're okay. We're in good hands. Our venue, meeting place, we heard from the administrator that we're going to be using the library across but we're still hoping and begging that we can use the committee room and we would like to start meeting if we know we have some refreshment ready for us because we are very smart when we see food around. Thank you.

**President Killion:** Thank you Chairperson Sigrah. Yes, Delegate Susaia?

**Delegate Susaia:** If there are no more announcements from the Standing Committees, I just wanted to remind Members of the Special Committee that we have a two o'clock meeting with Speaker Simina today.

**President Killion:** Okay, that's a good reminder. Committee to Wait on the Leadership, you'll be having your meeting at two o'clock with Speaker Simina. Yes, Delegate Cantero?

**Delegate Cantero:** Thank you. Thank you so much, Mr. President. It seems like Monday will be off day for us and the reason is quite clear so Isohko, komw ketin kupwure. On behalf of the Pohnpei Delegation to the Convention, I would like to convey our sincerest thanks appreciation and gratitude to you Mr. President and members of the Convention for giving us the opportunity to witness the swearing in of our Governor of our state of Pohnpei. The delegates are very

appreciative of your help, of your support and I'm sure the people of Pohnpei state also share same sentiments so thank you all so much.

**President Killion:** Thank you very much, Delegate Cantero for that.

**Vice- President Iriarte:** Mr. President.

**President Killion:** Iso Nahnken Salvador?

**Vice- President Iriarte:** I'm expecting an invitation that will be coming directly to President, to all for the purpose of preparing seats and everything else that is needed. So as soon as the invitation reaches, then I will ask the President to announce to everybody. Maybe by tomorrow?

**President Killion:** Alright. Thank you very much, Isohko for that announcement. Any other announcements? As was stated earlier, immediately after this session, we'll have officers meeting with the various delegation chairman so that we can sort out the other issues which we had discussed earlier.

**Delegate Sitan:** Short recess, Mr. President.

President Killion declared the Convention recessed at 12:30 p.m., subject to the call of the Chair.

RECESS

The Convention reconvened at 12:32 p.m.

**President Killion:** Any other announcements? If not.

**Delegate Palsis:** I'm going to call the Kosrae Delegation to have a quick, a real quick, the quickest meeting ever today.

**President Killion:** Thank you for that quickest meeting ever for Kosrae delegation right after this morning's session. Thank you Chairman Palsis.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** We need to be mindful that we're meeting right after the presiding of this session. The Chairs are meeting right after this so they need to schedule their meeting after that because some of the, especially the chairs need to go back to their respective meetings.

**President Killion:** That meeting that we talked about for today is going to be tomorrow so that we get the budget so that's understood. Okay, if no other announcements, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that the convention stands in recess until tomorrow at 10 o'clock.

**President Killion:** Second?

**Floor Leader Yatilman:** Oh, I'm sorry. Adjourn until tomorrow at 10 o'clock. I restate my motion, Mr. President. I move that this convention stands in recess until tomorrow morning at 10 o'clock.

**President Killion:** It's been moved and seconded that we stand in recess until tomorrow 10 o'clock. All those in favor, say Ay. Those oppose, say Nay. We stand in recess until 10 o'clock a.m. tomorrow, Saturday.

Respectfully submitted,

/s/

Atarino A. Helieisar

Journal Clerk

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**FIFTH DAY**

Saturday, January 11, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:29 a.m., Saturday, January 11, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order, may we observe a moment of silent prayer.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Wichep called the roll,

**Chief Clerk Wichep:** Mr. President, 22 delegates are present.

**President Killion:** For the record, Chairman Albert just walked in so we now have 23 and Delegate Mori is still excuse. So with that we have a quorum as required by our rules and we can transact business. So moving on item to 4, Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move to suspend the reading of the journal.

**Delegate Cantero:** Second.

**President Killion:** It's been moved and seconded that we suspend the reading of the journal. Discussion? If no other discussion, all those in favor say aye. All those Opposed say no.

The motion carried by voice vote to suspend the reading of the journal.

**Floor Leader Yatilman:** Mr. President, short recess.

**President Killion:** Thank you. Short recess.

President Killion declared the Convention recessed at 10:31 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:35 a.m.

**President Killion:** We're now back to session. We are on adoption of the journal. It was moved and seconded that we dispensed with that so it was voted on and approved so moving on to Item 5, Communications.

## COMMUNICATIONS

**Chief Clerk Wichep:** There are no current communications Mr. President.

**President Killion:** Item 6, Unfinished Business?

**Chief Clerk Wichep:** None, Mr. President.

**President Killion:** Reports of Committees.

**Chief Clerk Wichep:** None also.

**President Killion:** Item 8, First Reading of Committee Proposals.

**Chief Clerk Wichep:** None, Mr. President.

**President Killion:** Item 9, Second Reading of Committee Proposals.

**Chief Clerk Wichep:** None also.

**President Killion:** Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Wichep:** As of now none, Mr. President.

**President Killion:** Item 11, Consideration of Resolutions.

**Chief Clerk Wichep:** There are no resolutions at the moment, Mr. President.

**President Killion:** Item 12, Introduction and referral of Delegate proposals and resolutions.

**Chief Clerk Wichep:** Please refer to referral sheet number 4-02.

**President Killion:** So you have that referral sheet attached to the order for your information. For those proposals which were introduced the previous day and they are now here. Item 13, Special Orders.

**Chief Clerk Wichep:** None, Mr. President.

**President Killion:** Miscellaneous Business. I wish to start out with that, we had received an invitation from Mrs. Cantero, which is the Chairperson for the overall coordinating committee for the Joint Inauguration of the Pohnpei Leadership, Executive and Legislative which would happen on Monday. I'm sure copies of that invitation have been distributed. So we all are invited to join the leadership and people of Pohnpei on that very important occasion on Monday, January 13, 2020. It is going to take place at the COM-FSM Gym. So that shall be noted. And also for Miscellaneous, there was an email sent to each and everyone of us from Ms. Nercy Simina regarding the need to verify your contact information. So, I guess you need to verify the information which has been noted in that sheet that Ms. Simina sent out so that list could be finalized for our record. Any other Miscellaneous items for this morning?

**Delegate Bossy:** Mr. President.

**President Killion:** Delegate Bossy.

**Delegate Bossy:** Thank you Mr. President. I would like to verbally request through your office although I am writing to your office regarding the ESG or Educational for Public Awareness that after hearing from honorable delegates that the discretion of the President to employ people who will take that task in educating the FSM people. I would like to request for your office and that request will also go to the delegation from Chuuk, Committee of the All that I should draft a resolution, requesting the President to include people of this Convention, very important people of this Convention, to participate in the educational of public awareness to reach out to the people of FSM, within and outside. Thank you Mr. President.

**President Killion:** Thank you delegate Bossy. That is a very important and valid concern as we had discussed in the few sessions before. They shall be noted and we shall take that up.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you very much Mr. President. Ai tirow won meinisin ami honorable delegates. Yesterday I was told that three of my proposed proposals were been introduced and have now been assigned to the Committee on Finance

and the Committee on General Provision or one of them. I would request the Committee on Finance to consider Committee Proposal 4-09 first before 4-07 because they go together but the major proposal as I see it, I'm trying to get assistances for the municipal governments are in 4-09. 4-07 deals with the net revenue which may come from the sea floors and all but that may not come within the next two or three years. But before that 4-09 is address to the newly funded revenues which our National Government have enjoyed so far, that's the fishing fees and business license or MRA. Two items which all not available in those days but now we know that they're exist, and now these might be shared with the people of this nation especially those who are more in need. In my view, the municipal governments where our people in this country live are the ones who mostly needed additional or new funding because right now, they really don't have anything. Thank you.

**President Killion:** Thank you very much delegate Fritz. Those are very important and pertinent information. I guess Chairman Sitan, as Chairman on Public Finance and Revenue, is taking those into consideration. These are going to be part of their discussion.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Thank you Mr. President. I think when we come to announcements I will set the schedule for the Committee to start working on it.

**President Killion:** Yeah. Thank you. We're still on Miscellaneous.

**Delegate Takesy:** Mr. President.

**President Killion:** Delegate Takesy.

**Delegate Takesy:** Yes. Thank you Mr. President. Honorable colleagues, I would like to associate myself with the statement of Delegate Bossy. Mr. President, the delegates around this table, this Convention constitutes a cross section of our population and I'm humbled and honored to be among you. We constitute a cross section of the community that is the FSM. We have traditional leaders, we have business leaders, with season diplomats, we have lawyers, we have religious-associated people, we have people in learned disciplines, we have people of sound mind and long experience in government and in life. Mr.

President, it would be remiss of the President of this Nation to ignore the inclusion of this body in the effort to educate our people so that they're arm with the distinct and clear understanding of each proposal that passes this Convention because it will affect their lives and the lives of people that will follow. Therefore Mr. President, I would like to go on record in requesting the President, the Congress and the Governors who will be responsible in carrying out the information awareness programs and efforts. It would be my humble request to you, Mr. President, that this Convention is on record wanting to be a part of that critical link to the changes for the better of this Nation. Thank you Mr. President.

**President Killion:** Thank you delegate Takesy for that very valid concern as expressed by delegate Bossy.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes. Delegate Sitan.

**Delegate Sitan:** Thank you. I think we all support the sentiments raised. I therefore would like to ask somebody else, maybe you to help our staff in drafting a resolution to encompass our concerns to that we be on the awareness programs. I think that's the most appropriate way. Thank you.

**President Killion:** Thank you. That's going to be the way.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Delegate Naich. Did you rise, oh sorry. Floor Leader Yatilman.

**Floor Leader Yatilman:** Thank you very much Mr. President. The schedule that was circulated for Committees, having received no comment on that except for the Yap Delegation and I discussed with the Secretariat yesterday afternoon but with all due respect, if we can just stick to it. It will be circulated and that will be the schedule for the Committee meetings. Thank you very much Mr. President.

**President Killion:** Thank you. I think that should now be followed in order to organize our Committee meetings and move on. Any other Miscellaneous?

**Delegate Hashiguchi:** Mr. President.

**President Killion:** Yes. Delegate Hashiguchi.

**Delegate Hashiguchi:** Thank you Mr. President. I want to share the same concern for delegate Sitan and I would request that the resolution be done ASAP before we take-off so Congress will have it in front of them. Thank you Mr. President.

**President Killion:** Thank you very much delegate Hashiguchi. That is understood. Thank you.

**Delegate Susaia:** Mr. President.

**President Killion:** Delegate Susaia.

**Delegate Susaia:** Thank you Mr. President. After no other important Miscellaneous, I wish to make an oral report on behalf of your Special Committee to Wait on the Speaker.

**President Killion:** Go ahead. Proceed.

**Delegate Susaia:** Thank you Mr. President. Your Special Committee met with Speaker Simina, yesterday afternoon about 2:15 p.m., with him was Vice-Speaker Moses. The Committee conveyed the Presiding Officers and the Convention Delegates' thank-yous for the assistances that they have given to this Convention and the support that we seek from the Congress. Two specific issues were included in our task to share with the Speaker. The request to have the law appropriating the five-hundred thousand dollars (\$ 500,000.00) to have you to be the allottee and we were informed that this would have to be an amendment to the law and cannot be done administratively.

On the budget itself, Speaker with the assistance of his staff, are still trying to locate the official submission of the budget that presumably was submitted to him sometimes in December by the Chairman of the PCC. And I am aware of some information relayed by email from our legal counsel that the Secretary of the Convention is also trying to locate that December 17 communication. But anyhow, Speaker has committed his support to see to it that we are given adequate financial resources to complete our tasks. Mr. Speaker also reminded us that the views that were shared during the opening of the Convention by President that this Convention be realistic and practical on what we would recommend to come out from this Convention. As we all know, we had lived under this Constitution for 40 years. And according to the Speaker, in his own words, "if it's not broken, let's not

break it.” Let us address what will improve our living under this Constitution. With those, I move for the adoption of the oral report.

**Delegate Asher:** Second.

**President Killion:** Thank you Chairman Delegate Susaia for the report. A motion has been made to adopt the report and there was a second. Any discussions on the report?

**Delegate Takesy:** Mr. President.

**President Killion:** Yes, Delegate Takesy.

**Delegate Takesy:** Mr. President, I would like to comment the Chairman and members of the committee for the work they had to carry out on our behalf. I trust that the spirit of collaboration and working together has been conveyed to our respective leaders and likewise we need to do accordingly. I therefore urge that through the communications that has been done through our special committee that we adhere to the spirit of collaboration and that the messages of being practical and realistic underline what we are going to do in the coming days. Thank you Mr. President.

**President Killion:** Thank you very much delegate Takesy. Any more other discussions?

**Delegate Sitan:** Mr. President.

**President Killion:** Yeah. Delegate Sitan.

**Delegate Sitan:** Thank you very much. I think the report from the Chairman of the Committee to Wait on the Speaker is very important. I therefore suggest that you as President should formally submit our budget since the PreCon is no longer in existence. And aside from the official communication that Chairman reported, unofficially, Speaker said that we have not submitted a formal request and we should follow the normal procedure. This Convention should submit a budget directly to the Speaker. Thank you.

**President Killion:** Thank you very much Delegate Chairman Sitan.

**Delegate Cantero:** Mr. President

**President Killion:** Yes. Delegate Cantero.

**Delegate Cantero:** Thank you Mr. President. Good Morning to you. Before I proceed, my humble respect to Isohko, yourself Mr. President and the presiding officers and delegates around the table. I fully support the sentiments expressed by delegate Sitan for an official submission of our budget to the office of the Speaker. I think that will be good but I thought I also on behalf of the Pre-Convention delegates just to confirm that submission was made to the Office of the Speaker through a letter from me submitting three documents to the office of the Speaker. Those communications were sent by December 17, after the work of the Pre-Convention Committee. We agreed that it was important for us to make sure that the outcome of the Pre-Convention be submitted. So the documents that were submitted on December 17 was the Pre-Convention meeting summary outcome, the Proposed Budget, and the proposed Rules of Procedure that your Committee put in place. So on December 17, 2019, it was hand delivered to the Office of the Speaker and they have received it. I do not know what transpired within his office, perhaps it was missed place somehow but I thought it's good to confirm that your Committee did the submission. But I again want to really associate myself with delegate Sitan's proposal that perhaps it's also good to reconfirm that submission with another submission from you as the President of the Convention. Thank you Mr. President.

**President Killion:** Thank you very much delegate Cantero. So I guess just a matter of tracking down that package in which you mention it was delivered but the main thing is to ensure that we follow the law that it says we have to submit. So, it will be done. Thank you very much delegate Cantero. Any other comments?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes. Delegate Susaia.

**Delegate Susaia:** I yield the floor to delegate Nabeyan.

**President Killion:** Delegate Nabeyan.

**Delegate Nabeyan:** Thank you delegate Susaia. Mine is not important but just a point for clarifications. I've seen the invitation to the Inauguration but time is not specified can we find out?

**President Killion:** Sorry. We are still on the motion to adopt the report.

**Delegate Nabeyan:** Oh sorry, sorry.

**Delegate Susaia:** Before I move for previous question, what was stated by Chairman Cantero is true, there was a submission on December 17. And I think it's proper now for our staff to follow up with the Speaker's staff if they lost that submission, then we can reprint the same document and send it over. The fear that I have for under a new, under your signature is "what happens if the figures are different?"

**President Killion:** May be we can just say "it's been revised."

**Delegate Susaia:** So I think for now it is the responsibility of the Convention staff to work with the Speaker's staff to find out what happened to the December 17 submission. The Chief Clerk acknowledged that she has the copy of the budget worksheet but not the total package.

**President Killion:** I declared a short recess, please?

President Killion declared the Convention recessed at 10:56 a.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 10:59 a.m.

**President Killion:** Delegate Susaia?

**Delegate Susaia:** Thank you Mr. President. I move for previous question.

**Delegate Sitan:** Second.

**President Killion:** It has been moved and seconded that we now go and vote. For those in favor of the motion say aye. All those oppose say nay.

The motion carried. So now we're going to vote on the main motion at hand to adopt the report as presented by the Chairman of the Special Committee. All those in favor of the motion say aye. All those oppose say nay.

The motion carried by voice vote to adopt the report.

**President Killion:** So moving on, any other matters on miscellaneous business?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes. Chairman Sitan

**Delegate Sitan:** Thank you Mr. President. Yesterday I made a motion for you and your staff to let us know by then and this week, meaning today on the issue of section 9 of the Rules. Do you have any to report at this time since tomorrow is Sunday, no meeting and I think my motion was dateline this week perhaps we can hear a report from you. Thank you.

**President Killion:** Thank you. Recess called for.

President Killion declared the Convention recessed at 11:00 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:23 a.m.

**President Killion:** Yes. Chairman Susaia.

**Delegate Susaia:** Mr. President, I moved that our Legal Counsel provide in writing what she orally presented during our recess so that we can use that as a supporting document to process all the necessary travel documents for those of us who are eligible per diem and car rental.

**President Killion:** Don't worry. It's going to be done either even the approval of motions and so it will be done. Tuesday we will have a legal opinion on what our LC just said. Moving on, any other last miscellaneous businesses before we go to announcements?

**Delegate Liwy:** Mr. President.

**President Killion:** Yes. Delegate Liwy.

**Delegate Liwy:** Thank you Mr. President. My apology if I am going to be out of context. Before I go on, I would like to pay my respect to Isoko, Mr.

President and honorable member of the 4<sup>th</sup> FSM Constitutional Convention. Since our journal hasn't been finalized yet, I would like to make a request to you Mr. President that I submit a list of names that are not recognized on the first day of the Convention as they were present here and they left before my recognition. I ask that I submit a list to be inserted on the journal for the first day.

**President Killion:** Thank you very much delegate Liwy. If no problem, the journal clerk will do it.

**Delegate Albert:** Mr. President.

**President Killion:** Yes. Mr. Floor Leader. Sorry, Chairman Albert.

**Delegate Albert:** Thank you Mr. President. Aih tuhngol sakaradan wahu pahn kupwuhren Iso. While we are on the subject on money, I wish to point something out for your consideration especially on the staffs that are here. I understand some are here on administrative leave but today is Saturday and I am not sure if they're compensated for or not. So I wish this matter should be taken into consideration when you decide on all the matters that have been raised. On that same note, I wish for us to acknowledge the presence of Ms. Sheryl Burgentine, who is an employee of the U.S. Government, I believe OIA and she's been here with us for the last couple days. So please let's give her a big a round of applause.

Applause from delegates and staff.

**President Killion:** Thank you very much Chairman Albert.

**Delegate Noket:** Mr. President.

**President Killion:** Yes. Delegate Noket.

**Delegate Noket:** Yesterday, the CLIT the Civil Liberties Committee and we discussed the possibility of asking you to have a cut of date for submitting proposals to the Convention. Seeing the time here, some of the proposal may be duplicated and we want all the proposals to be submitted once so the committees can at least review them all three at one time. That is what the committee requested that we have a cutoff date for submission. I don't know if other delegates oppose to that. Thank you.

**President Killion:** Thank you delegate Noket.

**Delegate Susaia:** Short recess?

**President Killion:** Thank you. Recess called for.

President Killion declared the Convention recessed at 11:27 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:36 a.m.

**President Killion:** Yes. Delegate Susaia.

**Delegate Susaia:** Before we move to the next agenda item. I wish to take this opportunity to recognize the one and only Mr. Lam Tang, Legal Counsel for our Congress of the Federated States of Micronesia whose observing our deliberations this morning.

Applause from delegates and staff.

**President Killion:** Thank you very much. Welcome Legal Counsel Tang to our meeting.

**Delegate Palsis:** Mr. President.

**President Killion:** Delegate Palsis.

**Delegate Palsis:** By way of miscellaneous, I want to also take this opportunity to ask the indulgence of the Convention to recognize two staff, staffing the Kosrae Delegation. Mr. Cornelius and Mr. Nithen they're in the back.

Applause from Delegates and Staff.

**President Killion:** Thank you.

**Delegate Sitan:** The one thing we did ask the group somehow is to see if we can ask them to ensure that we get adequate financing for the rest of the ConCon. So I wonder whether that was relayed or not.

**President Killion:** Thank you. Any other recognition? If none, we now move on to item 15, Announcements. Any of the Chairman wish to make announcement for committee meetings? Yes. Delegate Sitan.

**Delegate Sitan:** Can I ask for a short recess?

President Killion declared the Convention recessed at 11:38 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:39 a.m.

**Delegate Sitan:** Thank you Mr. President. I would like to ask our Committee on Public Finance will start meeting on Tuesday at 8:30 a.m. to 10 a.m. here at the Hearing Room. The issues will be those proposals assigned to us so we can start discussing them. Thank you very much.

**President Killion:** Thank you Chairman Sitan. Any other announcement?

**Delegate Sigrah:** Thank you very much Mr. President. That is the allotted time for the Committee on General Provisions and that is to follow that we are not meeting. The Committee on General Provisions is not meeting on Tuesday morning. I apologize to those that showed up this morning for a meeting. We have not scheduled a meeting but I encourage the members to read. We have only one proposal that came in, 04-3, so please read that and be ready for the next sets of proposals. Thank you.

**President Killion:** Thank you Chairperson Sigrah.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes. Chairman Nabeyan.

**Delegate Nabeyan:** Your Committee on Government Structure & Functions will meet on Wednesday at 2:30 p.m. at the Congressional Hearing Room. I would ask the Secretary to please notify our legal staff, the Committee legal staff of the schedule so she can be there. Thank you.

**President Killion:** Thank you Chairman Nabeyan. Any other announcements from the other two Committees?

**Delegate Albert:** Mr. President.

**President Killion:** Yes. Chairman Albert.

**Delegate Albert:** Just to follow-up on his list, understanding with the Committee on Civil Liberties. It's a kind of reminder that our meeting will be on Wednesday at 8:30 in the morning. Thanks,

**President Killion:** Thank you Chairman Albert. Any announcements from the Style and Arrangement Committee?

**Delegate Saimon:** Mr. President.

**President Killion:** Chairman Saimon.

**Delegate Saimon:** Yeah. Thank you again Mr. President. Since we're the finale Committee, we have nothing yet to assign. Thank you Mr. President.

**President Killion:** Thank you Chairman Saimon. I declare short recess.

President Killion declared the Convention recessed at 11:41 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:42 a.m.

**President Killion:** We're now back to session. If there are no other announcements from the Committees, I wish to request the Chairman and Chairperson of the 4 or 5 Committees, sorry Delegations, as well as for the Officers to have a meeting immediately after this morning's session. It's going to taking place at the room at the back. Okay, if no other announcements, Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that the Convention stands in recess until Tuesday at 10 o'clock in the morning.

**Delegate Cantero:** Second.

**Floor Leader Yatilman:** Oh, I'm sorry. Adjourn until tomorrow at 10 o'clock. I restate my motion, Mr. President. I move that this Convention stands in recess until tomorrow morning at 10 o'clock.

**President Killion:** It's been moved and seconded that we stand in recess until Tuesday at 10 o'clock. All those in favor, say Aye. Those oppose, say Nay. Motion carried. We stand in recess until 10 o'clock a.m. Tuesday.

President Killion declared the Convention recessed at 11:46 a.m. until 10 a.m., Thursday, January 9, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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## SIXTH DAY

Tuesday, January 14, 2020

## CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:36 a.m., Tuesday, January 14, 2020.

## MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order, may we stand and observe a moment of silent prayer.

A moment of silent prayer was observed.

## ROLL CALL

Chief Clerk Reyes called the roll, 22 delegates are present.

**President Killion:** Thank you. For the record, Vice President Iso Nahnken and Delegate Takesy are excused for this morning's session. So, we have a quorum to transact business. Now we can move on, Adoption of Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move to suspend the reading of the Journal until tomorrow.

**President Killion:** It's been moved. Any second?

**Delegate Fritz:** Second.

**President Killion:** There's a motion to suspend the reading of the Journal. Let's declare a short recess.

President Killion declared the Convention recessed at 10:39 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 10:44 a.m.

**President Killion:** We're now back to session. There was a motion from Floor Leader to dispense the reading of the Journal. There's a need for a second.

**Delegate Fritz:** There's second already.

**President Killion:** Oh, there's a second? Okay, all those in favor of the motion proposed by Floor Leader say Aye. All those opposed say Nay. Motion carried.

The motion carried by voice vote to suspend the reading of the Journal.

## **COMMUNICATIONS**

**President Killion:** Moving on. Item 5, Communications?

**Chief Clerk Reyes:** Yes, Mr. President. For Communications, we have Pre-Constitutional Convention or PCC Communications, No. 4-1 to No. 4-5. We also have Delegation Communications No. 4-1 to No. 4-2. We have also FSM Congress Communication No. 4-1. We have FSM Supreme Court Communication also No. 4-1 and ending with Miscellaneous Communication, we have No. 4-1.

**President Killion:** Thank you, Secretary. Any discussions? These are just straight forward Communications. And those subject matters are attached. They are just been distributed. Any other discussion? If none, moving on, Unfinished Business.

### UNFINISHED BUSINESS

**President Killion:** On Unfinished Business, I wish to report that there's been a legal opinion in writing from our Legal Counsel that addressed the issue which was raised by certain members previous days. And may I call for a short recess?

President Killion declared the Convention recessed at 10:46 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:16 a.m.

**President Killion:** Session is now back to business. We are on Unfinished Business. If no other matters on that item, we move on to Reports of Committees.

### REPORTS OF COMMITTEES

**Chief Clerk Reyes:** For Item 7, there are no Committee Reports, Mr. President.

**President Killion:** First Reading of Committee Proposals?

### FIRST READING OF COMMITTEE PROPOSALS

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Second Reading of Committee Proposals?

### SECOND READING OF COMMITTEE PROPOSALS

**Chief Clerk Reyes:** None also, Mr. President.

**President Killion:** Item 10. Final Reading of Proposed Constitutional Amendments?

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Item 11, Consideration of Resolutions?

### CONSIDERATION OF RESOLUTIONS

**Chief Clerk Reyes:** None also.

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions? See Referral Sheet No. 4-03 attached to the order.

### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Yes, just a correction on the title of Committee Report No. 4-10 in the Referral Sheet. Second to the last line, under that item reads “resources exploited from the waters of the FSM”, it should read instead “resources exploited from the jurisdiction of the FSM”. Thank you.

**President Killion:** Thank you very much Chairman Nabeyan. Assuming that is the real wording of the actual proposed Proposal?

**Delegate Nabeyan:** Yes, it is. Thank you.

**President Killion:** Okay. It shall be reflected on the record. Okay, any other matters on that item?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Chairman Susaia.

**Delegate Susaia:** I just wanted to state a concern. I was hoping that some of these Proposals can be jointly assigned to one or two Committees. Like for the Reef Proposal, I think Public Finance should be involved also.

**President Killion:** Perhaps if I am not mistaken...

**Delegate Susaia:** Just an idea.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:18 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:22 a.m.

**President Killion:** We're now back to order. If no other discussion on Item 12, Special Orders, Item 13.

### **SPECIAL ORDERS**

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Miscellaneous Business.

### **MISCELLANEOUS BUSINESS**

**President Killion:** Any Delegates who wish to have miscellaneous business? This is a time for such.

**Delegate Martin:** President.

**President Killion:** Yes, who called for? Delegate Martin.

**Delegate Martin:** Thank you, Mr. President. First of all, with all due respect, good morning to everybody. I have two items to share under this line item. First, on behalf of our Chairman Iso, I would like to cordially inform this body or the Convention that Delegate Susaia has been designated as the Vice Chairman for the Delegation of Pohnpei by our Chairman. Second, in reference to all the activities done yesterday, I would like, on behalf of our Delegation, to convey our sincere thanks and appreciation to the President, Officers, and Delegates of this Convention for your attendance in the Joint Inauguration of the Governor, Lt. Governor, and the members of the 10<sup>th</sup> Pohnpei Legislature. Our apologies for the

delay and mess, the traffic especially, but we really thank you and appreciate your attendance and participation in those historic activities. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Martin. I'm sure all of us enjoyed the event yesterday in attending the Inauguration of the new government of Pohnpei State, both executive and legislative. Again, we wish to convey our congratulations to Governor Oliver Reed and Lt. Governor Perman and of course, members and leaders of the new legislature, which I understand should have been formed, the Speaker and so forth. Thank you. Any other miscellaneous business?

**Delegate Asher:** Mr. President.

**President Killion:** Yes, Chairman Asher.

**Delegate Asher:** Perhaps it would be proper if this Delegation, first of all, I would like to thank you for giving me this opportunity and my respects to all the delegates. I think it's proper that since most of us were there at the Inauguration for Pohnpei State Government, it's proper that we convey or reduce our congratulations and appreciation for the invitation to this ConCon, that we reduce it in writing especially in the form of a Resolution and transmitted to Pohnpei State government. Thank you.

**President Killion:** Thank you, Chairman Asher. I think that is proper so perhaps we can dispose of that here. Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much. Good morning, Mr. President, good morning all. I just want to add to the discussion or comments made on public education. I know that some of the delegates captured the essence of the issue, why the delegates need to be included in the public awareness. I want to add that it's a must that delegates get involved with the public education because we got elected by the people to make changes to the Constitution. We are here and ready to do those changes. Our jobs do not end when those proposals pass. What's the value of a proposal that is passed at the Convention stage and does not get passed by the voters? Just think about the 2001 Convention that had about 24 proposals that did not get passed. There's millions of dollars involved, a lot of time and resources. It is not easy to be here. It takes a lot of time, a lot of money, a lot of shaking hands, a lot of smiling to be able to get someone like me, a woman from Kosrae, to be here. The work does not end for us here. I want to say that we have to try to do a balance between respecting what is being done in the past. Public education to be

separated from the work before us now and balancing the need to have the budget for the Convention approved. I was told that the President's office oversees the public education phase and my first reaction was to ask myself, under what legal authority? I did a quick research and we like to use preliminary. I could not find the legal authority that places the very needed work of public education of the proposals under the jurisdiction of the Executive unless there's some Executive Order that I'm not aware of. The Convention is an independent institution and this made me start thinking that maybe it has to have its own separate proposal to make sure that the delegates get to be the ones involved in the public education the second time around. I wanted to add that the Constitution establishes a direct relationship between the delegates, our work, and the people of the Nation. The delegates are specifically chosen for the express purpose of revising the Constitution. It is expected that upon completion of our work, we are to report back to the people with our products. This good language is from the *Constitutional Convention 1990 v. President*. And I have to join the others in appealing to you and my fellow delegates that we push for public education as part of our budget proposal to be placed before the Congress in the Regular Session. And I further appeal to my fellow delegates that in order to safeguard us that we write, write, write, and that the rationales may be part of some booklets that we can compile and put together for public education, and that is to safeguard all of our work here because it's not easy to come here, on leave for our proposals not to be voted by the people. And I'm sure that the delegates, because we have direct relationship with the people, it should be the delegates that go back to the same people that sent us here because those same people are the ones that's going to be voting on the proposals. So, I want to align myself with all of the delegates that support public education and that we, the delegates or some of the delegates, especially the proponents of the proposals be made part of the public education team. Thank you very much, Mr. President.

**President Killion:** Thank you very much, Chairperson. I declare a short recess.

President Killion declared the Convention recessed at 11:30 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:47 a.m.

**President Killion:** Our session is now back to order. We're on Miscellaneous Business, item 14. Any other miscellaneous business? If none, we move on to Announcements.

### ANNOUNCEMENTS

**Delegate Cantero:** Mr. President, if I may.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Thank you. Thank you, Sir. Good morning. Just a very quick announcement. Our good Chairman, His Excellency, His Majesty, when he left, he kind of pulled me over to give me instructions to make sure to take the floor and convey his regrets. He's sorry, he apologizes he's not able to be here. He wanted me to do that on the floor so. He regrets that he's not able to join us for the meeting today. He's one of our traditional leaders of the state and he has been called to discharge his traditional responsibilities with respect to a funeral that has taken place in his kingdom. So, he wanted to make sure that I do that so I have done that. Thank you, Mr. President.

**President Killion:** Thank you very much. As noted in the roll call, as mentioned, Iso Nahnken was excused and so was Delegate Takesy for today's session. Any other announcements?

**Delegate Mori:** Mr. President.

**President Killion:** Delegate Mori.

**Delegate Mori:** Yes, good morning to everyone. I'd like to make an announcement to the Chuuk Delegation if we can meet in the Delegation Room immediately after this session. Thank you.

**President Killion:** That's going to be immediately after this session? Okay. Chuuk Delegation will be meeting at the Committee Meeting Room immediately after this session. Okay, any other?

**Delegate Albert:** Mr. President.

**President Killion:** Chairman Albert.

**Delegate Albert:** Thank you. Just a kind reminder to the Committee on Civil Liberties that our meeting tomorrow is at 8:30 in the morning.

**President Killion:** Thank you. Committee on Civil Liberties and Customs. We're meeting tomorrow at 8 o'clock, 8:30 in the morning in the assigned room. Chairman Nabeyan?

**Delegate Nabeyan:** Just for your Committee on Government Structure and Functions is having its meeting tomorrow at 2:30 in the FSM Congress Hearing Room. I ask that all the proponents who've submitted proposals currently assigned to the Committee on Government Structure and Functions please appear tomorrow to briefly give us your rationale before the Committee delves into proposal. Thank you.

**President Killion:** Okay. So, Committee on Government Structure meeting tomorrow at 2:30 p.m. at the Committee Room. Okay, Chairman Saimon?

**Delegate Saimon:** Thank you, Mr. Chairman. I'm sorry, Mr. President. I apologize for that.

**President Killion:** It doesn't matter.

**Delegate Saimon:** Mr. President. My concern is if we start having meetings tomorrow, I know my Chairman mentioned a meeting tomorrow, but if we start discussing actual proposals, will there be a recording system already at that meeting room? Because those are critical to catch that discussion.

**Delegate Sitan:** Short recess.

President Killion declared the Convention recessed at 11:50 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:04 p.m.

**President Killion:** Our session is now back to order. We're on Announcements. Any other chairperson wish to make additional schedule meetings. Chairperson Sigrah?

**Delegate Sigrah:** Thank you very much, Mr. President. The Committee on General Provisions will not be meeting until further notice. We have an 8:30 slot, Tuesdays and Thursdays, but it can be given to the other committees. And that is because we have only two Referrals on the Referral Sheet, Proposal No. 4-03 and 4-16. And both proposals relate to amendment to Article 14, Section 1. So, read those and be ready to talk next time we get to meet. Thank you.

**President Killion:** Thank you, Chairperson Sigrah. Any other announcements? Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. The Committee on Style and Arrangement has no meetings yet that have been scheduled. So, when one comes up after this, I will let you know. Thank you.

**President Killion:** Thank you, Chairman Saimon. Any others? Yes, Chairman Sitan?

**Delegate Sitan:** Thank you, Mr. President. Our allotted time tomorrow at 1 o'clock, Committee on Public Finance and Revenue will continue its meeting on some proposals we need to dispose, one by tomorrow and there are others on sea bed mining revenue, which now I have two. If any other delegations have any, please include so we can also address tomorrow. We will be sending out maybe notice for witness, perhaps Secretary of Foreign Affairs and Secretary of Finance, one o'clock tomorrow at the meeting room. Thank you.

**President Killion:** So, one o'clock tomorrow, Committee on Public Finance and Revenue. Okay, any other announcements? So, if none, Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that this Convention stands in recess until 10 o'clock tomorrow morning.

**President Killion:** All those in favor say Aye. All those oppose say Nay. We stand in recess until tomorrow at 10 o'clock.

President Killion declared the Convention recess at 12:07 noon, until 10:00 a.m., Wednesday, January 15, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

## SEVENTH DAY

Wednesday, January 15, 2020

### CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:36 a.m., Wednesday, January 15, 2020.

### MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order, may we stand for a moment of silent prayer.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Reyes called the roll, 23 delegates are present.

**President Killion:** Since we have quorum, we can transact business.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Thank you. For the record, I just wish to have my name checked. I was not called so I'm just making sure. Thank you.

**President Killion:** Okay. Secretary, please note that from Chairman Albert. Since our Floor Leader is not here, I would like to request that Delegate Cantero shall be the Temporary Floor Leader for today. If there's no objection, it shall be it. So Item 4, Adoption of Journal.

**Delegate Cantero:** Thank you Mr. President and good morning to you all. Again, it continues to be an honor to serve under your leadership, Mr. President and the guidance of the collective membership of the Convention to serve as your Temporary Floor Leader. Thank you. Mr. President, with respect to this Agenda item, you see in front of you, Journals that we captured Day 3 and Day 6. It should be right in front of you. I move to dispense reading of adoption of the Journals. Just to give you time to review what has been provided in front of you. At the same

time Mr. President, I was advised by the Secretariat that come tomorrow, we should be able to have concrete movements of all our Journals spanning from Day 2 to day 7. So that would update our efforts on the Journal process. I was also advised that the Day 1 Journal is currently in development and that also should be available sometime next week. On behalf of the Convention Secretary, I convey their apologies for that but they should be able to get Day 1 records and Journals across sometime next week. So that is the motion, Mr. President.

**President Killion:** Thank you Temporary Floor Leader. So is there any second to the motion by Temporary Floor Leader Cantero? The motion was to dispense with the reading of the Journal given that we have these Journals of the previous days as he has stated, Journal for Days 2 to 6 had been distributed for your review and of course Journal for No.1 is still being worked on Day 1 and of course today is Day 7. So any second to the motion?

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that we dispense with the reading of the Journal. All those in favor say Aye? All those oppose say Nay? Motion carried.

The motion carried by voice vote to suspend the reading of the Journal.

#### COMMUNICATIONS

**President Killion:** Moving on. Item 5, Communications?

**Chief Clerk Reyes:** For Item 5, Communications, there are no Communications Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Unfinished Business?

**Chief Clerk Reyes:** None at the moment, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Reports of Committees?

**Chief Clerk Reyes:** There are no Committee Reports, Mr. President.

FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Item 9, Second Reading of Committee Proposals?

**Chief Clerk Reyes:** None also, Mr. President.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Item 10. Final Reading of Proposed Constitutional Amendments?

**Chief Clerk Reyes:** None, Mr. President.

CONSIDERATION OF RESOLUTIONS

**President Killion:** Item 11, Consideration of Resolutions?

**Chief Clerk Reyes:** We do not have any Resolutions Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions? Please see Referral Sheet No. 4-04 which is attached to the Order. Today's Order. As we discussed yesterday, any of the Committees wish to have some measures to be also jointly assigned to their Committee by our means? They can request that and decisions can be considered.

SPECIAL ORDERS

**President Killion:** So moving on Item 13, Special Orders?

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Item 14, Miscellaneous Business. For Miscellaneous Business, I wish to introduce our staff Ms. Claudia David. For the record, she's been appointed as our new staff to be our new PIO. Let's give her a round of applause. (Applause by Delegates and Staff)

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. Aih tungol sakarada wahu ong komwi Iso. My respect to you all and all those in the gallery. During our deliberations this morning, your Committee on Civil Liberties, a matter of concern came up and this is in respect to the communication from your office requesting the Chairmen of the Committees to appoint or elect the Secretary from the members. This issue was discussed then it is the wish of the Committee to request that your office provide a Secretary for all the Committees. The main concern is having Delegates take reports or do the actual Journals.

**President Killion:** Thank you. I declare a short recess.

President Killion declared the Convention recessed at 10:42 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 11:15 a.m.

**President Killion:** Our session. A while ago, there was an issue on Committee Reports. Yes, Chairman Sitan?

**Delegate Sitan:** Thank you Mr. President. I move that we suspend certain portion of Rule 23 starting from where it says "Each Committees\ shall maintain a Summary Journal of its Proceedings and its Business Schedule for which it will be available to the delegates, news media and incase member of the public." That's my motion.

**President Killion:** Any second?

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded. Discussion on the motion by Chairman Sitan?

**Delegate Sitan:** Mr. President?

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Yeah with the understanding like we said there are people available later on, maybe we can reinstate it. For now until such time, we shouldn't have this. I don't believe the National Government employees can spend their time here. With due respect, our Floor Leader keeps coming late because he has work with the National Government. That's an example of government responsibility. Thank you.

**Delegate Nabeyan:** Mr. President, can I?

**President Killion:** Yes, Chairman Nabeyan. Thank you, Chairman Sitan.

**Delegate Nabeyan:** Can I ask the movant to clarify the duration of the suspension? Thank you.

**President Killion:** Chairman Sitan, you have been requested by Chairman Nabeyan to further clarify the motion.

**Delegate Sitan:** I think at some point we will decide and then we will reinstate back and that's the duration.

**Delegate Susaia:** Mr. President?

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. Let's be practical, when we suspend the particular provision of Rule 23, how can we go back and start again writing Journals for the Committees? If we suspend, we suspend for the duration of the Convention. Somebody will pick up the Journal of the Committees and it begins on Day 23 or Day 24. So when we suspend, we suspend permanently.

**President Killion:** Well it's up to the Delegates, they can always bring it back anytime based on the votes.

**Delegate Susaia:** So I move for the previous question.

**Delegate Fritz:** Second. If we can always bring it back.

**President Killion:** It's been moved and seconded that we close debate and vote on the motion. All those in favor of the motion, say Aye. All those opposed say Nay. Motion carried. So, we're now back to the main motion at hand. The main motion from Chairman Sitan is at hand to vote on.

Motion carried by oral vote of delegates.

**Delegate Naich:** Mr. President.

**President Killion:** Yes. Delegate Naich? Before we vote.

**Delegate Susaia:** Discussion is closed. Closed for discussion.

**President Killion:** Oh, we're now going to vote on the main motion, thank you. I declare short recess.

President Killion declared the Convention recessed at 11:18 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:36 a.m.

**President Killion:** We're now back to session. There was a motion by Chairman Sitan and it was seconded to amend the Rules, the specific section of the Rules pertaining to recording of committee meetings. Yes, Delegate Susaia?

**Delegate Susaia:** Motion to amend the motion, the main motion.

**President Killion:** Yes, the motion to amend the motion.

**Delegate Susaia:** The motion that I wish to place before the Plenary is the wording suggested by Delegate Sitan is clarified and instead of deleting the whole sentence, we'll just delete maintaining a summary journal.

**Delegate Sitan:** President, short recess.

President Killion declared the Convention recessed at 11:37 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:41 a.m.

**President Killion:** We are now back to order. We have a main motion at hand as proposed by Chairman Sitan. And we have to vote on it. As per our rule, we need a minimum of sixteen votes affirmative to pass and it's going to be by roll call. So, may I request our secretary to call those in favor of the motion.

Chief Clerk Reyes called the roll for those in favor of the motion.

**Delegate Albert:** Yes, with understanding that there be a different motion afterwards.

**Delegate Asher:** No

**Delegate Bossy:** Yes

**Delegate Cantero:** Yes

**Delegate Choor:** No

**Delegate Fritz:** Yes

**Delegate Hashiguchi:** No

**Delegate Iriarte:** Yes

**Delegate Kanto:** Yes

**Delegate Liwy:** No

**Delegate Martin:** No

**Delegate Mori:** No

**Delegate Nabeyan:** No

**Delegate Naich:** No

**Delegate Noket:** No

**Delegate Palsis:** No

**Delegate Saimon:** No

**Delegate Samo:** No

**Delegate Sigrah:** Yes

**Delegate Sitan:** No

**Delegate Susaia:** I vote with my Chairman of my delegation, Yes

**Delegate Takesy:** Yes

**Floor Leader Yatilman:** No

**President Killion:** I don't know, No

**Chief Clerk Reyes:** Mr. President, we have nine affirmative votes, fifteen against.

**President Killion:** Thank you. So, the motion did not pass. It was defeated. So, moving on. We're still on Miscellaneous Business.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** I would like to go on record to state the reason behind my vote and very simply, I think it's reasonable that the presiding officers try to staff up the committees and by next week if we're still in the same place, I would support a motion to suspend the Rule because the committees have to work. Thank you.

**President Killion:** Thank you very much. That is an understanding. So, the leadership will take that into account and take action, appropriate action.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert?

**Delegate Albert:** I just want to state for the record that since we've voted to keep the Rules, it puts our committee in a bind because we currently have proposals that we're discussing so we don't have a secretary yet, so what will happen to the proposal that we discussed this morning? I need some assistance from all the legal counsels.

**President Killion:** Thank you. The leadership will take immediate action to address your issue, Chairman Albert. And it's a very important matter so we need to address it after this meeting. Yes, Delegate Noket?

**Delegate Noket:** Since the legal counsel was present during our meeting, he didn't do anything, didn't render any legal opinion or research or what. So, I requested that in the meeting, that he keeps the record of the meeting because he didn't have anything else to do. So I asked him to do that, so I think it will be okay.

**President Killion:** Thank you Delegate Noket. It shall be done. Yes, Chairman Saimon?

**Delegate Saimon:** Thank you, Mr. President. In aid to the position just brought up by Delegate Noket, obviously since we voted to keep the Rule, the Rule that we had just made I would think that if there was a requirement that was in place this morning and now there shall be a record keeper, who right now the debate is whether is the lawyer or somebody else. I don't recall that the lawyer was required, maybe he was asked, but anyways. The question right now is from my Chairman is to whether we should re-do that again, the discussion with the record keeper there. I think that might be the remedy there. Thank you.

**President Killion:** Thank you very much, Chairman Saimon. Any other comments? We're still no Miscellaneous. So if there are no other miscellaneous, we move on to Announcements. Any Committee Chairman, Chairpersons wish to make any announcements or meetings, schedule of meetings?

## ANNOUNCEMENTS

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** For reasons we just discussed, I'm going to ask the Committee on Civil Liberties that we delay all meetings until next week, when a staff is properly provided. Thank you.

**President Killion:** Thank you, Chairman Albert. Any other announcements by the other Chairmen? Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. We have a public notice out, but I haven't seen it regarding our meeting today at one o'clock for all those proposals assigned to your Committee on Public Finance. Thank you. And we will have witness from Secretary of Finance and Foreign Affairs, both secretaries. Thank you.

**President Killion:** Thank you, Chairman Sitan. So, the meeting will be at one o'clock at the Committee Room, Congress Committee Room, at one o'clock on all those matters that you had mentioned assigned to our Committee on Finance, Revenue and Finance. Any other announcements by the other Chairpersons, Chairmen? Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. The Committee on Government Structure and Functions will meet today at 2:30 in the Committee Room. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. 2:30, same place as the Public Finance and Revenue. Okay, that's 2:30 p.m., any other announcements?

**Delegate Sigrah:** Good morning, Mr. President.

**President Killion:** Chairperson Sigrah?

**Delegate Sigrah:** Thank you. The Committee on General Provisions will not be meeting tomorrow. So, maybe Saturday because we have only two proposals and they are very similar. So, thank you. No meetings.

**President Killion:** Thank you, Chairperson Sigrah. So, no meetings on General Provisions until possibly Saturday. You're going to make that announcement known by tomorrow or Friday. Thank you, Chairperson Sigrah. Any other announcements? Chairman Saimon.

**Delegate Saimon:** The Committee on Styles and Arrangement is still on vacation, so no meetings.

**President Killion:** Thank you, Chairman Saimon. Take more vacations, thank you. We're just waiting for the other committees. Yes, Delegate Cantero?

**Delegate Cantero:** Thank you. Perhaps a comment on last announcement but I thought it's, I should have raised it in Miscellaneous. I apologize for that, but I thought going forward, mindful we're exiting out about roughly around January 22<sup>nd</sup>. We have few days left. Perhaps, also just to get some guidance and directions from the entire collective membership of the Convention. I think it's, it may be important in my view. I'm just thinking out loud here with respect to our proposals. It appears that most are duplicates. Most are mirroring each other. For instance, on the Finance Committee, we have some proposals that are in place, that speak to the same language on revenue sharing, but different perspectives. I'm just thinking out loud here and again, it's just open for some guidance from all of you. Whether there's merit to try to singularize all those proposals into one before we actually exit out to our respective states. I'm just thinking out loud that it will give each one of us the bullets, the strength to go and when we meet our constituents, we can, in my view tell them the Convention has met and we're in recess now. And with respect to revenue sharing, this is the language that the collective membership of the Convention has agreed to. I think it will help, in my amateur view, I think compared to going and approaching them with multiple languages, telling them we've met and this is what Pohnpei's proposing, this is what Chuuk is proposing, this is what Yap is proposing, and this is what Kosrae is proposing. In actuality, if you consider that kind of approach, we did not even get anything done in this first phase of our engagement. In my view, again amateur's view, if we exit out January 22 and we're able to tell the constituents of Pohnpei state, we've met, we've worked together as a family, as a team, and under this category of revenue sharing, this is the collective language, this is the language that the collective membership actually agreed to carried the entire weight of our process. So, perhaps maybe the Chairmen can, they're experts in these things, much much more than I, but I think there is merit to that kind of approach, giving every one of us strength as we go out and continue our consultation. It's just my view on this one, but I just thought I'd throw that out and there may be good things and bad things about it,

but for strategic purposes moving forward, I think if we do it right, it will give us the strength to have a very, very result oriented mid consultation with our constituents. Thank you.

**President Killion:** Thank you very much, Delegate Cantero. I'm sure the other Delegations have the same plan in meeting our constituents during the break. Okay, we're still on Announcements. Before we adjourn, I wish to announce that we'd like to have a meeting, the officers and the chairmen, chairpersons of each of the Delegations immediately after this morning session at our room at the back after we adjourn. If no other announcements, Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that this Convention stands in recess until 10 o'clock tomorrow morning.

**President Killion:** Thank you. If no objection, we stand in recess until tomorrow at 10 o'clock.

President Killion declared the Convention recess at 12:07 noon, until 10:00 a.m., Wednesday, January 15, 2020.

Respectfully submitted,  
/s/  
Atarino A. Helieisar  
Journal Clerk

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**EIGHTH DAY**

Thursday, January 16, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:26 a.m., Thursday, January 16, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order, may we stand for a moment of silent prayer.

A moment of silent prayer was observed.

## ROLL CALL

Chief Clerk Reyes called the roll, 21 delegates are present.

**President Killion:** Thank you very much. We have quorum to transact business. For the record, we have Delegates Saimon, Iso Nahnken Iriarte and Takesy are excused and maybe joining us later today. So, moving on Item 4, Adoption of Journal. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that we adopt Journal of the Second Day through to the Seven Day.

**President Killion:** Any second

**Delegate Kanto:** Second.

**President Killion:** It's been moved and seconded to adopt those Journals for those days as mentioned by Floor Leader. Discussion?

**Delegate Fritz:** Mr. President.

**President Killion:** Delegate Fritz.

**Delegate Fritz:** Thank you very much Mr. President. Just for the record, I've asked our Journal Clerk to note some mistakes in the Journals and I believe he has corrected them. So that should be the one that is included in terms of the statement I made. Thank you very much.

**President Killion:** Thank you very much Delegate Fritz. Those are noted and should be taken care of. Any other Discussion? If none, all those in favor of the motion say Aye? All those oppose say Nay? Motion carried.

The motion carried by voice vote to adopt the said Journals.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** Apologies to interrupt here; but I was reminded yesterday after the conclusion of the Plenary yesterday that even though that I

came in late and participated in the rest of the Plenary that I was still absent at least in the record. So, I would like to state in the record that I was here yesterday. Thank you.

**President Killion:** Thank you. Mr. Floor Leader, that shall be noted. I'm sure that you came in later.

**Delegate Albert:** Point of privilege.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Thank you Mr. President. I wish to take this opportunity to acknowledge the presence of Mr. Peterson Sam (Luhen), who is the Commissioner of V6AH Radio Pohnpei and his team of co-workers which have been tasked by this Convention to broadcast our deliberations to our citizens throughout the world live. I personally would like to extend on behalf of Iso and the Delegation of Pohnpei, our outmost gratitude to Peterson and his team. Ni wahu oh karakarahk. Ih met.

**President Killion:** Thank you Chairman Albert and we surely welcome Mr. Sam this morning. Thank you. Okay, any other matters as we moving on Communications?

### COMMUNICATIONS

**Chief Clerk Reyes:** Under Item 5, for Communications, we have one. State Communication is No.4-1.

**President Killion:** Thank you. That is a communication from Lieutenant Governor of Chuuk to me. So it's attached to the Order. Any other State Communications?

**Chief Clerk Reyes:** No more, Mr. President.

### UNFINISHED BUSINESS

**President Killion:** Unfinished Business?

**Chief Clerk Reyes:** For Item 6, none Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Reports of Committees?

**Chief Clerk Reyes:** There are currently no Reports from the Committees, Mr. President.

## FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Item 8, First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Second Reading of Committee Proposals?

**Chief Clerk Reyes:** None also, Mr. President.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Final Reading of Proposed Constitutional Amendments?

**Chief Clerk Reyes:** None at the moment, Mr. President.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Consideration of Resolutions?

**Chief Clerk Reyes:** As of now, there are no Resolutions Mr. President.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Introduction and Referral of Delegate Proposals and Resolutions. See Referral Sheet No. 4-05 attached to the Order. Today's Order.

**Delegate Fritz:** Short recess?

**President Killion:** Short recess.

President Killion declared the Convention recessed at 10:33 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 10:37 a.m.

## **SPECIAL ORDERS**

**President Killion:** We're now back to session. If no other discussion on Item 12. We are now on Item 13, Special Orders?

**Chief Clerk Reyes:** For Item 13, None, Mr. President.

## **MISCELLANEOUS BUSINESS**

**President Killion:** Any miscellaneous business by any Delegates who wish to bring forth aside from those who already discussed previous days?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I realize that Wednesday is our last day of session before we go on recess. And so, like for instance, the Delegation from Yap, we would like to all depart on Thursday to go to Guam and then do our consultation with our Yap citizens in Guam before going on to Yap on Saturday night to do consultation in Yap. So, I'd like to encourage the Secretariat to please work on our travel documents so that they're ready by next week. Thank you, Mr. President.

**President Killion:** Thank you very much, Mr. Floor Leader. That is going to be taken care of by the Secretariat. Any other miscellaneous matters?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you very much, Mr. President. I just want to make some comment with respect to Convention Proposal 4-20. That's the proposal which was submitted by the three of us here on behalf of our Delegation, but there

needs to be some changes as the proposal itself relating to Section 5 of Article 9. If you read the purpose and intent, some of the ideas that we wish to include are not inclusive in the proposal itself. So, other than the appropriate committee, that particular language is not complete. So, if and when the Committee takes it up, we will come up with the proper languages that will make it complete. Thank you.

**President Killion:** Thank you very much, Delegate Fritz.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes?

**Delegate Bossy:** The purpose of Rules 50 and 51, I would like to familiarize myself. I move for a recess.

**President Killion:** Can you restate your motion again?

**Delegate Bossy:** For purpose of familiarizing myself with Rules 50 and 51, I would like to move for a recess.

President Killion declared the Convention recessed at 10:30 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 10:37 a.m.

**President Killion:** We are now back to session. We were on item 14 Miscellaneous Business.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan?

**Delegate Nabeyan:** I move that Proposal No. 4-05 be withdrawn from the Committee on Civil Liberties and reassigned to the Committee on Government Structure and Functions. Thank you.

**President Killion:** Any second?

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded as suggested or moved by Chairman Nabeyan and seconded by Delegate Susaia that that particular proposal be withdrawn from the Committee on Civil Liberties to Committee on Government Structure. Discussion? If no discussion, all those in favor of the motion say Aye. All those opposed say Nay. Motion carried. So, moving on if no other miscellaneous business, Announcements?

**Delegate Kanto:** Mr. President

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** Thank you very much, Mr. President. This is under Miscellaneous.

**President Killion:** Sorry, we're on Announcements.

**Delegate Kanto:** I was just late to.

**President Killion:** So, if no objection, we go back to Miscellaneous.

**Delegate Kanto:** Thank you. I brought this issue up before but I don't know, it seems like we don't take it seriously. Maybe it's not a serious matter. On the budget for this Convention, I saw one issued or sent out yesterday by our Secretariat to the Chuuk Delegation on their budget. Yet, I thought, I'm not sure if they need to be approved by this Convention before they are sent out. To my understanding, I'm not sure if I understood it correctly, from our meeting with the Speaker and the Vice Speaker they were asking if we approved the budget and some of the items in that budget. So, until now, I don't see that we've approved that budget yet; or I don't know if you guys just decided that the Chairmen of the Delegations will approve it or not. But I'm still not yet sure, that's why I'm bringing it up as a miscellaneous today.

**President Killion:** Thank you, Delegate Kanto. Declare a short recess.

President Killion declared the Convention recessed at 10:40 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 10:41 a.m.

**President Killion:** Now we're back to session. Any more discussion? We were on Miscellaneous Business.

**Fritz:** Mr. President?

**President Killion:** Delegate Fritz.

**Delegate Fritz:** Thank you very much. I move that the budget as proposed and submitted by the Pre Convention Committee and also considered by the Leadership be approved as the budget for this Convention to be formally submitted to Congress for consideration.

**Delegate Kanto:** Second.

**President Killion:** It's been moved and seconded. The motion put forth by Delegate Fritz. Discussion? So, no discussion. All those in favor of the motion say Aye. All those opposed say Nay. That motion carried. So, moving on.

**Delegate Samo:** Mr. President.

**President Killion:** Yes?

**Delegate Samo:** Are we still on Miscellaneous?

**President Killion:** Yes. We're still on Miscellaneous.

**Delegate Samo:** Thank you, Mr. President. Warm good morning to everybody. Just a note that.

**Delegate Fritz:** Order. This is where I will request the Honorable Floor Leader to remind the President that we haven't voted on the main motion, which is for the adoption. We only voted on the motion to stop debate, but.

**President Killion:** Sorry.

**Delegate Fritz:** So that motion should be up for.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 11:17 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:50 a.m.

**President Killion:** Session is back to order. We have the pending matter to vote on, the motion as proposed. If no other discussion, we vote. All those in favor of.

**Delegate Noket:** Mr. President.

**President Killion:** Yes. Delegate Noket.

**Delegate Noket:** You just announce those who are in favor of the motion, but you never announce those who are not in favor of the motion.

**President Killion:** I was just going to call for the vote.

**Delegate Noket:** So my vote was No, but you could not hear it because you did not ask for those who are not in favor of the motion.

**President Killion:** I was just going to do that. So again, let's re-vote. All those in favor of the motion, say Aye. All those oppose say Nay.

**Delegate Susaia:** Division.

**President Killion:** Division is called for? So let's vote by show of hands. Easier. All those in favor of.

Vice President Iso Nahnken Iriate and Delegate Saimon just arrive now at 11:55 a.m..

**Delegate Nabeyan:** Mr. President, may I? I think we need clarification with the motion. That's why we're confused. Can the mover please restate the motion and I think we need to understand if we defeat the motion, what does that mean? That means the budget is not approved?

**President Killion:** That means, yes.

**Delegate Nabeyan:** So we need. Can you have the mover please restate his motion and for clarity so we fully vote, we know exactly what we're voting on.

**President Killion:** Recess is called for.

President Killion declared the Convention recessed at 12:00 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 12:08 p.m.

**President Killion:** So, we're now back to session. Delegate Fritz?

**Delegate Fritz:** Mr. President. Based on the understanding given during the recess, which I believe the President will make sure is conveyed to our Leadership across from us, I move to withdraw my motion and that includes the concurrence of those who second, right? Alright.

**President Killion:** Thank you, Delegate Fritz for the withdrawal of the motion and for the second. Okay, thank you. So, Floor Leader, are we in order? Yes. So, if no objection, unless there are other matters under Miscellaneous, we move on to Announcements.

**Delegate Samo:** Mr. President.

**President Killion:** Yes? Who has the floor?

**Delegate Susaia:** Mr. President. Recess.

**President Killion:** Recess is called for.

President Killion declared the Convention recessed at 12:09 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 12:18 p.m.

**President Killion:** Our session is back to order. Thank you for the reminder. We shall vote on the motion to withdraw. All those in favor of the motion to

withdraw, say Aye. All those opposed, say Nay. Therefore, the motion to withdraw has been approved. So moving on to Miscellaneous Business, if no other. Yes, Delegate Samo?

**Delegate Samo:** Mr. President, just under Miscellaneous, as I'm the introducer of No. 4-18, I noticed that I gave the wrong version to LC, few omissions on my part so I want to point that out and I will raise that at Committee Hearings since the Chairman kindly asked that I also be present. Thank you.

**President Killion:** Thank you, Delegate Samo. It shall be noted with the LC. Okay, any other miscellaneous? If none.

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Delegate Mori. Chairperson Mori.

**Delegate Mori:** Thank you. Good afternoon. Can we get a Delegate schedule for, I'm sorry, a schedule for committee hearings this afternoon?

**President Killion:** Any response to that? Yes, Delegate Susaia?

**Delegate Susaia:** On behalf of the Pohnpei Delegation, I ask that the Journal of today reflects that our Chairman is present, and Delegate Saimon.

**President Killion:** Thank you, Delegate Susaia. That shall be noted in our journal for today. The two honorable delegates are joining us now. Chairman Nabeyan?

**Delegate Nabeyan:** Recess please.

President Killion declared the Convention recessed at 12:19 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:20 p.m.

**President Killion:** Our session is now back to order. We're moving on from Miscellaneous Business. Announcements?

## ANNOUNCEMENTS

First off, I would like to announce that we now have two new secretaries to cover some of the committees, especially Committees on General Provisions, Civil Liberties and Traditions, as well as the Committee on Public Finance and Revenue. And we're still working on the third one, who is about to be hired in addition to these two new secretaries that are already on board. So, they're going to service these committees. The additional one will be servicing the other remaining committees. And also, I would like to announce that we've been requested by our Executive Director that we should have a photo session for tomorrow, after our session. So, our photographer, whoever that's going to be, is going to take our individual photos to be part of our, I guess, the journal or the webpage. So, just an information so that each one of us come ready and prepared to be photogenic so that you can look your best in the photos that will be distributed throughout our nation or outside of our nation. Those are two announcements which I wish to make. Any other announcements by any of the chairmen, chairpersons? Chairman Nabeyan?

**Delegate Nabeyan:** Yes, just to announce that the Committee on Government Structure and Functions will be holding its meeting tomorrow at 2:30. I would like to try the Chamber with your permission, Mr. President. Use the Chamber so that committee work testimonies may be recorded. Thank you. So, we will try it here, 2:30 tomorrow, in the Chamber.

**President Killion:** Thank you very much, Chairman Nabeyan. Chairman Albert?

**Delegate Albert:** President, thank you. I just want to first thank you for providing our secretary so that changes our schedule for our committee. May I ask that we meet tomorrow at 8:30? Let's maintain the same place since we already have a recorder in place so we don't need to be here. Thank you.

**President Killion:** Thank you Chairman Albert. Chairman Sitan?

**Delegate Sitan:** President, your meeting on Public Finance will recess until we get the final information on revenue projection and budget from FSM Finance. Thank you.

**President Killion:** Thank you very much. Chairperson Sigrah, you have any announcements for your Committee on General Provisions?

**Delegate Sigrah:** Yes, thank you. Committee on General Provisions will meet this Saturday, January 18 at 8:30 in the morning and we will meet at the Committee Meeting Room.

**President Killion:** Committee Room.

**Delegate Sigrah:** Yes.

**President Killion:** Committee on General Provisions chaired by Chairperson Sigrah will meet on Saturday at 8:30 at the Committee Room, next to Congress office. Any other announcements by the other Committee Chairmen?

**Delegate Sigrah:** President.

**President Killion:** Yes, Delegate Palsis.

**Delegate Palsis:** I'm calling the Kosrae Delegation to meet immediately after the session today. That includes the staff, thank you.

**President Killion:** Thank you very much, Chairman Palsis. Any other announcements chairmen, chairperson of the Delegations or Committees? If none, Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that the Convention stands in recess until 10 o'clock tomorrow morning.

**President Killion:** Any second? All those in favor of the motion to adjourn until tomorrow at 10, say Aye. All those oppose say Nay. Our session is adjourned until tomorrow at 10 o'clock.

President Killion declared the Convention recess at 12:27 p.m., until 10:00 a.m., Friday, January 17, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

## NINTH DAY

Friday, January 17, 2020

### CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:40 a.m., Friday, January 17, 2020.

### MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order, may we stand for a moment of silent prayer.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Reyes called the roll, 22 delegates are present.

### ADOPTION OF JOURNAL

**President Killion:** Thank you very much. We have quorum to transact business. Item 4, Adoption of Journal.

**Delegate Asher:** Mr. President.

**President Killion:** Oh, sorry. Declared short recess.

President Killion declared the Convention recessed at 10:42 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:43 a.m.

**President Killion:** Now we're back to session. Shall be noted that Floor Leader Yatilman is here this morning to continue to be our Floor Leader for the rest of the day and the rest of our session. So we are now on Item 4, Adoption of Journal. Mr. Floor Leader.

**Floor Leader Yatilman:** Good morning, Mr. President, I'd like move that the Convention adopt Journal Number Eight.

**President Killion:** Any second?

**Delegate Asher:** Second.

**President Killion:** It's been moved and seconded that we adopt the Journal of yesterday. Discussion? If none, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

#### COMMUNICATIONS

**President Killion:** Item 5, Communications?

**Chief Clerk Reyes:** For Item 5, there are no Communications, Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Thank you. Unfinished Business?

**Chief Clerk Reyes:** None at the moment, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Item 7, Reports of Committees?

**Chief Clerk Reyes:** There are currently no Committee Reports, Mr. President.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Item 8, First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Nine, Second Reading of Committee Proposals?

**Chief Clerk Reyes:** Also none, Mr. President.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Number 10, Final Reading of Proposed Constitutional Amendments?

**Chief Clerk Reyes:** None, Mr. President.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Item 11, Consideration of Resolutions?

**Chief Clerk Reyes:** For Item 11, Consideration of Resolutions we have at the moment 3 Resolutions.

The first one is Convention Resolution No. CC-Res-4-01 for adoption. Convention Resolution 4-01 is a resolution expressing gratitude and appreciation to President David W. Panuelo and Vice President Yosiwo P. George for making some of their staff, offices, and equipment available for use by the Fourth Constitutional Convention of the Federated States of Micronesia.

**President Killion:** Thank you. Floor Leader?

**Floor Leader Yatilman:** Short recess.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 10:47 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 10:48 a.m.

**President Killion:** So we resume our session, Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that the Convention adopt the three Resolutions as outlined under Item 10, Consideration of Resolutions.

**Delegate Sitan:** Short Recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 10:49 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:53 a.m.

**President Killion:** We are now back to session. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move for the adoption of Convention Resolution No. CC-Res-4-01 with the understanding that the copies be also provided to the State Governors, State Speakers of the legislatures as well as the.

**Delegate Sitan:** Short recess.

**President Killion:** Recess called for.

President Killion declared the Convention recessed at 10:54 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:55 a.m.

**President Killion:** We're now back to session, Mr. Floor Leader.

**Floor Leader:** Thank you Mr. President. I restate the motion for the Convention to adopt Convention Resolution 4-01.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we adopt the particular resolution CC-Res-4-01. Any discussion?

**Delegate Palsis:** Mr. President.

**President Killion:** Chairman Palsis.

**Delegate Palsis:** Thank you and good morning everyone. I just want to make a comment so that it can be reflected that I notice that all the three Delegations had resolutions for the matter. Kosrae is not having one. So, I take it that we would be on the same boat sharing the resolution as presented as being discussed here. Thank you, Mr. President.

**President Killion:** Thank you Chairman Palsis. Any other discussion?

**Delegate Asher:** Mr. President.

**President Killion:** Yes. Chairman Asher.

**Delegate Asher:** Just to make a verification, I understand Kosrae State will be introducing our Resolution tomorrow for that matter.

**President Killion:** Okay.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I yield to Delegate Sitan.

**President Killion:** Chairman Sitan, you've been yielded the floor to.

**Delegate Sitan:** Yeah. Thank you very much, Mr. President. I want to propose an amendment to the Resolution to include the Governors, Speakers and Judges of the States. I so move.

**President Killion:** Any second?

**Delegate Nabeyan:** Second.

**President Killion:** It's been moved and seconded that the amendment by Chairman Sitan be adopted. Amendment to the main motion. Discussion of the

motion by Chairman Sitan. Can you clarify again your amendment, Chairman Sitan?

**Delegate Sitan:** Yes, let me repeat. I said to amend the resolution to include the Governors, Speakers, and Chief Justices of the State Governments. Presiding officers of the State Judges.

**President Killion:** Thank you and there was a second to your motion.

**Delegate Nabeyan:** Yes.

**President Killion:** We are still discussing that motion for amendment.

**Delegate Fritz:** Point of information.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** I just want to make sure that, I believe Delegates from Chuuk's proposed amendment relates to the second whereas cross for transmittal for copies of this resolution. Right?

**President Killion:** Yes. Okay, any other discussion on the proposed amendment to the main motion? If none, all those in favor of the motion by Chairman Sitan say Aye. All those opposed say Nay. So, the motion is adopted so we have an amended motion for the main motion at hand. Adoption of the Resolution as amended.

The motion carried by voice vote of members.

Any other discussion? If none, let's vote on the main motion as amended. All those in favor say Aye. All those opposed say Nay. Motion carried.

The motion carried by voice vote of members.

**President Killion:** Moving on, Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that the Convention adopts Convention Resolution No. CC- Res-04-02.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that the particular Resolution be adopted. Discussion. Any discussion?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** To follow suit for the previous Resolution. I move that we amend this Resolution to include certified copies to be forwarded to the Governors of each state, the Justices of the Supreme Court of the states and the Presiding Officers for this Convention. So move.

**President Killion:** Any second?

**Delegate Sitan:** Second.

**President Killion:** Discussions on the amendment motion by Chairman Susaia.

**Delegate Susaia:** The Speakers of the Legislatures are included in the motion.

**President Killion:** Thank you.

**Delegate Takesy:** Mr. President.

**President Killion:** Delegate Takesy.

**Delegate Takesy:** Yes, Mr. President. I would like to seek the consent of the maker of the motion to amend to include the following, on line 8 of the Resolution after the work offices, include the Congressional Chamber. So that it will read "The Twenty-first Congress recognizing that the importance of the Constitutional Convention have made available some of their staff, offices, the Congressional Chamber, and equipment." Thank you.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:08 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:10 a.m.

**President Killion:** Let's go back to session. Delegate Susaia, we have your propose amendment.

**Delegate Susaia:** Thank you, Mr. President. For clarification, my amendment is to include certified copies of this Resolution to be transmitted to the Governors of the four states, Presiding Officers of the respective legislatures, Chief Justices of the State Courts, and the Presiding Officers of this Convention, so move.

**Delegate Sitan:** Second.

**President Killion:** Thank you. It's been moved and seconded that is the amendment to the motion at hand. All those in favor say Aye. All those opposed say Nay. So the motion to amend to the main motion is adopted.

The motion to amend to the main motion carried by voice vote of members.

So we have the main motion at hand to consider. Delegate Takesy. It's okay? Okay, if no other discussion on the main motion as amended. Yes, Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I am just wondering about the last motion from Delegate Susaia. Currently we have the President of the Fourth Constitutional Convention but in his motion, he says "to the Presiding Officers." Would that include giving to the Vice-President, naming the Vice-President, the Floor Leader, and the Chairman of COW?

**President Killion:** In the affirmative, the response as affirmative as noted by Delegate Susaia. Floor Leader.

**Floor Leader Yatilman:** Mr. President. The first one was only the President and now the second one is going to include all the Presiding Officers. So why are we being inconsistent?

**President Killion:** Okay. We still need to vote on the main motion at hand. Thank you for those comments. Yes, those are well point taken. Any other

discussion? Let's vote, all those in favor of the motion as amended say Aye. All those opposed say Nay. Motion carried.

The motion carried by voice vote of members.

Moving on, Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that the Convention adopt Resolution No. CC-Res-4-03.

**Delegate Kanto:** Second.

**President Killion:** It's been moved and seconded that the Convention adopts the aforesaid Resolution CC-Res-04-03. Discussion.

**Delegate Sitan:** Mr. President.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** Yes. I want to amend the motion to include the Governor, Chief Justices of the States, and the Presiding Officers of the Legislatures. Thank you.

**President Killion:** So, you move? Any second?

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that the particular motion or resolution is amended. Discussion on the amendment by Chairman Sitan. If none, all those in favor of the motion say Aye. All those opposed say Nay. Motion carried. So now we have the motion at hand amended. Any more discussion? If none, let's vote on the main motion. Yes. Floor Leader, you have any comments? Your light is on so, okay. All those in favor of the main motion at hand to adopt the resolution as amended, all those in favor say Aye. All those opposed say Nay. Motion carried. Any other matters under the Item 11?

The motion carried by voice vote of members.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** If none, Item 12, Introduction and Referral of Delegate Proposals and Resolutions. Please note Referral Sheet No. 4-06 which is herewith attached to the Order.

### SPECIAL ORDERS

**President Killion:** Moving on Item 13, Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Item 14, Miscellaneous Business. Any discussion on miscellaneous? Yes, Chairman Sitan.

**Delegate Sitan:** Thank you very much, Mr. President. I want to kind of endorse the comment raised by Delegate Fritz, that any Resolution or any Bills, I mean, Delegate Proposals for adoption, we should at least add one day before we act on it, not immediately.

**President Killion:** Thank you, Chairman Sitan. Point is well taken and it shall be noted again. Any more matters under Miscellaneous Business?

**Delegate Sitan:** President.

**President Killion:** Yes, Delegate Susaia?

**Delegate Susaia:** Were you informed that the Iso Nahnken Delegate Iriarte will be excused from our Convention, the Plenary Session this morning? If not, then on his behalf and on behalf of the Pohnpei Delegation, I wish to state for the record that the Iso Nahnken of Nett is excused to attend a funeral.

**President Killion:** Thank you very much, Delegate Susaia. It shall be noted in the journal, for the record for today's session that Iso Nahnken Iriarte is excused because of that particular reason. Any other miscellaneous business? If none.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** Short recess.

President Killion declared the Convention recessed at 11:08 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:10 a.m.

**President Killion:** Session is now back to order. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President. I just wanted to consult with my Chairman. There was something that was discussed in Committee this morning and I thought that it was something for me to raise here, but no, it's not.

**President Killion:** Thank you. Chairman Albert?

**Delegate Albert:** Mr. President. Thank you. I just want to, on behalf of the Pohnpei Delegation, once again acknowledge the presence of V6AH and I want to kindly remind fellow delegates that our discussions, deliberations are going live and I've heard comments from several colleagues that some of the discussions are not being heard because of us not using the mics. So, I just want to make sure that everybody is using it because I'm sure your fellow constituents will be out there listening to all the discussions. Thank you.

**President Killion:** Thank you very much, Chairman Albert for that reminder, thank you.

**Floor Leader Yatilman:** Short recess.

President Killion declared the Convention recessed at 11:11 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:18 a.m.

**President Killion:** We're now back to session. If no other matters on Miscellaneous, Announcements?

### ANNOUNCEMENTS

**President Killion:** Before the Committee Chairperson, Chairmen make announcements, I wish to remind Delegates that today is supposed to be our photo

session and I understand, there is somewhere our photographers to take our photos after this morning's session. Any other announcements by the Chairmen, Chairpersons of each of the committees? Chairperson Sigrah?

**Delegate Sigrah:** Thank you very much. Good morning. Mr. President, the Committee on General Provisions will be meeting tomorrow, Saturday, 8:30, at the Legislative Committee Meeting Room. Thank you very much.

**President Killion:** Thank you Chairperson Sigrah. Tomorrow, Committee on General Provisions will be meeting at 8:30 at the Committee Room, correct? That's a good announcement. Any other announcements? Chairman Nabeyan?

**Delegate Nabeyan:** Thank you, Mr. President. Your Committee on Government will be having its meeting this afternoon at 2:30 in this Chamber. Thank you.

**President Killion:** Thank you Chairman Nabeyan. So, your Committee will be having your committee meeting or hearing this afternoon at 1:30, 2:30 at the Committee, here inside the Chamber. It shall be noted. Any other? Yes, Chairman Sitan?

**Delegate Sitan:** Short recess.

President Killion declared the Convention recessed at 11:20 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:21 a.m.

**President Killion:** We're now back to our meeting. Any other announcements by any of the Chairmen, Chairpersons? Yes, Chairperson Sigrah?

**Delegate Sigrah:** Thank you very much, Mr. President. The Committee on General Provisions will be reviewing three Delegate Proposals 4-03, 4-16, 4-32 and they relate to reduction of the number of votes needed to amend the Constitution. This will also be the first meeting of the Committee so we're open for an open agenda. Thank you very much.

**President Killion:** Thank you very much, Madam Chair, for the clarification on those issues to be taken up by your Committee on General Provisions. Tomorrow at 8:30 at the Committee Room. Any other announcements?

**Delegate Cantero:** Mr. President, if I may.

**President Killion:** Yes, Delegate Cantero?

**Delegate Cantero:** It's not necessarily an announcement, but just something for us to reflect on. Many times when we encounter challenges that we can't tackle, we often refer to Biblical phrases to give us some guidance. So, if I may, Mr. President, a friend of mine once told me to note that if I ever encounter challenges especially in a big group setting, I should refer to 1 James verse 19. If I may, Mr. President, it says this, "Understand this, my beloved brothers and sisters, let everyone be quick to hear", in other words, be a careful and thoughtful listener; "Let everyone be slow to speak", in other words, a good speaker careful chosen words; and "Let everyone slow to anger", in other words, be patient, be reflective, and be forgiving. I thought since we're towards the end of our session today, perhaps that's something that we can all reflect on. Hopefully it can give each and every one of us courage, patience, and the spirit of brotherhood so we can progress well from now until the end of our Convention, Mr. President. I thought I'd share that. Thank you.

**President Killion:** Thank you very much, Delegate Cantero. We're still in recess, right? We're back to session. Any other announcements? If none, before we adjourn I would like to request again that the Chairmen, Chairpersons of each of the Delegations along with the officers, we have a quick meeting session immediately after this morning's session at the back room. Okay, if no other announcements, Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until 10 o'clock tomorrow morning.

**President Killion:** Any second?

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until tomorrow morning at 10:00 a.m. If no other objection, our session is adjourned until tomorrow.

President Killion declared the Convention recess at 11:25 a.m., until 10:00 a.m., Saturday, January 18, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**TENTH DAY**

Saturday, January 18, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:40 a.m., Saturday, January 18, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll, 23 delegates are present.

**ADOPTION OF JOURNAL**

**President Killion:** Thank you Secretary. So we have quorum to transact business. Item 4, Adoption of Journal. Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that the Convention adopt the Journal of the Ninth Day.

**President Killion:** Any second?

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that we adopt the Journal of the Ninth Day, yesterday. Discussion? If none, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of members.

#### COMMUNICATIONS

**President Killion:** Item 5, Communications?

**Chief Clerk Reyes:** For Item 5, there are no Communications at the moment, Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Thank you. Unfinished Business?

**Chief Clerk Reyes:** None, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Item 7, Reports of Committees?

**Chief Clerk Reyes:** There are no Committee Reports, Mr. President.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Item 8, First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Second Reading of Committee Proposals?

**Chief Clerk Reyes:** Also none, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Final Reading of Proposed Constitutional Amendments?

**Chief Clerk Reyes:** None, Mr. President.

CONSIDERATION OF RESOLUTIONS

**President Killion:** Consideration of Resolutions?

**Chief Clerk Reyes:** None also, Mr. President.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move to place the two Resolutions on the Referral Sheet on today's calendar.

**President Killion:** Any second.

**Delegate Fritz:** I second.

**President Killion:** It's been moved and seconded that we considered those two Resolutions on the Referral Sheet attached to today's order. Discussion.

**Delegate Susaia:** Mr. President.

**President Killion:** Chairman Susaia.

**Delegate Susaia:** I believe that it is best to delay adoption of these two Proposals to our Monday, Plenary. There are things to be cleaned up in these Resolutions. Motion.

**Delegate Sitan:** Second.

**President Killion:** That's a motion to delay action on these two Resolutions.

**Delegate Susaia:** Until Monday.

**President Killion:** Two Resolutions? Okay. Any second to the motion as put forward by Chairman Susaia?

**Delegate Sitan:** Second.

**Delegate Bossy:** Point of Order, Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Yes. The motion to consider the two Resolutions should be entertained first and then the motion to delay should come after.

**President Killion:** Okay. Thank you for that clarification. So we have that motion at hand to consider the motion put forward by the Floor Leader. So if no objection, yeah we have that motion to vote on. Delegate Susaia, that's part of the discussion.

**Delegate Susaia:** I just want to restate that we delay so we vote to defeat the motion to place on the agenda. So I ask for your support so we can delay it to Monday.

**President Killion:** Okay. That is your wish, but we need to vote on it.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 10:49 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 10:55 a.m.

**President Killion:** Now back to session. We still have the motion to vote on regarding those two Resolutions. Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, the motion that we need to act on is the one that I stated earlier to place the two Resolutions on the Referral Sheet on today's calendar.

**President Killion:** Okay. We have that motion at hand to place those two Resolutions on the Order of Business. All those in favor of the motion say Aye. All those opposed say Nay. So motion carried. So we have those resolutions to consider. Floor Leader.

The motion carried by voice vote of members.

**Floor Leader Yatilman:** Mr. President, there was another motion to defer action on the two resolutions by Delegate Susaia.

**President Killion:** Any second?

**Delegate Susaia:** It was seconded. Motion to defer until Monday, it was seconded.

**President Killion:** Thank you. It's been moved and seconded that we defer actions on these Resolutions. Discussion?

**Floor Leader Yatilman:** Short recess, Mr. President.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 10:57 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:05 a.m.

**Delegate Susaia:** Thank you, Mr. President. The discussion now is on the two Resolutions which are now on the Calendar. I make a motion to defer action on these two Resolutions to Monday.

**President Killion:** Any second?

**Delegate Martin:** Mr. President.

**President Killion:** Delegate Martin.

**Delegate Martin:** Thank you, Mr. President. My respect to all. I think we voted on placing those Resolutions. The Floor Leader has to move for the adoption

before the other motion by Ambassador or Delegate Susaia can come in. We have to move for adoption first on one.

**President Killion:** Okay. The motion was already passed to place them on, finished. Now we are going to take action on one by one, and there's a motion by Delegate Susaia to defer both Resolutions if it's in order. Sorry Delegate Martin, that is the issue right now. So Delegate Susaia, you make the motion and there's a need for a second and it's not debatable. It was seconded by Chairman Sitan. So let's vote on the motion to defer those two Resolutions if it's proper. All those in favor for the motion say Aye. All those opposed say Nay.

**Floor Leader:** Mr. President, I think we need to vote by a roll call or show of hand.

**President Killion:** Let's just vote by show of hand. All those in favor of the motion, raise your hand? Secretary count.

**Delegate Samo:** What is the motion?

**President Killion:** Of the motion to be deferred. All those in favor of the motion put forward by Delegate Susaia, raise your hand? Okay, all those oppose raise your hand? So what's the count, Secretary? Have yet to vote, but what's the count?

**Chief Clerk Reyes:** Seven for and Nine against.

**President Killion:** Okay. Seven for the motion and nine against. Therefore, the motion did not pass. So move on, Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that Convention Resolution No. CC-Res-4-04 be adopted.

**President Killion:** Any second?

**Delegate Sitan:** Second.

**President Killion:** It's been moved that the Resolution has been read out with the No. 4-04 be adopted. Discussion?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** I like to offer oral amendments to the Resolution 4-04. Can I proceed?

**President Killion:** Proceed.

**Delegate Susaia:** In the title of the Resolution sentence, add Delegates to pluralize Delegate and delete members. On page 2 beginning on line 2, insert between amendments and the article the, approved by the Convention and delete proposes, and insert after be voted. Line 3, delete placed and in between on and a, insert in. And lines 12 to 16, delete in its entirety. Similarly from line 17 to 20 ending semicolon, delete in its entirety. I move for adoption of the oral amendments.

**President Killion:** Any second to the motion?

**Delegate Sitan:** Second so we can discuss.

**President Killion:** Okay. It's been moved and seconded that the oral amendments just put forward by Delegate Susaia be adopted. Discussion? Can you clarify again?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, go ahead.

**Delegate Susaia:** Mr. President, the previous amendments are just technical and style in nature. The two deletions, I believe the first deletion is, it is not necessary for this Convention to tell the President that it is incumbent on him, it is his duty to designate. It is inconsistent with the title itself when we are requesting and then in this whereas clause, where telling him it's incumbent on him, so I think it's unnecessary. On the other deletion on the whereas clause the last one, it's a concern for me to be boasting of our knowledge of the Proposals that will be passed that we are the best to be on the task force to educate people. Let the President decide. Our main request is that we're making is to request him to appoint us but let's not tell him that we need to be there because we're more knowledgeable than everybody else.

**President Killion:** So your motion for the amendments was seconded. Thank you for the explanation. Any other comments before we vote? Yes, Delegate Saimon?

**Delegate Saimon:** I'm sorry, I didn't raise my hand.

**President Killion:** Oh, Delegate Fritz.

**Delegate Fritz:** Yeah, I'm just concerned about the second deletion of lines 17 to 20, because if you delete that, it will basically change the real purpose of the Resolution which is expressed in its title to request the President to have some involvement of Delegates in the education of the proposed approved amendments. So if you take that away, then basically, you effectively wipe out this Resolution. And if that will be the case, we might just as well forget it, because once we approve that, basically it nullify the title which is a request to His Excellency to allow us to but ..

**President Killion:** Thank you Delegate Fritz. Chairman Albert.

**Delegate Albert:** Thank you Mr. President. First, I want to thank Delegate Bossy for introducing a really well written resolution. With regards to the suggestion that we delete line 12 to 16 on the second page, I think this is a very important point that you're stressing. You basically request the President to exercise his power to appoint that particular task force. If we are to delete it, I don't know what we are trying to accomplish because here you're suggesting that this is incumbent for the President to do so. It just a suggestion, we're not mandating or telling him to do it. Thank you.

**President Killion:** Thank you Chairman Albert. Any more discussions on the propose amendment?

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, who called the floor? Oh, Delegate Bossy.

**Delegate Bossy:** Thank you, Mr. President. I just want to point out that the intention of the Resolution is not to make an implication that this Convention is more knowledgeable than any other group. No! I am simply indicating that there are knowledgeable people among members of this Convention that they understand well the intent and purpose of the proposed amendments. Not the implication that

the members of this Convention are more knowledgeable than any other group outside of this Convention. But, I am only implying that Members of this Convention are well knowledgeable of the intent of the proposed amendments. Thank you Mr. President.

**President Killion:** Thank you Delegate Bossy for the elaboration, expression. Any other discussion on the proposed amendment? Yes, Madam Chair Sigrah.

**Delegate Sigrah:** Thank you very much and good morning Mr. President. Good Morning all. I just wish to add that we become knowledgeable because we spend more time reviewing and listening to a lot of the debates, intent, purpose, and background, and then we become well informed. So I would like to reiterate that Yes, we the members out of all the population, we stand out because we devoted the time to learn the subjects and that qualifies the members to educate the public in a more of a competent manner because we are equipped with the information and the background. Thank you Mr. President.

**President Killion:** Thank you very much, Chairperson Sigrah. Delegate Cantero.

**Delegate Cantero:** Thank you Sir. During our exchanges with the President through the PCC as well as the as the Special Committee that you put together, I think it was very clear from the President that he wish for this thing to happen. My exchange with him, he also said that he wish for the Convention to be part of the education process. So either way, whichever resolution we submit or whichever term that we use, I think he will accept that we will be part of the education process. That to me is very clear, he wants us to be part of that, and he supports that very much as confirmed by the PCC exchanges and the Special Committee that was headed by Delegate Susaia. So I think that's clear. I would also like to thank Delegate Susaia for making the adjustments that is in here. I think in my view, it just makes it better, but I would not suggest that we omit the provision from 12 to 16 because that's really the intention of Resolution and the wish of the Convention. In my view, it must be in there just to reconfirm to the President the desire for us to be part of the education process as he wants us to be. I also want to encourage the Secretariat to take care of drafting these Resolutions because some the grammatical errors that were pointed out by Delegate Susaia were quite clear, so please take care so we can move forward expeditiously with this kind of review. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Cantero.

**Delegate Palsis:** Mr. President.

**President Killion:** Chairman Palsis.

**Delegate Palsis:** Good Morning everyone. Now, when the motion to defer the Resolution came to being, I voted against with the assumption that this Resolution would pass, but given the amendments that were given by the proponent and the position of the introducer as to the substance for the resolution, I now move that we defer action on this Resolution for later.

**President Killion:** Thank you. Can you please restate you motion?

**Delegate Palsis:** Sure. The motion that I am making here Mr. President is to defer action on this Resolution.

**President Killion:** Any second to the motion by Chairman Palsis?

**Delegate Sitan:** Short recess.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 11:20 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:31 a.m.

**President Killion:** We're now back to session, there was a motion by Chairman Palsis to defer the amendments proposed by Delegate Susaia that was seconded and it's not subject to discussion. So it's been seconded. So all those in favor to defer the amendments proposed by Delegate Susaia say Aye. All those oppose say Nay. Motion carried. Short recess.

The motion carried by voice vote of members.

President Killion declared the Convention recessed at 11:32 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:33 a.m.

**President Killion:** Now we're back to session, Secretary.

**Chief Clerk Reyes:** Yes, Mr. President. The next resolution is Convention Resolution No. 4-05 for adoption. Convention Resolution 4-05 is a Resolution relating to the schedule of the Fourth Constitutional Convention.

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** Mr. President, I so move for adoption.

**President Killion:** Any second?

**Delegate Sitan:** Second.

**President Killion:** It's been moved and seconded that the said resolution be adopted. Any discussion?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** President, I need to be enlightened before I cast my vote on this Resolution. What happens if there's a delay for us coming back in if it's after February 23? Can we just write a letter that can convey to the President and who else is on the certified list? Or do we need to come back and do something somewhere to amend the Resolution? And that is the reason why I believe like Chairman Nabeyan said, it's best and safe for us to convey the message that the Convention will stay in recess on that day to this day in a letter.

**President Killion:** Thank you Delegate Susaia. Floor Leader, do you have any answer to the queries made by Delegate Susaia?

**Floor Leader Yatilman:** I'm not going to respond to Delegate Susaia's concerns. I know that we don't control what happens around us. We will all go on recess, there might be a problem with plane, and there may be storms in the area so that we cannot come back. You know, it's not, we all know things happen. I don't really see what the problem with the Resolution is. A Resolution coming from this body to me as pointed out by Delegate Fritz, it carries more weight and a letter is

the same. If we do this and if we ask, it is the same thing. We already ask and why not, why not send it out?

**President Killion:** Thank you Floor Leader. Delegate Sitan.

**Delegate Sitan:** Thank you, Mr. President. I also think if we could put in this kind of date and what happen if Congress tries to extend its session beyond the 23? I don't want to force the Congress to finish earlier because we want to meet on the exact day. Thank you.

**President Killion:** Thank you. That's a valid point there Chairman Sitan. Any other comments? We still have motion at hand to adopt the Resolution but for those foregoing discussions were pertinent. Floor Leader.

**Floor Leader Yatilman:** Thank you very much Mr. President. Either way is fine. It's really up to the Convention. If a letter is coming out from the President of the Convention essentially saying the same thing, what is the difference if we're going to say we are going to recess?

**Delegate Susaia:** There's a big difference between a letter and a resolution. In a Resolution that is adopted by the Convention, the whole Convention agrees and it is logged in. In the Resolution, the days are logged in.

**President Killion:** Thank you Delegate Susaia.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Chairman Nabeyan.

**Delegate Nabeyan:** I think the reason why, I think it's better to stop all the debates. It is just a notification, that's it. It's not important beyond that so I think we stop this debate to get to the Order or Business of this Convention. Because if we continue to pursue on these resolutions, we're going to go for a couple of more hours today and then there's a motion to defer and then when we go to Monday and on and on to go. Let's just stop all these, and just issue a letter and we're done. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Nabeyan.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Small concern on the naming on the date because once we declare this, I think for the purposes of the number of days that we are authorized by law. That's probably what they're going to use. So we have to be careful that it reflects the actual number of days that we will be in recess. Comes the last day and you make the motion because the period of our recess, will not be counted for the purposes of 30 days or 45.

**President Killion:** Thank you, Delegate Fritz. Delegate Cantero?

**Delegate Cantero:** Thank you, Mr. President. I for one don't see any difficulty with the Resolution as it is. To me, compare to a letter itself is an expression of the collective member of the body. I think if we go through via Resolution, people ask me if it is that the date you agreed to? I will comfortably say yes. The membership of the body agreed to this one and it gives us strength, it really gives us strength and it shows the receivers that it is our plan in moving forward. If the letter is moving forward, that's fine. But the strength of the Resolution is the wish of the collective member of the body. Thank you, Mr. President.

**President Killion:** Thank you. So I guess we all ready to vote. If no other discussion, let's vote on the motion to adopt this Resolution 4-05. All those in favor of the Resolution say Aye. All those opposed say Nay. Can you show hands? All those in favor of the Resolution, raise up your right hand.

**Delegate Nabeyan:** What if I am abstain, what do I do? I don't show my hand? Okay.

**President Killion:** Okay. So all those opposed to the motion to adopt the Resolution? So Secretary? So motion carried. Adoption of the Resolution has been made.

The motion carried by show-hand vote of members.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSAL AND RESOLUTIONS

**President Killion:** Moving on to Item 12, Introduction and Referral of Delegate Proposal and Resolution.

**Chief Clerk Reyes:** Please see or refer to Referral Sheet No. 4-07.

### SPECIAL ORDERS

**President Killion:** Moving on Item 13, Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Item 14, Miscellaneous Business. Any Delegates who wish to have miscellaneous business? Yes, Chairman Sitan.

**Delegate Sitan:** Thank you very much, Mr. President. Like yesterday, I raised that even though some of these papers are straight forward, we need time to read them before we act on it. That is why we get bogged down in our work. Second, I am also concerned on the last one we just passed. We are borrowing this Chamber from Congress and they will be using it. And in case they have to continue using it, then we start worrying on where we go next. Thank you very much.

**President Killion:** Thank you, Chairman Sitan. I trust that there will be a coordination of information that we don't have conflicts. Yes, Chairman Hashiguchi.

**Delegate Hashiguchi:** Yes. Thank you Mr. President. As an amateur Delegate representing the people from Tonowas, Fefen, Uman, Tiis, and Parem, I am very excited to see all these very important and good prospective proposed amendments. If I may just have a few minutes to have a brief statement.

**President Killion:** Proceed.

**Delegate Hashiguchi:** Mr. President, Tirow pwan kan ai fairo fiti ai sufen. My respect to Honorable, amafen Delegates.

We are at a major crossroads in the development of our nation. The FSM has been in existence for over 30 years now. We are still a new Country and we must adapt to an ever-changing world. What were once considered constants at the time of our founding have now changed irreversibly or has been completely replaced.

When our nation was founded, the fax machine was an amazing invention. We could make phone calls to the rest of the world, but it cost \$2.00 per minute. When the internet came, it was dial-up, slow and expensive. Our country was connected but it still felt isolated and separated. Now many things have changed. Connectivity is at an all-time high. Travel is at an all-time high. Our citizens now live and work all over the world. The time has changed and we need to change with it.

Our Constitution should be a living, breathing document. Our Country needs to adapt or it runs the risk of being left behind. That is why Fellow Delegates, this year's Constitutional Convention, we have an obligation to assist the FSM in making these changes.

(Applause)

**President Killion:** Thank you Delegate Hashiguchi for your statement. Any other miscellaneous business by any Delegates?

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Thank you Mr. President. I would like to extend our sincere gratitude to Mr. and Mrs. Johnson Asher, who provided a great and delicious dinner last night to both Delegations from Chuuk and Kosrae. I enjoyed the dinner there. Secondly, I want to pay respect to you and all Delegates of this Convention if I could ask the similar proposals be integrated or combined so that we have a similar process. Thank you Mr. President.

**President Killion:** Thank you Delegate Bossy. Short recess declared.

President Killion declared the Convention recessed at 11:44 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:52 a.m.

**President Killion:** We're now back to session. We are still on Item 14, Miscellaneous Business. Any comments from other member? Yes, Chairman Sitan.

**Delegate Sitan:** Yes, I want to raise a concern of mine to the Delegation Officer of the Convention, Chairman of the Delegations. I think there's a need to look at the budget for each Delegation because I think we're just mingling, using the same funds. We should find a way to break it up. I think our Delegation; we are not fully staffed yet, meaning we are not spending as much. Whereas, other Delegations are fully staffed and when we break up, we're sure we wish to use some money going around. But if you don't break up the budget by Delegation, may be the Chuuk Delegation will not have enough money to go around. Thank you.

**President Killion:** Thank you Chairman Sitan. That concern has been taking care of by our Executive Director in terms of sub-accounts for each of the Delegations so that the certain amount of money based on the agreed amount of budget all allocated to each Delegation. So we need to work within the amount and see if the Delegation exhausts the amount that is going to be a big challenge. The amounts are given to each of the Chairperson of each of the Delegations. Chairman Palsis.

**Delegate Palsis:** Thank you Mr. President. As noted this morning, Delegate Asher did not respond to the roll call. I got an email from him, informing me to inform the Con Con that he won't be able to attend the session today. So I would ask that he will be given an excuse for his absence. Thank you Mr. President.

**President Killion:** Thank you, Chairman Palsis. Any other Miscellaneous Business? Yes, Delegate Susaia.

**Delegate Susaia:** Do we have a website for the Convention? I thought we were taking photos yesterday to place on the website. Do we have the address for it?

**President Killion:** Yes. Short recess declared.

President Killion declared the Convention recessed at 11:55 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:58 a.m.

**President Killion:** We're now back to session. We're on Item 14, Miscellaneous Business. Any more Miscellaneous Business by members? If none, Announcements.

### ANNOUNCEMENTS

**Delegate Albert:** Mr. President.

**President Killion:** Yes. Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. Your Committee on CLT, Civil Liberties and Traditions will be meeting on Monday at 8:30 a.m. I want to follow up on the issue I raised a while ago for the introducers of the Proposals on Dual Citizenship to meet after session today. We will find a place, a comfortable place for us to use. Thank you.

**President Killion:** Thank you, Chairman Albert on the Committee of Civil Liberties and Traditions. Any other announcements from any of the Chairperson, Chairman? Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much. Good morning. Mr. President, the Committee on General Provisions will meet again on Tuesday, this coming Tuesday. We're still trying to work it out whether in the morning or in the afternoon, morning at 8:30 or afternoon at 1 o'clock. There's some preference to have it in the afternoon, so we will let you know on Monday. The subject or prior agenda is to continue on the discussion on the three Proposals that we talked about today on the threshold requirement and there are more that are coming. So, we will be reminded again on Monday. Thank you.

**President Killion:** Thank you Chairperson Sigrah. So you are going to remind us again on Monday on the exact measures to be discussed in the Committee Meeting. Any other announcements by the Chairperson on the Committees? Bear in mind that we only have 5 days before the break. Any other announcements? Yes, Chairman Sitan.

**Chairman Sitan:** Thank you, Mr. President. Your Committee on Public Finance and Revenue, I like to have our meeting on Monday as schedule at 2:30 p.m. and whatever or 1 p.m. subject to the information that we're supposed to get from Finance, and I wish to ask Secretariat and everybody to help. As what happen to the information, at first they say Wednesday, then they say Friday and as of now, I got nothing.

**President Killion:** Thank you Chairman Sitan. That's a valid concern, so we will try to follow up with the Department of Finance and Administration. Yes, Delegate Hashiguchi.

**Delegate Hashiguchi:** Thank you Mr. President. Can we try to work it out as I think on Monday, there's a meeting for the Committee on Government Structures.

**President Killion:** Okay, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you Mr. President. Your Committee on Government Structures will be meeting on Monday at 2:30 p.m. in this Chamber.

**President Killion:** Is that the same time like the Committee on Public Finance? Yes, Chairman Sitan, make sure that there's no conflict.

**Delegate Sitan:** Yes. I made a mistake there. Our allotted time is from 1 p.m. to 2:30 p.m.

**President Killion:** Yes. 1 o'clock to 2:30 p.m. for Public Finance and Revenue and Government Structures on also Monday from 2:30 p.m. to 5 p.m. here. Okay. Any other announcements? I guess the Committee on Style and Arrangements are still waiting for the Proposals, right Chairman Saimon?

**Delegate Saimon:** Thank you, Mr. President. That's correct.

**President Killion:** So, less work. Okay, any other announcements? Okay, if none, Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until 10 o'clock on Monday morning.

**President Killion:** Any second?

**Delegate Cantero:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until Monday morning at 10:00 a.m. If no other objection, our session is adjourned until Monday.

President Killion declared the Convention recess at 12:00 noon, until 10:00 a.m., Monday, January 20, 2020.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**ELEVENTH DAY**

Monday, January 20, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:47 a.m., Monday, January 20, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll, 22 delegates are present.

**ADOPTION OF JOURNAL**

**President Killion:** Thank you Secretary. So we have a quorum to transact business. For the record, Floor Leader Yatilman and Delegate Hashiguchi are excused. So, before we proceed on, I wish to request that Delegate Cantero should be our Temporary Floor Leader for today's session. So moving on if no objection, we move on to Item 4, Adoption of Journal.

**Delegate Cantero:** Mr. President.

**President Killion:** Mr. Temporary Floor Leader.

**Delegate Cantero:** Thank you, Mr. President. I apologize for my voice. Mr. President, it continues to be an honor to serve as your Temporary Floor Leader for the Convention. As always, I'll give it my best and I do hope for your patience and guidance. Mr. President, with respect to adoption of the Journal, may I move that the Convention adopts Journal Number 10 which I think is in front of you and should have been reviewed, and I thank you Mr. President.

**Delegate Martin:** Second.

**President Killion:** Thank you. It's been moved and seconded that we adopt the Journal for day number 10, and I thank you Delegate Cantero for your willingness to assume the role as the Temporary Floor Leader for our Convention. So, we have now the motion at hand to discuss the Journal. Any other discussion? If none, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of members.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Delegate Sitan.

**Delegate Sitan:** I move that we go to Item No. 7 to save time.

**Delegate Susaia:** Second.

**President Killion:** Okay. It's been moved and seconded that we move to Item No. 7. It's been seconded; so, discussion? If none, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried. So now we are on Item 7.

The motion carried by a voice vote of the members.

### REPORTS OF COMMITTEES

**President Killion:** Item 7, Reports of Committees. Chairman Sitan.

**Delegate Sitan:** Mr. President, I ask for a short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 10:52 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:06 a.m.

**President Killion:** We're now back to session, Chairman Sitan.

**Delegate Sitan:** Yes, Mr. President. Based on our discussions during the break, I move that we defer this Standing Committee Report to tomorrow's calendar.

**President Killion:** Any second?

**Delegate Albert:** Second.

**President Killion:** It's been moved and seconded that we defer this discussion on the particular report to tomorrow's calendar. All those in favor, yes Chairman Sitan for more additional comments.

**Delegate Sitan:** Yeah, I want to add the reason why I move this.

**President Killion:** Go ahead.

**Delegate Sian:** My way of thinking is, we should allow Delegates to read the Report and understand before we start debating. This report just came out this morning, and I don't think we are ready to act on it. Thank you.

**President Killion:** Thank you. I guess this motion is not debatable so all those in favor of the motion to defer the action on this report say Aye? All those opposed say Nay?

Delegate Susaia opposed.

**President Killion:** Motion carried.

The motion carried by voice vote of members.

## FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Moving on, Item 8, First Reading of Committee Proposals?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Delegate Sitan.

**Delegate Sitan:** I move that Convention move to agenda Item 11.

**Delegate Martin:** Second.

**President Killion:** Okay. It's been moved and seconded that we move to Item 11, Consideration of Resolutions. Any discussion on that? If none, all those in favor of the motion say Aye. All those opposed say Nay. Motion carried, so we're now on Item 11.

The motion carried by a voice vote of the members.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Item 11, Consideration of Resolutions.

**Delegate Cantero:** Thank you, Mr. President. If I may, I would like to move for the adoption of Convention Resolution No. CC-Res-4-04. I would like to move for adoption, Mr. President.

**President Killion:** Any second?

**Delegate Fritz:** Second.

**President Killion:** It's been moved and seconded that the Convention adopts the Resolution No. CC-Res-04-04, Discussion?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** There is a written amendment to the Resolution. Copies have been passed to the Delegates. I move that we consider and pass these amendments?

**Delegate Fritz:** Second.

**President Killion:** It's been moved and seconded that we adopt the amendments to the Resolution. I declare short recess.

President Killion declared the Convention recessed at 11:08 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:10 a.m.

**President Killion:** Now session is back to order. We're on the motion by Delegate Susaia and it was seconded to amend the said Resolution that is CC-Res-4-04.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Question.

**President Killion:** Question is called for.

**Delegate Palsis:** I second.

**President Killion:** It's been seconded. All those in favor of the motion to stop debate say Aye. All those opposed say Nay. Motion carried.

The motion carried by voice vote of members.

So now we're on the motion to amend the amendments proposed by Delegate Susaia. If no other discussion, all those in favor to adopt the amendments say Aye. All those opposed say Nay. All the amendments to the Resolutions have been adopted.

The motion carried by voice vote of members.

Short recess.

President Killion declared the Convention recessed at 11:11 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:12 a.m.

**President Killion:** Now we're back to session. We have adopted the amendments to the main resolution and now we have to vote on the Resolution as amended. If no discussion, all those in favor of the main motion say Aye. All those opposed say Nay. Motion adopted, so we already adopted the Resolution as amended.

The motion carried by a voice vote of the members.

## **INTRODUCTION AND REFERRAL OF DELEGATE PROPOSAL AND RESOLUTIONS**

**President Killion:** Item 12, Introduction and Referral of Delegate Proposal and Resolution.

**Chief Clerk Reyes:** Please see or refer to Referral Sheet No. 4-08.

**President Killion:** See that Referral Sheet. If any Chairperson or Chairman of the Committees wish to have some of the measures jointly assign to their Committee which are noted by all means you can indicate your interest of preference.

## **SPECIAL ORDERS**

**President Killion:** Moving on Item 13, Special Orders.

**Chief Clerk Reyes:** None at the moment, Mr. President.

## **MISCELLANEOUS BUSINESS**

**President Killion:** Miscellaneous Business. Does anyone have any miscellaneous business for today? Today is Monday.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** I would like to restate my statement before regarding the proposals and I thank you, Mr. President with my utmost respects to you, Vice President, Floor Leader, and the rest of the Convention. These past few days as I mentioned earlier, have been very challenging yet at the same time very rewarding, having been amongst great leaders with great minds and also learning from you.

I wanted to bring to our attention again some of the concerns that I have seen from observing our sessions, committee meetings, and just from speaking with some of you. First, as mandated by the Enabling Law, it is the duty of this body to review the entire constitution and recommend amendments or changes. I understand that delegations and individual delegates have already submitted their proposals, and the committees have reviewed those proposals. However, it is my wish and desire that in the spirit of unity we all collectively review the constitution together, and identify those sections that are no longer relevant, and no longer applicable to this nation especially to the people of the FSM. And then together also submit proposals based on our review.

In that same spirit, Mr. President, I wish that there is a way we can work together to consolidate or merge those proposed amendments on similar issues or the same provisions. For example, there are multiple proposals on dual-citizenship. While it is within the purview of the committees to review these proposals, I wish that the proposers, including this body, to find a way to consolidate or otherwise compromise to accommodate the different perspectives. This may be a bit difficult, but I fear that taking these proposed amendments on the same issue to the public would only confuse them.

On some other matters, Mr. President, I want to recognize Kathleen Burch, as our Chief Legal Counsel. My respect to all especially those lawyers, attorneys as esquire in this Convention, I request and recognize her as our Chief Legal Counsel.

Follow by that, I would like to request about the budget that is been put before us that the Post Convention Item should be changed to Final Consultation before we adjourn sine die. Thank you, Mr. President.

**President Killion:** Thank you Delegate Bossy for those well stated statements and appreciated, of course. And any other miscellaneous business?

Delegate Fritz, your light is on. Oh sorry. Okay. Any miscellaneous business?  
Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. Good Morning to you and to everybody especially the sea farers, sitting in this Convention Chamber. I would like to share with you and our colleagues two Micronesian metaphors that I believe are very appropriate to this Convention. These metaphors relate to two stars that I believe were used by our ancestors. If I can quote a line from the Preamble. The stars were used by our ancestors when men navigated by stars on rafts and canoes. And these are the same stars that our founding fathers used in creating this nation. The first star is known as, in Chuukese language, Wenewen, which means being straight up or being honest, transparent. On distant shores, it is called Southern Cross. This is the same star, but it takes on different names, depending on the rising and setting, rising in the East and setting in the West. There are five stars, but it's the same star, one star. And in this regard, Mr. President, I hope that we will continue to be inspired by these five stars. We are a federation of five governments, the national government and the four state governments. We are people of the sea, Re Mataw, we are islands under stars. So, the second star is called North Star. It's the name of a boat, I gather. In the Chuukese language it means, Fu Ese Mwokut or the star that never moves. In indigenous terms, I have been told it's the star for Chuukese ladies because it's a star that is unaged, and it remains beautiful or shining brightly throughout the night till the early morning. That's the Fu Ese Mwokut or North Star. It means preservation, commitment. I hope that we will continue to be inspired by the star, Fu Ese Mwokut. Thank you, Chair.

**President Killion:** Thank you, Delegate Naich for that reminder. As we are all descendants of those our ancestors for doing all those and it's a good reminder. Thank you. Alright, any other miscellaneous? Any counter points or support by the statement made?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you, Mr. President. I know you're always facing that way so there's a tendency for you to allow my two friends there to do a lot of discussion. But you need to look on this side because Chairman of the COW's light has been on quite a few times but you never get to look this side. So, when you

look, look around so you can see other interested Delegates who wish to contribute.

**President Killion:** Thank you very much, Delegate Fritz, for that other reminder and I will try my best. Okay, any other miscellaneous business? Mr. Floor Leader?

**Delegate Cantero:** Thank you, Mr. President. I want to thank our two Delegates for also conveying those very good statements. I think it's the perfect statement to close up this miscellaneous agenda, Mr. President. Thank you.

**President Killion:** Thank you very much, Mr. Floor Leader. So, if no other miscellaneous business, we move on to Announcements. Do any of the Chairpersons, Chairmen of each of the committees have any announcements regarding meetings, hearings, and so forth? Yes, Chairman Nabeyan. Go ahead.

#### ANNOUNCEMENTS

**Delegate Nabeyan:** Thank you, Mr. President. The meeting for your Committee on Government Structure and Functions is postponed, cancelled for today and we will convene at 2:30 on Wednesday, in this Chamber. Thank you. 2:30, Wednesday, in this Chamber. Thank you.

**President Killion:** Okay. Committee on Government Structure is scheduled to have their meeting on Wednesday at 2:30 here in the Chamber, Chairman Nabeyan. Okay, it shall be noted. Yes, Chairperson Mori?

**Delegate Mori:** Thank you, President. Good morning to everyone, good afternoon. Just an announcement that the Chuuk Delegation will be having a Delegation meeting this evening at the Cliff Hotel conference room at 6 p.m. I hope everybody is available. Thank you.

**President Killion:** Okay. Thank you, Chairperson Mori. Chuuk Delegation we have the meeting at 6 o'clock at the Cliff Rainbow restaurant. Okay, Chairperson Sigrah?

**Delegate Sigrah:** Thank you. The Committee on General Provisions will be meeting tomorrow, Tuesday at 1 o'clock at the Committee Hearing Room and we will consider Proposal Numbers 4-03, 4-16, 4-32. We requested some documents.

Hopefully we can get them by then, for information. And lunch will be provided. Thank you.

**President Killion:** Thank you very much, Madam Chair. Your Committee on General Provisions will have that meeting on that day, Tuesday, tomorrow.

**Delegate Fritz:** Point of information.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** I kindly request the Chair to state those proposals again because older people are a little bit slower in catching up with what you said?

**President Killion:** All those are in the Announcements, written schedule. Yes, go ahead.

**Delegate Sigrah:** We also have a Notice of the Public Hearing. We will provide more further details. Proposal Number 4-03, 4-16, 4-32 and all those three Proposals relate to the reduction of number of votes required to approve an amendment to the Constitution. Thank you.

**President Killion:** Thank you very much, Chairperson Sigrah for the clarification. Any other announcements by any of the other Chairmen, Chairpersons of the various Committees?

**Chairman Sitan:** Can I ask for a short recess?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:26 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:27 a.m.

**President Killion:** We are now back to session. Mr. Sitan?

**Delegate Sitan:** Thank you Mr. President. Yesterday, I announced that we may have a hearing today based on if we get the information from Finance. I would like to move that we delay that hearing until tomorrow at 2:30 so the

information should be xeroxed and copied to all Delegates for revenues and expenses of National Government. And we will prepare a formal notice or a hearing plus the proposal that are supposed to be reviewed, which are connected to the information from Finance. So, 2:30 tomorrow here in this Chamber so we can record the journal. Thank you.

**President Killion:** Thank you, Chairman Sitan. So, tomorrow at 2:30, the Committee on Public Finance and Revenue is going to be having the Committee meeting here in this Chamber. 2:30 tomorrow. Okay, any other announcements by the other committees? If no other announcements, Mr. Floor Leader.

**Delegate Cantero:** Thank you Mr. President. Observing no violent objection around the room, I move that we go on recess until tomorrow, January 21, 2020 at 10 o'clock a.m.

**President Killion:** Any second?

**Delegate Nabeyan:** Second.

**President Killion:** It's been moved and seconded that we recess until tomorrow at 10 o'clock. If no objection, all those in favor say Aye. All those opposed say Nay. Motion carried. We stand in recess until tomorrow.

President Killion declared the Convention recess at 11:29 a.m., until 10:00 a.m., Tuesday, January 21, 2020.

Respectfully submitted,  
/s/  
Atarino A. Helieisar  
Journal Clerk

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**TWELFTH DAY**

Tuesday, January 21, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:53 a.m., Tuesday, January 21, 2020.

## MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

## ROLL CALL

Chief Clerk Reyes called the roll, 23 delegates are present.

## ADOPTION OF JOURNAL

**President Killion:** Thank you Secretary. So we have a quorum to transact business. For the record, our Floor Leader is excused. And in that regard, I wish to again request that Delegate Cantero should be our Acting Floor Leader for today's session. So if no objection, we can move on to Item 4, Adoption of Journal.

**Delegate Cantero:** Mr. President, if I may.

**President Killion:** Yes, Acting Floor Leader.

**Delegate Cantero:** Thank you so much. Good Morning to all of you Delegates. My humble respect to Isoko. My respect to you Mr. President. Again, for the record, it continues to be an honor as Acting Floor Leader under your leadership and also a guidance of the collective membership of the body. With respect to agenda Item No. 4, adoption of the Journal, Mr. President, I'd like to move for adoption of the Convention Journal Number 11. Thank you, Mr. President.

**Delegate Sitan:** Second.

**President Killion:** Thank you. It's been moved and seconded that we adopt the Journal as presented. Discussion? If none, all those in favor of the motion to adopt the Journal say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

**President Killion:** Communications.

**Chief Clerk Reyes:** For Item 5, we received one Delegation Communication No. 4-3 and one Departmental Communication No. 4-1.

**President Killion:** You have that communication. Any discussion? Just straight forward for information purposes. If none, moving on Department Communications.

**Chief Clerk Reyes;** As already mentioned, we have one Department Communication No. 4-1.

**President Killion:** Thank you. Those information is included in Secretary Amor's letter is very useful for us pertaining to Financial Information on Revenues that comes to our National Government and also the shares.

**Delegate Fritz:** Point of Information.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you very much, Mr. President. These communication from members and departments or other, would they be part of the Journal?

**President Killion:** Move for a short recess.

President Killion declared the Convention recessed at 10:58 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:06 a.m.

**President Killion:** We are now back to session, any more discussions. We are on Communications, Departmental Communications and so forth. Any motion in disposing the matter discussed a while ago regarding to be part of the Journal or not. If no..

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich.

**Delegate Naich:** I move that the Convention approves that all the communications to be part of the official record of the Convention.

**Delegate Fritz:** Second.

**President Killion:** Thank you. It's been moved and seconded that the motion that put forward by Delegate Naich would be adopted. Discussion? Yes Chairman Sitan.

**Delegate Sitan:** Yes, I want Delegate Naich to clarify as he said, part of. Are they going to be together with the Journal? Or they will be separated?

**President Killion:** Delegate Naich, you are requested to clarify your motion.

**Delegate Naich:** Thank you, Mr. President. May I ask Delegate Sitan to repeat his question?

**President Killion:** Chairman Sitan, just restate your query.

**Delegate Sitan:** Yeah, I just ask to clarify when you say, communication will be part of the Convention. Do you want to separate it from the Journal? Or be part of the Journal? Can you clarify that?

**President Killion:** Go ahead, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. What I meant was that all communications that are placed on the Order of Business, being the official communications be part of the Journal of the Convention.

**President Killion:** Okay. Thank you, Delegate Naich for that clarification. Any other before we vote? Delegate Susaia.

**Delegate Susaia:** Thank you President. This is a trivial matter. All communications to you, should become part of the Order of the Day. Communications such as what we discussing now is directed to Committee Chair, it shouldn't be on the Order of the Day. So I hope from now on, we put communications to you as the President of the Convention on the Order of the Day only. All other communications should not be on the Order of the Day.

**President Killion:** Okay. In an effort to be more transparent, everything should be on. So we still have the motion on the Floor.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** I am afraid that we are going to debate on this, but if a matter comes in and it is part of the activity for the day, all of those should become official records of that day and they should be part of the Journal. So, the information that Secretary of Finance provided to the Committee, now the Committee is sharing with us, and sharing the information to us, should be part of the official Journal for the day otherwise sharing of that information is absent from the Journal. When people in the future look at it, they will say, where is this information alluded to? So when we put it in, that's even better for everybody else. There's no enjoy to the public or for that matter to us as Delegates.

**President Killion:** Thank you, Delegate Fritz. That's further support the motion. No other discussions? We have the motion to vote on.

**Delegate Sitan:** So that means, all these communications to be part of the Journal will be as attached?

**President Killion:** Yes. That should be it. We still have the motion at hand, so let's dispose of it. If no further discussion, let's vote. All those in favor on the motion made by Delegate Naich and seconded by Delegate Fritz say Aye. For all opposed say Nay. Motion carried.

The motion carried by voice vote of Delegates.

### UNFINISHED BUSINESS

**President Killion:** Okay. Moving on, any other matters on Unfinished Business?

**Chief Clerk Reyes:** None, Mr. President.

### REPORTS OF COMMITTEES

**President Killion:** Item 7, Reports of Committees.

**Chief Clerk Reyes:** For Item 7, Reports of Committees we have one Committee Report and it's No. CC-SCR-4-01 on ConCon Proposal 4-02 from your Committee on Public Finance and Revenue for adoption. This was deferred from yesterday to today's session.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** Mr. President, I move to adopt the Standing Committee Report.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that the said Committee Report adopted. I move for a short recess.

President Killion declared the Convention recessed at 11:11 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:12 a.m..

**President Killion:** We're now back in session,

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Previous Question.

**President Killion:** It's been moved for previous question, any second?

**Delegate Nabeyan:** Second.

**President Killion:** It's been moved that we stop debate and moved on. All those in favor of the motion by Delegate Susaia ...

**Delegate Fritz:** Point of Information.

**President Killion:** I declare short recess, please.

President Killion declared the Convention recessed at 11:13 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:17 a.m..

**President Killion:** We're now back to session. A while ago, before we took the recess, there was a motion from Delegate Susaia to stop debate and it was seconded. Let's vote on that motion, all those in favor say Aye. All those opposed say Nay. So motion defeated.

The motion defeated by voice vote of Delegates.

**President Killion:** So we still have the main motion at hand and we will have discussion on the report submitted by the Committee of Public Finance and Revenue. Chairman Sitan. Thank you, it is a report that we need to discuss further as echoed by some Delegates.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Yes, Mr. President. Let me just summarize the Report and the Proposal. This Proposal is to amend the section on Foreign Assistance Fund where it comes in and it's not earmarked to be equally divided among the Five Governments. This amendment is to make it to be negotiated at later date as instead of automatically divided by who is. In short, that's what it is. We have our hearing with Finance people and we also find out that this provision is not really practiced. Recently, most of the foreign assistance has been earmarked. As we found out for that reason, the Committee adopts the proposal to take away the requirement to divide by who is. Thank you.

**President Killion:** Thank you, Chairman Sitan for the elaboration on the matter on the report.

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. If the proposal is approved, the division of grants that are not earmarked will be based on an agreement between the National and the State Governments. As opposed to the grand wording of the Constitution, if the grand is not earmarked, it will be divided equally between the National Government and the four States. That is the essence of the amendment, an agreement will be reached between the National Government and the Four States.

**President Killion:** Thank you.

**Delegate Fritz:** Point of Information.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Did my good friend here already offer his proposed amendments? I know that they were typed up, printed, and distributed according to the rules. But I did not remember him offering those amendments yet and yet we are talking about it.

**President Killion:** Are you talking about the main report?

**Delegate Nabeyan:** If I may, Mr. President.

**President Killion:** Yes, Delegate Nabeyan.

**Delegate Nabeyan:** I do have introduced a written amendment proposing amendments to this proposal pursuant to Rule 53. The reason being, currently as the proposal stands should the parties, the Governments fail to reach an agreement which is a possibility, then there is no fall back question in terms of how to allocate the funds. There is no time frame also within which the Governments will reach an agreement so my proposal is to provide a fallback position should the Governments fail to reach an agreement and also a timeline which they have to reach an agreement. I asked yesterday on when to verbalize a motion during the session. I was informed that I can do that on First Reading which I understand will be tomorrow so that's why I'm holding back on this. If I have to make a motion today, please advise. I will do so. Thank you.

**Delegate Susaia:** Short recess, President.

**President Killion:** Thank you, Chairman. Short recess called for.

President Killion declared the Convention recessed at 11:21 a.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 11:46 a.m.

**President Killion:** We are now back to session, Mr. Acting Floor Leader.

**Delegate Cantero:** Thank you, Mr. President. I'll make a motion if that is the required action. I'll make a motion for the adoption of Committee Report No. CC-SCR-4-01, re No. CC-PR-04-02. I make a motion for adoption.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 11:47 a.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 11:52 a.m..

**President Killion:** We're now back to session. We still have the motion at hand, to adopt the Committee Report on SCR 4-01 by the Public Finance and Revenue Committee. Yes, Delegate Takesy?

**Delegate Takesy:** Thank you, Mr. President. Mr. President, fellow Delegates, I rise on the point of privilege to introduce some distinguished ladies who are taking interest in what is happening in this Convention. I am pleased to introduce Sheri Barker Saimon, Pinercy Marcus Rettin, Eugenia Samuel, and Suzanne Lowe Gallen. Thank you very much, Mr. President.

**President Killion:** Thank you, Delegate Takesy and welcome those young ladies to our session this morning. Okay, we have the matter before us to vote, on the adoption of the report as presented by the Committee on Public Finance and Revenue. If no other discussion, yes, Delegate Takesy?

**Delegate Takesy:** Yes, Mr. President. With all due respect to the Committee, I would like to ask what are the redeeming reasons why we need to adopt this. In reading the report, I fail to see the reasons why there needs to be a change of where things are today. What would be the economic results of this decision? What would the political? What would be the social results if we were to

adopt this report which would lead to the adoption of the proposal to amend the Constitution. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Takesy. Perhaps Chairman Sitan can answer your points.

**Delegate Sitan:** I would defer to the introducer of the proposal so it will be very clear from him. Thank you.

**President Killion:** The proponent, Delegate Noket, should more or less add the explanation in addition to what's been presented in the Committee report.

**Delegate Noket:** Yes, I introduced this proposal. The reasons, first, when I look at the present provisions of the Constitution, it says that it will, that any money that is coming in to the foreign assistance fund will be divided equally among the four States including the National Government. So first, if \$500,000 is given to the FSM from foreign assistance not earmarked to any particular project, then it will be divided among five. So, if we divide that \$500,000 among the five, it will be about \$100,000 for each state, including the National Government. That \$100,000 should not pay for any capital project or any big project – road, water, power, as examples. So, the intent of this proposal is to have these States come together and share their needs. Maybe Yap needs sewer system. The other States recognize that Yap state needs that and they need about \$500,000. That \$100,000 is not going to be enough. So, when this kind of situation occur, the proposal intends to have these state leadership get together and discuss what state needs more for development instead of dividing up the \$500,000 to each of the States. And that's the main purpose, main intent of this proposal. Mr. President.

**President Killion:** Thank you, Delegate Noket. Chairman Nabeyan? Any more clarification, explanation?

**Delegate Nabeyan:** Well, I just want to, I'm in support of the proposal and I want to respond to the question that Delegate Takesy raised slightly from a different angle than the introducer had. The point that Delegate Cantero raised earlier during recess, that often times most of the grants that come through are already earmarked prior to the submission of the grant document and allocations are already earmarked in the grant document. That will forego the need for this provision to be invoked. But there are block grants, for example IDA grants, EDF grants, that come with, the grantor basically looking to the country to decide how best to employ their grants in terms of their needs. And in those instances, I've

seen because I've known in some of the sectors, the IDA grant in the nursing sector, I've seen that internally at the national, level decisions are made in terms of allocations before then passed on to the state governments. So, by the time the state government are engaged, the grant has already been locked in by the National Government and the decision on allocation has already been crafted into the grant document. So, that's why I think something like this is beneficial to the country and it will also give the States a chance at the table how best to allocate grants, will also be a venue by which these grants can be aligned with state priorities. At least there will be consultation between the National Government and the States on how best to employ these grants to fit the needs and plans of each of the States. That's why I'm in support of the proposal. Thank you.

**President Killion:** Thank you very much again for the clarification. You're in support of the proposed amendment. Thank you, Chairman.

**Delegate Cantero:** Mr. President. If I may?

**President Killion:** Yes, Acting Floor Leader.

**Delegate Cantero:** Thank you. My only question, concern on this proposal is only one thing. If the leadership is not able to get their act together, not a single penny will enter this country. Thank you.

**President Killion:** Yes. I think there's an issue there. Chairman Nabeyan?

**Delegate Nabeyan:** Yes, I agree with that. And that is why I have an amendment proposed to the proposal to address, to remedy that problem. Thank you.

**President Killion:** Thank you. Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much, Mr. President. I share Delegate Takesy's concerns also on the contents of the Committee Report. My immediate concern is that if they can provide more definition to this term, "agreement". I understand that this agreement is to be negotiated in the future. However, if it becomes part of the Constitutional language, then the interpretation there would get some of us really locked out. And if that the purpose which is good to help some of the natural disasters in the States, so maybe it can be spelled out as part of the agreement. One of the natural disasters happening to us every day here is power outages, electricity. Can that be part of it? And if it is detailed as possible, then we may not have this kind of reservation. And I lodge again, as a Delegate

from Kosrae, knowing that when there is an agreement, we may be a beautiful state, but we're a smaller state. So, that agreement has not served our state well. Let's look at the gentlemen's agreement. Thank you very much.

**President Killion:** Thank you Chairperson Sigrah. Chairman Sitan, first.

**Delegate Sitan:** Yes, thank you very much. I think, our committee, we don't know what the agreement will look like. It will be up to the leaders to discuss it. Let me use an example in the earlier years for the Japanese foreign aid. What the leaders have agreed was to rotate it so it would have a meaningful result instead of dividing up to so many little grants. Thank you very much.

**President Killion:** Thank you. Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. I have listened to the arguments presented from both sides, their merits and demerits as Acting Floor Leader Cantero said. Part of the problem is that we're dealing with two issues here. One is substance, the other is procedure. We are projecting into the future. For financial planning, can that be done? Will there be stability? And a situation where we leave it to negotiation instead of setting a criteria, let's say 50%, 50 % rather than whenever there is no agreement, for the use of outside help, then it's left to negotiations. Thank you.

**President Killion:** Thank you Delegate Naich. Delegate Susaia?

**Delegate Susaia:** Thank you, President. The proposed amendment, as I stated earlier, is to address grants that are not earmarked. In the event that the grant is received or the donor country extends a grant to the FSM and it's not earmarked, then the amendment operates. Meaning, instead of what it is now, that the National Government and the four States will share equally the amount of the grant, it will be divided pursuant to an agreement by the four States and the National Government. That's all there is to it. Any grants that are earmarked, it's the purpose for the grant for what it is earmarked for. And so, in essence this proposed amendment, although I'm not supposed to be supporting it because I work for the National Government, is in a way gives the States a fair chance to argue for more. They cooperate together and convince the National Government in a discussion to agree on how the money should be used. So it really favors the States, because it's four against one. Unless another state sides with the National Government, or two then this proposed amendment is really to give the chance to the States to get a fair share of whatever grant that is not earmarked. That's all there is to it, President.

**President Killion:** Thank you. So, you're in support of the proposed amendment. Thank you. Yes, Delegate Takesy?

**Delegate Takesy:** Thank you, Mr. President. Mr. President, I've been privileged to work in the foreign service of this country for quite a while. As for the information of this Convention, the policy on foreign assistance is set in the Constitution, of course. But with respect to practicality, the leaders of this country starting with the first President decided that one way to actually maximize the impact of external assistance is to rotate that assistance whole so that it does a maximum good to one state. This was done with the assistance from the government of Japan. This is one of the reasons we got the Caroline Voyager among others. So it is that principle that will be impacted if this matter goes into reality. So, this is one principle that I would like for us to be aware of. On the issue of division, the States are not equal. As enunciated by my colleague, being the smallest state in the union, of course, puts her in an uncomfortable situation. The issue, Mr. President, how do we maximize the use of external assistance. I would suggest to this Convention, that that is the issue at hand. Thank you.

**President Killion:** Thank you very much, Delegate Takesy.

**Delegate Susaia:** Mr. President. Short recess.

President Killion declared the Convention recessed at 12:07 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:11 p.m..

**President Killion:** We're now back to session. Chairman Asher.

**Delegate Asher:** Thank you, Mr. President. I wish to state my position in this particular content of the report that was provided by the Committee on Finance and Revenue. The report, I did not sign it for a reason. I commend Delegate Nocket for putting up this proposal because I think there are reasons for it, he has his own reasons. I read the report and everything I see in the report, it seems to justify that the witnesses that we called in stated, testified that there's very, it's very unlikely that we will receive this kind of foreign financial assistance fund. Not only the Foreign Affairs, but also from Department of Finance. The current law requires that when we receive foreign financial assistance fund, when there is no particular

distribution, the formula is to distribute equally among National Government and the four States. To me that is a clear formula in existence. The current proposal proposed to amend that formula, requiring that when there is a foreign assistance fund that is provided to FSM and there is no particular distribution, we leave it to the States and the National Government to come up with an agreement. To me, that's an open-ended solution that has a lot of uncertainty. To me, if there are amendments to make it which I understand that Delegate Nabeyan will provide amendment to this proposal later on, then that may at least look appealing to me. But as of now, I try to base my decision on reason and with the standing committee report, everything seems to say that this maybe not the way to go for the interests of the States. I just wish to convey that, Mr. President. Thank you for the opportunity.

**President Killion:** Thank you very much, Chairman Asher. We're still on the main issue at hand.

**Delegate Albert:** Mr. President.

**President Killion:** Yes. Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. I kind of share the same sentiments of my colleague from Kosrae. There's a phrase, "If it's not broken, don't fix it." This is how I look at this proposal. The testimonies by the two witnesses who were present before the Committee, both of them expressed clearly that there's never been an incident where money come in unallocated. They all come in earmarked for projects. So, what we're trying to propose here is something in anticipation of something that is unreal. So, I'm really concerned why we are in a rush to put this kind of proposal forward when we know that in the past referendums where they crowd more than ten proposals, there seems to be no success. I thought there were some advice coming from certain entities, including the President that we be practical. That we choose the proposals that the people really want. So, I don't know about you guys, but for me, I stand on that phase, "If it's not broken, let's not fix it." Thank you.

**President Killion:** Thank you very much, Chairman Albert. Yes, Chairman Nabeyan. We're still on the Committee Reports.

**Delegate Nabeyan:** Thank you. I'm not sure the assertion that there has never been a grant that has come to the FSM unearmarked is accurate. I'll give an example. Under IDA 17, 60 million dollars, 25 million of that initially was

earmarked for the energy sector, period. But the earmark within the energy sector was not done. That was left up to the FSM and the States to define how it needs to be earmarked pursuant to their needs. And that's where this proposal speaks to. Because the way that was handled, there was no input from the States until a decision had been made at the national level on how to earmark it. So, I think it's better, at best to for situations like this, to mandate that there is consultation between all the stakeholders, the States and the National Government in terms of how best to earmark that subgrant within the general grant for the sector. But if they fail to meet it, then my proposal would give them a fallback cushion to go to. And additionally, the agreement that was done with respect to the Japanese oversees grant of rotation on annual basis from state to state, first of all I'm not sure that's being followed. Because I know that Yap has missed its rotation maybe a couple of times. But this provision would give the Constitution basis for such an agreement because right now there is none. An argument can be made that that agreement by the principles has no root in the Constitution because the Constitution says it has to be divided equally. So, something like this would give the Constitutional basis for something of that nature to be met in the future. So, I don't think the assertion that there has never been a grant to the FSM that has not been earmarked within the context of what we are discussing is accurate. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. I think we have discussed enough. I appreciate all the comments from Delegates. I think this is since this is the first one, it's healthy that everyone make their comments. I think probably it should be discussed during the first reading debate. But for the report, I think we should just move on and adopt it. And then when we meet, I mean on the first reading that's when we make the first amendment. If you don't agree with the amendment, then we move on. So, I move to close debate. Thank you.

**President Killion:** It's been moved and seconded that we close debate. All those in favor, say Aye. All those opposed, say Nay. So, debate has been closed. So, let's vote on the motion at hand to adopt the Report. All those in favor of the Report by the Committee on Public Finance and Revenue, say Aye. All those opposed, say Nay. Motion carried so we have adopted that particular report. So, moving on. First Reading of Committee Proposals.

#### FIRST READING OF COMMITTEE PROPOSALS

**Delegate Sitan:** President. Short recess.

Short recess declared.

President Killion declared the Convention recessed at 12:20 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:21 p.m...

**President Killion:** We're now back to session. Mr. Floor Leader.

**Delegate Cantero:** President and colleagues. I'm not going to do a long intervention, Mr. President, but just an understanding that it was unanimously agreed for the record by the entire membership of the Convention unanimous agreement that going forward with respect to adoption of committee report, that once it's adopted, it's the understanding that it will also be considered first reading on the exact same day. That is the clear understanding of the Convention, that is Mr. President, what they want to do. So that is what we will do from now on until the Convention process completes. Thank you.

**President Killion:** Thank you. So since, we just adopted the Committee Report 4-10, so your comments are pertinent to that issue so let's move on. Yes, Chairman Sitan.

**Delegate Sitan:** Are we on 8?

**President Killion:** We are now on Item 8, First Reading of Committee Proposals.

**Delegate Sitan:** Mr. President, I move that we place that proposal on the First Reading.

**Delegate Palsis:** Second.

**President Killion:** It's been moved and seconded that we place the Proposal No.04-02. So, we have that motion to act on that first reading. Secretary?

**Chief Clerk Reyes:** Thank you, Mr. President. With the adoption of Committee Report No. CC-SCR-4-01 on ConCon Proposal 4-02 and with the understanding that was agreed upon earlier under Item 8, First Reading of

Committee Proposals, we now have CC-PR-04-02 for first reading. CC-PR-04-02 is a proposed amendment to the Constitution “To amend Article XII, Section 1 (b) to provide that distribution of shares of foreign assistance from the foreign assistance fund will be made by agreement between the States and National Government instead of shared in equal portions by all of the four States and National Government.”

**President Killion:** Thank you.

**Delegate Susaia:** President.

**President Killion:** Yes.

**Delegate Susaia:** Was the motion to place this proposal acted on?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:24 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 12:28 p.m..

**President Killion:** We’re now back to session. Chairman Sitan.

**Delegate Sitan:** Mr. President. To make Delegate Susaia happy, I hereby withdraw my motion.

**President Killion:** Thank you, Chairman Sitan. So, we have on hand the Proposal on first reading. Since we adopted the report. Unless there are others. Floor Leader, for the record, that’s confirmed the absences.

**Delegate Susaia:** President.

**President Killion:** Yes.

**Delegate Susaia:** A motion to defer the consideration of the proposal on first reading today to tomorrow.

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that we defer action on this particular proposal 04-02. All those in favor of the motion, say Aye. All those opposed, say Nay. Motion carried. The matter has been deferred to tomorrow's calendar. Moving on. Item 8. Any other first reading on committee proposals?

**Chief Clerk Reyes:** None, Mr. President.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None also, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Consideration of Resolutions.

**Chief Clerk Reyes:** At the moment, we do not have any resolutions, Mr. President.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Introduction and Referral of Delegate Proposals and Resolutions

**Chief Clerk Reyes:** Please refer to Referral Sheet No. 04-09.

**President Killion:** That is attached to the Order.

#### SPECIAL ORDERS

**President Killion:** Special Orders.

**Chief Clerk Reyes:** None at the moment Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business.

**Delegate Cantero:** Mr. President, if I may.

**President Killion:** Yes, Acting Floor Leader Cantero.

**Delegate Cantero:** Thank you. Again, our meeting today we encountered some challenges. Some different interpretations of what we could, could not do. But I think as a result of our meeting today, tomorrow going forward, I think when we get to this kind of situation, we already know and agreed to exactly what steps to take so we can be moving forward. So, I'd like to also to thank Chairman Sitan for his patience and his guidance and advice in that process. Thank you, Mr. Chairman. Just last, I just like to also comment that I sense, just myself, I sense that there is a little bit of disappointment on the role of our Floor Leader. Just my own sense that we would expect him to be also part of the process. He has been given the role, albeit he's excused I have a feeling that we would like for him to be part of our family as we get together every day, sacrifice our respective individual times to get here so we can get our process, Convention process forward. I just like to register that. I think it's my duty to do that as your Temporary Floor Leader. Mr. President. Thank you.

**President Killion:** Thank you, Acting Floor Leader. I think you can further consult your colleague as a cabinet member on that matter. But we truly appreciate your efforts to carry on the load that he's supposed to be providing, but we understand his reason for being absent today and the previous days.

Any other miscellaneous business? Before we continue on that, on that matter, I wish to urge the Special Committee to Wait on the President which was created at the beginning of this session to with the leadership of our Iso Nahnken, Vice President, to have your Committee to again and visit President Panuelo and inform him that we will be recessing and extend our appreciation and thanks for all the support that has been provided since the beginning of our session on Day 1 and other matters that you wish to convey to him. And I think Iso Nahnken has already been informed and some of you and I know there is one from each Delegation so perhaps given fact that we'll be recessing from tomorrow. Tomorrow will be our

last day before we go into recess. I urge, I respectfully and humbly request that your Special Committee take that up and plan for the visit to the President.

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia?

**Delegate Susaia:** Thank you for the extended assignment and breathing life into that Special Committee. I have a question on the Rules. Is there a particular provision in the Rules that specify how many excused absences a Delegate is provided or given? In line with what Delegate Cantero's concern.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:33 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:35 p.m..

**President Killion:** Now we're back to session. We're on Miscellaneous Business.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes. Delegate Fritz.

**Delegate Fritz:** I have just two small miscellaneous business.

**President Killion:** Go ahead. Proceed.

**Delegate Fritz:** Number one, on behalf of Delegate Hashiguchi and I, to thank Delegate Asterio for recognizing one of our constituents who is sitting in the gallery. So, thank you very much, Delegate Asterio. Another matter is, one day ago or so, I requested you to also view this side because we keep asking for you to recognize us, but you just keep looking at those two gentlemen on that side. I say this because we already adopted the pertinent Committee Report, but you notice on the Committee Report, I put "With Reservation". And I was hoping to explain why I had reservation on the Committee Report, but it's water under the bridge. So, look that way, look that way, and also look our way. Thank you very much.

**President Killion:** Don't worry. I'll do that. But you can express your reservation on the first reading since that's a pertinent matter. Thank you, Delegate Fritz.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Yes, I would like to extend on behalf of our Chuuk Delegation, your leadership. On behalf of this Convention. To express and extend our sincere gratitude and great appreciation to the people of Pohnpei who have shown generous and kind gesture of hospitality through their traditional leaders and state as well as the National officials. And I ask the proper people to please expedite my Resolution that will express those sentimentality. Thank you very much, Mr. President.

**President Killion:** Thank you very much, Delegate Bossy. Comments are well taken. LC and staff will look into that to ensure that you have the Resolution completed. Any other matters on miscellaneous business before we move on to Announcements? If none, announcements by the various Committee Chairperson, Chairmen?

#### ANNOUNCEMENTS

**President Killion:** Yes. Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much, Mr. President. The Committee on General Provisions will be meeting at 1 o'clock today after lunch. We ordered lunch, but I haven't seen it so we hope to have lunch. And we will be discussing three proposals, 4-03, 4-16, and 4-32 relating to threshold required to amend the Constitution. And if we discuss this faster, we can also discuss other matters. Thank you.

**President Killion:** Thank you very much, Chairperson Sigrah. So, I guess the lunch is also for those who will be attending. Members and non-members?

**Delegate Sigrah:** Mr. President, the meeting will be held at the Congress Hearing Room.

**President Killion:** Okay, the venue will be at the Congress Committee Room? The one that you have been using the past several days? Okay, 1 o'clock to 2:30 that's your time slot. Thank you, Madam Chair. Chairman Albert?

**Delegate Albert:** Thank you, Mr. President. For the CLT Committee, I just received a report from our legal staff so that will be placed on tomorrow's discussion. Tomorrow we're dedicating time to the Dual Citizenship issue so I invite all members to join at 8:30 same place. Sorry about the time slot. That's what's allocated to us. Thank you.

**President Killion:** Thank you, Chairman. Short recess declared.

President Killion declared the Convention recessed at 12:39 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 12:45 p.m..

**President Killion:** We're back to session. We're on Announcements.

**Delegate Sitan:** Mr. President.

**President Killion:** Go ahead, Delegate Sitan.

**Delegate Sitan:** Your Committee on Public Finance and Revenue will meet today at 2:30 in this Chamber instead of the Committee Room. We need to start shorting out all these Proposals to see if we can merge some of them before we break. So, during our consultation, we can confine to few and not too many. Thank you.

**President Killion:** Thank you very much, Chairman Sitan. So, your Committee will meet here, after lunch, at 2:30, I guess after the Committee on General Provisions meet at 1 o'clock. Okay, it shall be noted. Any other announcements? Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. Your Committee on Government Structure and Functions will have its meeting tomorrow at 2:30 here in this Chamber, tomorrow 2:30 p.m.

**President Killion:** Okay. Thank you, Chairman. So, the Committee on Government Structure and Functions shall meet here at 2:30 in this Chamber tomorrow to consider whatever proposals you're going to consider. It shall be noted. Any other announcements? If none, Acting Floor Leader?

**Delegate Cantero:** Thank you, Mr. President. I move for recess until tomorrow at 10 o'clock.

**President Killion:** Any second?

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that we recess until tomorrow at 10 o'clock. If no objection, all those in favor, say Aye. All those opposed, say Nay. Motion carried. Recess till tomorrow. Thank you.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 12:47 noon, until 10:00 a.m., Wednesday, January 22, 2020.

Respectfully submitted,  
/s/  
Atarino A. Helieisar  
Journal Clerk

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**THIRTEENTH DAY**

Wednesday, January 22, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:51 a.m., Wednesday, January 22, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Reyes called the roll, 23 delegates are present.

### ADOPTION OF JOURNAL

**President Killion:** Thank you Secretary. So, we have a quorum to transact business. For the record, Delegate Takesy is excused since he's ill today. So, moving on to Item 4, Adoption of the Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we adopt the Journal of yesterday's session subject to technical corrections.

**Delegate Fritz:** Second.

**President Killion:** It's been moved and seconded that we adopt the Journal from yesterday subject to technical corrections that will be made. Discussion? If none, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Communications.

**Chief Clerk Reyes:** For Communications, as of now we do not have one Mr. President.

### UNFINISHED BUSINESS

**President Killion:** Unfinished Business?

**Chief Clerk Reyes:** None, Mr. President.

### REPORTS OF COMMITTEES

**President Killion:** Item 7, Reports of Committees.

**Chief Clerk Reyes:** None, Mr. President.

FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** First Reading of Committee Proposals.

**Chief Clerk Reyes:** Under Item 8 for First Reading of Committee Proposals, we have one CC-PR-4-02 for first reading. This is attached to your Committee Report CC-SCR-4-01. CC-PR-4-02 is a proposed amendment to the Constitution to amend Article Section 1 (b) to amend that the distribution of foreign assistance fund will be made by an agreement between the States and National Government instead of shared an equal portion by all four States and National Government.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** Mr. President, I move that the Convention adopt the proposal on first reading.

**Floor Leader Yatilman:** Second.

**President Killion:** It's been moved and seconded that the Convention adopt the said proposal on first reading.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** I have a motion to make.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I move that Proposal CC-PR-04-02 be amended as proposed by my Rule 53 by submission.

**Delegate Noket:** Second.

**President Killion:** Thank you. I move for a short recess.

President Killion declared the Convention recessed at 10:55 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 10:56 a.m.

**President Killion:** We're now back to session. There's a proposed amendment by Chairman Nabeyan. Chairman Nabeyan?

**Delegate Nabeyan:** Thank you, Mr. President. Let me just explain the amendment proposal. In the last line of the Amendment Proposal of CC-PR-94-02, between the words in the last line, the word by and the word agreement, I am proposing to insert the word "**unanimous**". I am also proposing for the last sentence be added to the proposal to read as follows:

*Quote: "If such no agreement is reached within one calendar year after the National Government receives the assistance or by a month before the expiration of the assistance whichever is earlier, then each state shall receive a share equal to the share of the National Government and the share of every other state." Unquote.*

**President Killion:** Thank you, Chairman Nabeyan. Your proposed amendment was seconded. Discussion on the amendment as proposed?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Yes. Does it mean that if one state opposed such agreement and it therefore not passed, and it can refer to the old way?

**President Killion:** Yes. Okay, Chairman Nabeyan, clarification?

**Delegate Nabeyan:** Yeah. I think the amendment is clarifying, because an agreement is a meeting of minds of the governments. So just to avoid any thought, the agreement is to clarify that it is a unanimous agreement among the five governments. The issue right now is the current proposal just requires the governments agreed to the allocation of the funds but it does not provide the mechanism as a fallback position when the agreement is not reached. So, the

answer to Delegate Sitan's question is yes, with the intention to make it that all governments have to agree on the allocation of the fund. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. Does that satisfy your query, Chairman Sitan?

**Delegate Sitan:** No. Can I ask for a short recess?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 10:58 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:59 a.m.

**President Killion:** We're now back to session. Motion at hand is the proposed amendment by Chairman Nabeyan to the main proposal. Yes, Chairman Sitan.

**Delegate Sitan:** I just want to put on record that the amendment therefore, essentially just maintain the current status quo on the practical bases if there's no agreement.

**President Killion:** Thank you. Any other discussions?

**Delegate Asher:** Mr. President.

**President Killion:** Yes, Chairman Asher.

**Delegate Asher:** Yes, Thank you Mr. President and Good Morning to all Delegates. Yesterday I said on the record about my skepticisms on this particular proposal but today hearing the nature of the amendment proposed by Chairman Nabeyan, I think it will satisfy the uncertainties that I had when I stated my comments yesterday. So, I hereby second to the motion to amend. Thank you.

**President Killion:** Thank you, Chairman Asher. Any more discussion on the amendment?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you very much for recognizing me. All along including those proposals that I introduced, I always try to seek a way to accommodate the interest of our Municipal Governments where our citizens reside, and also on the questions of sharing, I've always advocated a view that we should have the equitable sharing instead of equal sharing. Because if the Governors and the President get together, they could also agree that this year almost like a rotation to maximize the effective use of the grants that will be given to Yap or even given to Kosrae based on some equitable consideration. So because the proposed amendment does not in any way consider the interest of those that I represent, I move that we defer action on this to the sitting of this Convention.

**Delegate Kanto:** Second.

**President Killion:** Okay. It's been moved and seconded that we defer action on the proposed amendment by Chairman Nabeyan on the main proposal by Chairman Sitan.

**Delegate Nabeyan:** Mr. President.

**President Killion:** It's been moved and seconded and I think the motion is undebatable.

**Delegate Nabeyan:** May I, Mr. President?

**President Killion:** Declare short recess.

President Killion declared the Convention recessed at 11:02 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:06 a.m.

**President Killion:** We're now back to session. Delegate Fritz.

**Delegate Fritz:** Thank you, Mr. President. Based on the understanding that we shared during the recess, I humbly withdraw my motion and may I request the Secunder to also concur with me so it can be properly withdrawn.

**Delegate Kanto:** I concur.

**President Killion:** Thank you, Delegate Fritz. I believe the Secunder of your motion, hereby agrees to withdraw his second.

**Delegate Kanto:** Yes.

**President Killion:** So if not objection, all those in favor say Aye. Yes, well it's been withdrawn and we're now back to the main motion which was amended by Chairman Nabeyan.

**Delegate Susaia:** Mr. President.

**Delegate Nabeyan:** Recess, please?

**Delegate Susaia:** The motion to amend is still in discussion. So I can make the motion to recommit with the motion to amend with the proposal back to the Committee. That's what we need.

**President Killion:** Yes. Since Delegate Fritz motion has been withdrawn, now we're back to the main motion.

**Delegate Susaia:** So, Delegate Nabeyan's motion is still active, so I'll just make a motion to recommit.

**Delegate Sitan:** Are we in recess?

**President Killion:** No, we are not in recess. So, Chairman Sitan. We still on the matter. Okay. For the record, the motion to defer the amendment was withdrawn and now we're back to the main motion at hand per Chairman Nabeyan's amendment to be adopted. You want to withdraw your or you want to withdraw the whole thing?

**Delegate Nabeyan:** Recess, please?

**President Killion:** Yes, Recess call to order.

President Killion declared the Convention recessed at 11:08 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:16 a.m..

**President Killion:** We're now back to session. Delegate Susaia.

**Delegate Susaia:** Mr. President, Thank you. I make a motion to recommit the proposal under consideration along with the proposed written amendments that have been shared to each one of us by Chairman Nabeyan to the Committee on Public Finance and Budget.

**President Killion:** Any Second?

**Delegate Sigrah:** Second.

**President Killion:** Okay. It's been moved and seconded that the motion that was proposed by Delegate Susaia is adopted. Any discussion?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Yeah, I like to get an explanation from Delegate Susaia on what is the reason to do this?

**President Killion:** Delegate Susaia, you have been requested to elaborate on your motion.

**Delegate Susaia:** I believe we have enough time to consider Delegate Nabeyan's proposed written amendment. And if there's a need to improve on it, it's better if the Committee handles it, rather than debating it in this Convention.

**President Killion:** Thank you, Chairman Susaia.

**Delegate Noket:** Mr. President.

**President Killion:** Delegate Noket.

**Delegate Noket:** Mr. President, the amendment itself is clear. I don't know what the Committee is going to do with the amendment as Chairman Sitan as said.

I don't see any reason for the referral. What additional information do we need when it's fully explained by the person who made the motion to amend. It's Chairman Nabeyan's motion. If it's not clear enough, let's ask him to clearly clarify what the amendment is. If we referred back to the Committee to work on the proposal, it will come up the same. It will come back to the Convention with the same thing. What we really doing is, delaying, delaying, delaying our work. I don't know what more explanation we need for the amendment when it was already discussed earlier. Thank you, Mr. President.

**President Killion:** Thank you, Delegate Noket.

**Delegate Sighrah:** Mr. President.

**President Killion:** Yes, Chairperson Sighrah.

**Delegate Sighrah:** Thank you very much, Mr. President. I seconded the motion because as we heard yesterday, there's been some registered concerns on these proposals. And the position to recommit is concerned that it needs more work at the Committee level. We may come up with more amendments to the amendments in here. So, I believe that it has enough support for the proposals to be recommitted to the Committee. Thank you.

**President Killion:** Thank you. Yes, Delegate Fritz.

**Delegate Fritz:** Yes, I call for Question.

**President Killion:** Okay. Any second? Close debate, for those in favor say Aye. All those opposed say Nay. So, motion carried.

The motion carried by voice vote of Delegates.

So now we're back to the motion to defer. All those in favor of the motion proposed by Chairman Susaia, raise your right hand. Count. Thank you. All those opposed the motion, raise your right hand. What's the count? Who is abstaining from voting for the record? Short recess.

President Killion declared the Convention recessed at 11:20 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 11:21 a.m.

**President Killion:** We're now back to session.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader Yatilman.

**Floor Leader Yatilman:** Can we go back to recess, please?

**President Killion:** Recess.

President Killion declared the Convention recessed at 11:22 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:23 a.m.

**President Killion:** We're now back to session. The result of the vote that we just did on the motion to recommit the proposal to the Committee. Thirteen (13) vote for and ten (10) against. That means the proposal has been hereby recommitted back to the Committee on Public Finance and Revenue. Moving on, Secretary.

The motion carried by hand vote of Delegates.

### SECOND READING OF COMMITTEE PROPOSALS

**Chief Clerk Reyes:** There are no more First Reading of Proposals. So, our next item is on Item 9, Second Reading of Committee Proposals. None as of now, Mr. President.

### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None also, Mr. President.

### CONSIDERATION OF RESOLUTIONS

**President Killion:** Consideration of Resolutions.

**Chief Clerk Reyes:** There are no Resolutions, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND  
RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Please refer to Referral Sheet No. 4-10.

SPECIAL ORDERS

**President Killion:** Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business.

**Delegate Palsis:** Mr. President.

**President Killion:** Yes, Chairman Palsis.

**Delegate Palsis:** Thank you, Mr. President. I would like to call upon the attention of the Convention to recognize the former Kosrae Chief Justice who is in the back of the room. Aliksa, if you are there, please rise for recognition. Thank you. (Applause)

**President Killion:** Thank you. Any other miscellaneous?

**Delegate Liwy:** Mr. President.

**President Killion:** Yes, Delegate Liwy.

**Delegate Liwy:** Thank you, Mr. President. Before I go on, my respect to Isoko, Mr. President, and Delegates of the 4<sup>th</sup> FSM Constitutional Convention. It is indeed a great pleasure to rise on the point of privilege. Please allow me to also take this time on behalf of myself and Delegate Kanto to recognize one of our

Board of Regents from the College of Micronesia-FSM, Mrs. Susan Lowe Gallen, who is observing our session this morning. Please give her a round of applause.  
(Applause)

I also want to take this opportunity to convey our words of appreciations to the Pohnpei Public Broadcasting Corporation for them continuously providing live stream of our sessions to the people of the Federation and people abroad. Our main goal of the successful and monumental and historic proceeding, is to ensure that we meet the threshold. That, I thank the Pohnpei Public Broadcasting Corporation for being able to provide that. Being transparent is crucial to ensure that goal. If it could be possible for our Secretariat to ask our IT to also include the schedules on our website and also include some sort of link for any discussions that can be available to the people so that they can raise their concerns through our website. What I sense during our deliberations from each individual Delegates from each respectful State, we all came to the Convention with a strong feeling to ensure we all take back to our states what we deserve or their state share of the pie. To make it short, I humbly request the Convention to ensure to protect the people's will and give the power back to the people.

To conclude, Mr. President and Members of the 4<sup>th</sup> FSM Constitutional Convention, I have a niece who is fighting for her life due to a tragic incident that happen to her. Her name is Switer Roby, and I humbly ask that this Convention, the people is the gallery, and the people from abroad who are tuning in on the live stream, listening to our session to remember her in your prayers. Thank you very much.

**President Killion:** Thank you very much, Delegate Liwy. Any other miscellaneous business.

**Delegate Palsis:** Mr. President.

**President Killion:** Yes, Chairman Palsis again.

**Delegate Palsis:** I know it's an oversight on my part when it came to Item 11 for Resolutions. There's a resolution that I feel that we should take up since we are going on recess, and I think it's better to take action on this before we go on recess. Otherwise, it will become an history. So, if it's proper, I want to make a motion that Resolution No. 4-06 be placed on the Order. So, Mr. President, I move that we place the Resolution on the Calendar for today.

**Delegate Susaia:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:29 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:33 a.m.

**President Killion:** We're now back to session. Chairman Palsis.

**Delegate Palsis:** Thank you, Mr. President. I now move that Resolution 4-07 be placed on the calendar.

**Delegate Bossy:** Second.

**President Killion:** So, it has been moved and seconded that the said Resolution be placed on today's calendar. Discussion? Chairman Palsis?

**Delegate Palsis:** Yes. As discussed earlier, this really should have come along with the previous Resolutions that were adopted by this ConCon. And the fact that we're on recess, will be on recess today, by having to put off our action on this after we come back from our consultation will be in history so I take it that it is most appropriate for the Convention to take action on this one. I so move.

**Delegate Sitan:** Question.

**President Killion:** All those in favor to stop debate, say Aye.

**Delegate Fritz:** Point of Information. We really cannot hear from this side. So, I humbly request our respectful Delegate to speak closer to the mic so we can hear.

**President Killion:** Okay. Chairman Palsis, can you restate the matter, your motion on the Resolution?

**Delegate Palsis:** I restate my motion to place Resolution No. 4-07 on today's calendar. That's the motion.

**President Killion:** And was there any second? It was seconded, so if no objection, all those in favor of the motion, say Aye. All those opposed, say Nay. So, the said Resolution is placed on today's calendar.

**Delegate Susaia:** Previous question.

**President Killion:** If no objection, all those in favor of the motion, say Aye. All those opposed, say Nay. Motion carried. Sorry.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** Are we in session or we in recess? Short recess please.

President Killion declared the Convention recessed at 11:36 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:37 a.m.

**President Killion:** We're now back to session. Secretary, can you read the main title and the Resolution?

**Chief Clerk Reyes:** Thank you, Mr. President. Now we are back to Consideration of Resolutions. We have one and it's Convention Resolution No. CC-RES-4-07 for adoption. Convention Resolution CC-RES-4-07 is a resolution expressing congratulations to the Honorable Reed B. Oliver, the Honorable Feliciano M. Perman, the Honorable Ausen T. Lambert and members of the 10<sup>th</sup> Pohnpei State Legislature and gratitude and appreciation to Pohnpei State for the invitation to the Delegates to the Fourth Constitutional Convention of the Federated States of Micronesia to attend the 2020 Joint Inauguration of the Governor-Elect, Lt. Governor-Elect, and members of the 10<sup>th</sup> Pohnpei State Legislature.

**President Killion:** There you have it. Yes, Chairman Palsis?

**Delegate Palsis:** Mr. President, I so move for the adoption of the Resolution.

**President Killion:** Any second? It's been moved and seconded that the said Resolution be adopted. Discussion?

**Delegate Susaia:** Question.

**President Killion:** If no objection, let's vote on the main motion to adopt the said Resolution. All those in favor, say Aye. All those opposed, say Nay. Resolution carried. Thank you very much. Now we're back to, if no other matters on Resolution, we go back down to Miscellaneous Business.

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Chairperson Mori?

**Delegate Mori:** Are we in Miscellaneous?

**President Killion:** We're in Miscellaneous.

**Delegate Sitan:** Short recess.

**Delegate Fritz:** Mr. President, Point of Order.

**Delegate Sitan:** There's one more.

**President Killion:** Short recess

President Killion declared the Convention recessed at 11:39 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:41 a.m.

**President Killion:** We're now back to session. If no objection, we go back to Resolution calendar. Item 11. Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that we place Convention Resolution No. CC-RES-4-06 on today's calendar.

**Delegate Kanto:** Second.

**President Killion:** That's been moved and seconded that that said Resolution be placed on today's calendar.

**Delegate Sitan:** Question.

**President Killion:** If no objection, all those in favor of the motion, say Aye. All those opposed, say Nay. Motion carried. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that Convention adopts Convention Resolution No. CC-RES-4-06.

**President Killion:** It's been moved and seconded that the said Resolution be adopted. Discussion? Secretary, read out the title.

**Chief Clerk Reyes:** Thank you, Mr. President. Under Resolution calendar, we now have Convention Resolution No. CC-RES-4-06 for adoption. Convention Resolution No. CC-RES-4-06 is a resolution expressing and extending sincere gratitude and great appreciation to the people of Pohnpei who have shown generous and kind gestures of great hospitality through their traditional and state leaders to the Delegates of the Fourth FSM Constitutional Convention.

**Delegate Sitan:** Question.

**President Killion:** That is the Resolution. Discussion? If no objection, let's vote. All those in favor of the said Resolution, say Aye. All those opposed, say Nay. Motion carried. So, if no objection, we go back to Miscellaneous Business.

**President Killion:** Any other miscellaneous business by any of the Delegates?

**Delegate Mori:** President.

**President Killion:** Yes, Chairperson Mori?

**Delegate Mori:** Thank you President Killion. Foremost, I remain grateful for each day that the Lord so generously blesses us with, as we continue to deliberate on this very important responsibility to our nation, entrusted to us by the people.

I would like to convey my respects to the traditional leaders of my home state of Chuuk to include our very own Chief Camillo Noket, most reverend respects to Iso Nahnken from the Kingdom of Nett, Chief Victor Nabeyan of Yap State, my esteemed colleagues, Honorable Delegates to the Fourth ConCon, Good Morning and Tirow.

I would like to thank my dear colleagues from the states of Chuuk, Kosrae, Pohnpei and Yap for a very enriching experience as we close this first chapter of the work entrusted to us from our individual home states as well as our beloved FSM Federation. As we find our way back to our homes and families, for this period of recess, I leave with an abundance of unprecedented friendships while reuniting with many old friends as well. With 24 personalities and great minds, our mandate is not a simple one. I congratulate each and every one of us for the accomplishments thus far.

I also extend my gratitude to the great people of the state of Pohnpei for their unending hospitality and generosity which I hope to personally reciprocate should the opportunity permit.

As we all embark on engaging with our people and families back home on what has transpired in these great Halls of FSM Congress, I extend a special ‘Thank You’ to Speaker Wesley Simina and the members of the 21<sup>st</sup> Congress.

I wish all of you a safe journey and look forward to a greater second half of the Fourth FSM Constitutional Convention.

Kinisou chapur, Thank you very much.

**President Killion:** Thank you very much, Chairperson Mori.

**Delegate Noket:** Mr. President.

**President Killion:** Yes. Delegate Noket. Chief Noket.

**Delegate Noket:** Thank you very much, Mr. President. Now we have completed 14 days out of the 45 days Convention. We only have about half of that remaining so to be exact about 17 more days and we have not completed, we have not finished not even pass a Proposal. I’m just wondering if the Officers of this Convention can request Congress to again give us more days, maybe 15 more days to complete our work. By law we are required to complete our work for 45 days and looking at what we have accomplished so far. We completed 14 days, we have

not completed anything. We have not accomplished anything yet. Instead we are arguing on procedures of the Convention. So, probably it's proper that the Convention Officers should request Congress to extend, 14 or 15 more days for our Convention to complete our work. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Noket. That is a valid concern. However, as you had pointed out, we had expended, today is the 13<sup>th</sup> day or 14<sup>th</sup> day. So, if we take into account the additional 15 days, Yes. After the break, we would have at least 30 more days, but hopefully we can try our best especially during the recess to expedite our work and we can come back and move on. If there are no other comments? Yes, Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. Now I start to believe what my colleague from Chuuk Delegate Fritz has been saying, you keep looking to our corner. I'm saying this because I think it should be better practice that if there is amendment to a proposal it should be done in a transparent way, meaning in the Convention instead of Committee, because this is where the Journal is taken. So, I ask, even though it's not clear in our Rules, but to be transparent, I think that should be the way to address any amendments for any proposals from any Delegates in the Plenary so they can explain the reason and argue against, for, or not but I think we should follow what we've been saying all along. Be transparent and practical. Thank you.

**President Killion:** Thank you. If no....

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. My respects to you and to all the Convention Officers. As we all know after this session today this Convention will go into recess. A recess that will enable us, the Delegates to go out into our respective communities to conduct consultation, a term that has raised some thoughts in my mind as to what it means, or ought to mean in the context of this Convention. On that note, let me express my gratitude to you and to all the Delegates for the product that we have done so far. I gather that this Convention has produced close to 70 or is in possession of the 60 some proposed amendments. Having participated in two of the last three Conventions, this is impressive. I observed a correlation between the frequency of this undertaking for this kind of undertaking in terms of its product expressed over time. So, we will go out to

conduct consultations. We will sail from Pohnpei to our respective communities and then this question has been raised by my Chief, Samol Camillo Noket. What are we going to tell them? What are we going to tell our people? Perhaps it would have been better if we went on consultation before the Convention, but that is passed already. So, I am very grateful that we're going to make sure that we fill a vacuum when we go out into the communities. Otherwise, this Fourth Convention would have to be the first Convention to be conducted without consultation. So, it's important that we do that for the people of this country so that this Convention, this Fourth Convention can still be people-oriented. I am sure all of us have our moments of, uncomfortable moments of coming face to face with encounters?. There is a Chuukese expression, "?????" which means you only remember me at sundown. I am happy that we correct that by going for recess so that nobody can tell us during the twilight of the day you go and join your friends, your real friends but you forgot about me except at sundown. Now I'm happy. We'll go out and consult so that we also avoid people saying "Uwa netiw, uwa neta, chuu mesei me inochi." I look down, I look up, we came face to face again. So, this recess will remove those. That's why I am happy that we will sail on. We have no choice, but to go out to the people and meet with them. Sail on, Delegates. Whatever mode of travel you take, whether sailing, flying, or going on motor boats, Bon Voyage. Sail on, sail on, Delegates. Our time has come to shine. Thank you.

**President Killion:** Thank you Delegate Naich. I'm sure we're taking your advice, but it's not going to be sundown, but sunrise again. Thank you. Yes, Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I just wanted to go back and express the sentiments expressed by Delegate Sitan because I made a mistake in raising my hand in favor of recommitting, but it's too late. It's water under the bridge. I lowered my hand, but I guess I was already counted. That's why I raised that question of whether someone in absentia is counted as abstention. Anyway, I think we need to consider that because the Committee had done its work diligently and then reported it out to the Plenary and we can do amendments here in Plenary and then debate the issue until everyone is convinced one way or the other instead of recommitting to Committee. Because I can see us not being able to progress forward if we continue to do this. So, I just wanted to support that statement made by Delegate Sitan about moving forward. Thank you very much, Mr. President.

**President Killion:** Thank you very much. Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much. I would like to join my Delegates in thanking you, Mr. President, Mr. Vice President Iso Nahnken, and all the Officers plus the magnificent staff that we have here, that service us throughout the first part of the session. And because I am so privileged and honored to be a Delegate from the beautiful State of Kosrae and further honored and privileged to be a woman Delegate in this Convention, I would like to thank all of my fellow Delegates for your courtesy, and your friendship, and respect and the good dialogue and the good friendship that I have received and encountered. Thank you to all of the members of the Committee on General Provisions for your great attendance at our meetings and I thank each and all of you here. We had a great session and we look forward to the next session. Thank you.

**President Killion:** Thank you, Chairperson.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Thank you, Mr. President. My respects to you and to Iso Nahnken the Vice President, Floor Leader Yatilman, and the rest of the Delegates of this Convention. I would like to share the good thoughts from Honorable Delegate Asterio Takesy, that our principle here is to stimulate, strengthen, and support our unity and the FSM economy. And our objective should be a unified effort in this and our endeavor to revise or amend the FSM Constitution for a better and stronger Government to provide stronger public service to the People. And our goal should be to have sustainable and perpetual peace and happiness in our environment and in this Nation. Thank you very much, Mr. President.

**President Killion:** Thank you very much, Delegate Bossy. I have a short statement to make before we recess.

**Vice President Iriarte:** President.

**President Killion:** Yes. Iso Nahnken.

**Vice President Iriarte:** I understand that we will be having recess and we will be coming back. During this recess, we'll be visiting villages, explaining and answering questions. And of course, as a traditional leader, we also have a saying that unity means strength. But I want this question with us working on the Constitution. We have the know, we understand that we have this system, State

Constitutions and another Constitution which we call Local Constitutions. All these belong to the People. So, the question after these 40 years of being together, these numbers of proposals that we have before us, over 60. What is the truth over here? The unity and changing every 10 years. Is this a kind of spirit of unity? Did we see changing now it seems like we almost touch every article of this important part of the Constitution. So, I would like to request that all members of this Fourth Constitutional Convention put in our minds that there should be respect to those other level of Constitutions in the States. Because this can divide us. If these four stars we're talking about five governments. So, what is one star? The ocean, maybe. So, if that one star, invisible star that we are working on now, do not respect the Constitution of the four stars, that will be a problem. That will cause problems between the citizens of this Nation. I said days before, in my remarks during the Inauguration, we'll have to think big because we are big. We are feeding the world or contributing to the world peace because we have an ocean that is larger than United States. But when I come back and I listen to debates, I listen to the voice of Chuukese, Kosraens, Yapese. Sometimes I wonder if we can be together in the future. Some proposals will of course create programs. I can see now, if it passes, we will be discussing later. But I can see that there is going to be problems. On issues of land, this is very important. This is where our life is centered on. So, when you go, ask this question, can we continue in this unity? If yes, then this Convention, the Fourth Convention will prove it. We'll make sure that what we put, the changes that we make will support the spirit of unity of this Nation. You go and come back, we'll be expecting you in the next round of negotiations on our Constitution of this Nation. Thank you very much.

**President Killion:** Thank you very much, Iso Nahnken Iriarte for the very profound and meaningful statement. I have a short statement to make on this Miscellaneous Business.

Iso Nahnken Iriarte, distinguished Delegates, our Convention staff, ladies and gentlemen. As today's our last day for our Convention session before we take break, I wish to thank you all for the hard work and support which all of you had put in from day one of our session, which started about two weeks ago. We all know our Mandate has selected Delegates to this Fourth FSM Constitutional Convention to review our current FSM Constitution and see how much an important document could be modified to best address the current and future needs of our young Nation, particularly for our people now and the future generations of this Nation. We all know that this is a solemn task and responsibility to which our constituents have entrusted us to do and in retrospect, I as President of this Convention can comfortably state that we have successfully the first order in

organizing ourselves to move forward and undertake the main task of reviewing our Constitution as called for in the Enabling Legislation, Public Law No. 21-19.

Needless to say, the eyes of our Nation is on us as we undertake this very important task of reviewing our Constitution. Given the numerous challenges facing our Nation as well as our individual States. As we had agreed earlier, this upcoming recess, which will be about 30 days will afford us the Delegates the opportunity to consult with our people in each of our four States on the various Constitutional Proposals which have been introduced so far in our Convention, the outcome of which I believe will be very useful in finalizing our thoughts and decisions on such proposals after we return next month to complete our task in completing our review of our Constitution as called for.

During the recess, I also encourage each of the Committee Chairmen, Chairpersons to review the various proposals which have been introduced and assigned to your respective Committees and see how they could possibly be reconciled so that they can be best handled immediately after we come back, after we return to resume this Convention next month. Likewise, I would also like to request that during the recess, each Delegation prioritizes State priorities of proposals to be discussed or handled after the recess. Our Legal Counsel and our Executive Director along with the support Delegation staff in each of the State Delegations will be available online to provide advice on matters which you may have while you're out in your respective States doing the consultations. Before closing, I wish just to again reiterate on our behalf our thanks to President Panuelo and his Cabinet and staff of our National Government Executive Branch, Speaker Simina, Vice Speaker Moses, and members of our FSM Congress and their staff, as well as Chief Justice Yamase and his legal staff and other administrative staff of our National Judiciary Branch for all the support rendered, they have rendered to our Convention these past two weeks, without which it would have been difficult to start our Convention earlier this month and continuing on to today. I will be remiss if I don't mention our thanks and gratitude to our legal staff, Ms. Kathy Burch as well as our Executive Director, Mr. Kapilly Capelle as well as our other legal staff from the other departments and administrative staff from Congress, who had assisted us during these past two weeks and of course, our journal clerk, secretary Ms. Jessica Reyes, and Mr. Atarino Helieisar and other support staff from all the branches of our National Government and State Governments as well. I look forward to seeing you all next month after the recess and I wish you the very best and safe trips and journeys as you return to your home states and islands and especially as you return back to see your families and friends in your home states.

Thank you very much everyone. Thank you. Any other miscellaneous business before we go on to Announcements?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia?

**Delegate Susaia:** I will submit a written statement for the record for today for the sake of time, if it's so permitted.

**President Killion:** Thank you. If no objection, it shall be done.

**Delegate Susaia:** Mr. President, colleagues and fellow citizens. With your indulgence, I wish to join the previous speakers and offer a few words as we prepare to go into recess, subject to the call of the chair. At the outset, I wish to pay my respects to the traditional leaders of our country, especially the guardians of Pohnpei, on which ground we assembled today. Keipweni pahn samatail Eni Lap, Kauno Koht. Keipweni pohn Ereksa Nanmwariki kan en Pohnpei uh, Wahulap pohn Iso Naniken ko, lapalap kan en palien tiahk, mwoadisou kan, government en Pohnpei State, Municipal Koperment kan, oh karoasie tohn pei Sarawi en Pohnpei. Re ketin kupwure pwe ien kak doadoahki masen de pato en English.

Recalling those hot summer days, 41 years ago in Saipan at the White Sands Hotel, our founding fathers debated at length over the government structure, the taxing authority, public finance and the separation of powers between the national, state and municipal governments. From these discussions, they were able to agree to the existing provisions of our FSM Constitution. We, the delegates to this 4<sup>th</sup> FSM Con-Con cannot re-walk the exact footprints they left behind, but we may be able to add or improve on some of these provisions, if we work together and strengthen our resolve to live as one people under this same Constitution. If we are sincere in our commitment to work together, we will be able to agree to the changes or amendments which will strengthen Unity in the FSM.

I am confident in our efforts and dedication to do the best for our people. In fact, I believe our first order of business after we return from this recess should be to commit ourselves to work harder and together as a unified body. This is essential. Despite any differences we may have, it is incumbent upon us as duly elected representatives of the people to this Convention that we commit to these noble causes of strengthening our Unity.

In our deliberations, we must recognize the changing world and emerging realities in front of us. No longer is the outside world a far-off entity over the horizon which we used to think of as innocent children running around on our remote island atolls, towns and villages many moons ago. No longer is the land of opportunity beyond the reachable stretch of our imaginations. We have grown and matured as a nation. We have rightfully assumed our place as a village among the global community of villages. The world has expanded in the face of globalization. So change we must, and when one third of our citizens find homes in the United States and elsewhere, it is imperative that we respond to these changing dynamics and let our conscience bring out the best of us. We must do what is best for our people given the circumstances we live in today. Our people living in faraway places like Springdale in Arkansas, in Milan, Minnesota, in the deep Southern cities of Alabama, Georgia, and Florida have one thing in common. They are citizens of the Federated States of Micronesia, and I know they are proud of it. We must address the issue of Dual Citizenship for the sake of our people who deserve this privilege.

It stands to reason that we also must not be so quick to change things solely for the sake of change itself. After all, some things are better off if we leave them untouched and intact. And among these, which is fundamental in my view, is the preservation of Unity as the fundamental pillar of this Federation. Any action that compromises the fabric of Unity for our federation must be opposed with every ounce of our energy. As a small island country in a big world, we are better off together as one country. The world order these days favors the forces of globalization and the building of regional alliances. It is in our best interest to remain united and continue to live together as one people.

In preserving the Unity of this Federation, we also have to be mindful of the needs of the States. After all, the uniqueness of our federation lies in the extent of the constitutional authority and resources given to the States to manage their own affairs of state. Our goal is to ensure that the States are equipped with adequate financial resources and the tools to carry out their constitutional mandates. I am very aware of the challenge and the daunting task of addressing revenue sharing with the States. However, I believe it is prime time that this dicey issue of revenue sharing is addressed head on. I believe also that our work in this Convention can be successful if we are able to agree to a better formula of revenue sharing. It will be difficult, but we must find a way to do it. If we are serious about strengthening and preserving Unity, let us dedicate ourselves to the spirit of the work our founding fathers achieved in the summer of 1975. Creating a nation which has sustained the winds of change over the years is a more daunting task than agreeing to make the

necessary changes to our Constitution and devise an acceptable and workable sharing of the revenues between the National and State Governments.

Mr. President and my fellow delegates, this 4<sup>th</sup> FSM Constitutional Convention provides us an opportunity to heed the challenges of our times. It provides us the opportunity to make real changes for the sake of our people. Let us not fail them or we will waver between utter despair and glimmers of hope for a better tomorrow.

Kalahngan, Kilisou Chapur, Kamagar, Kulo Mulalap

**President Killion:** Thank you, Delegate Susaia. Yes, Delegate Hashiguchi.

**Delegate Hashiguchi:** Thank you, Mr. President. This is on the Committee to Wait on the President. I think they scheduled a meeting today. If I could humbly request on behalf of the Chuuk Northwest Team outreach for the outer islands of Chuuk that you humbly request the assistance and support of, Mr. President, to our humble request for one of the patrol boats for Chuuk and, I think to Pohnpei team. Just to echo, I'm sure that a letter has been transmitted from you, Mr. President to that request and I think it's important that we continue as mentioned by my fellow Delegates right here that it's important, the outreach and the consultation and to really go out and engage with our citizens out there. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Hashiguchi. Yes, of course the request has been made to the President for the uses of those two patrol boats for Chuuk and Pohnpei based on their discussion. Of course, Yap and Kosrae have different requests and the Secretariat is also taking action on those. Any other miscellaneous business? If none, Announcements?

#### ANNOUNCEMENTS

**Delegate Mori:** Mr. President.

**President Killion:** Yes. Chairperson Mori.

**Delegate Mori:** Thank you. I would like to remind the Convention as well as the people of Chuuk that reside or are on Pohnpei currently that we have a consultation scheduled tomorrow at the SBDC Center in town, 2<sup>nd</sup> floor at 3 p.m., 3 to 6 p.m. tomorrow. Additionally, on Friday, we have another consultation at the

COM campus at 1 o'clock for the students and anyone else that may be interested. Thank you.

**President Killion:** Thank you, Chairperson Mori for the announcement for those meetings. Any other announcements by any other Chairmen, Chairpersons? Yes, Delegate Susaia.

**Delegate Susaia:** Mr. President, your Special Committee to say farewell to the President this afternoon will meet him at 1 o'clock.

**President Killion:** Okay, you have less than an hour to meet, so that appointment has been made for our Committee to see the President on our behalf at 1 o'clock this afternoon. Yes, any other announcements?

**Delegate Nabeyan:** Here, Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. Your Committee on Government Structure and Functions will not have its meeting today. It's cancelled. We're not quite yet prepared for it so we'll recess. We'll start our meeting when we come back from our recess. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. So, the Committee on Government Structure and Functions is in recess also until, as you said, after the recess, when we come back. Any other announcements by any of the other Chairmen, Chairpersons of Committees? I guess we're happy and satisfied to take the break. If none, Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you, Mr. President. I move that the Convention stands in recess until on or about February 24<sup>th</sup>.

**Delegate Bossy:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until about February 24<sup>th</sup> but subject to the call of the Chair. That is understood in case something happens. If no discussion, all those in favor of the motion, say Aye. All those opposed, say Nay. Those who say Nay, you can stay here until next month. Our session is hereby recessed until next month, about February 24<sup>th</sup>. Thank you.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 12:14 noon, until about February 24<sup>th</sup> but subject to the call of the Chair.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**FOURTEENTH DAY**

Monday, February 24, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:24 a.m., Monday, February 24, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll, 23 delegates are present.

**President Killion:** Thank you Secretary. For the record, Delegate Palsis is excused.

Iso Nahnken Iriarte, fellow Delegates, Ladies and Gentlemen..

As President of the 4<sup>th</sup> FSM Constitutional Convention, I wish to warmly welcome you all back to Palikir, Pohnpei, FSM after the 30 days recess, doing the consultations with our people throughout our nation. I trust that all of us had a successful consultations with our people on our islands and communities and that the input received at these consultations meetings will be very useful and pertinent

in our final review and deliberations on each of the Proposed Amendments to our FSM Constitution – Those sixty-two (62) Proposals which were already introduced during the first part of our Convention and the other remaining once which may be introduced during the remaining days of our Convention. On our behalf, I wish to formally express our thanks and appreciation to our people throughout our nation, especially those whom were visited during the consultations during these past 30 days.

Furthermore, it is only fitting and proper that also on our behalf, I wish to again express our gratitude and appreciation to President Panuelo and his administration for their continued support and assistance for our Convention, particularly, in supporting our request to our Congress for the additional funding of \$776,000 plus needed to enable us to complete our statutory mandates as per Public Law No. 21-19.

Likewise, I also wish to thank our FSM Congress, under the leadership of Speaker Simina and Vice Speaker Moses for their generosity and support in approving this funding request, as well as enacting certain legislation needed for clarifying some issues relating to the operation of our Convention.

As we are just starting the second half of our Convention, I look forward to working closely with each and everyone of you, fellow Delegates, including the Officers of the Convention and the Chairpersons of the Four (4) State Delegations as well as our core staff and those staff provided by the other branches and agencies of our National Government.

At this juncture, I wish to reiterate the guiding principles which I had pointed out earlier at this Convention which we should try to use in our final review of our FSM Constitution which are the following:

- Ensuring to the extent possible, that the Proposed Amendments support and foster national unity throughout the FSM.
- Ensuring that the Proposed Amendments support economic prosperity for our nation; and
- Ensuring that the Proposed Amendments serve to further improve and enhance government efficiency throughout the FSM for the benefit of our people.

We have our mandates cut out for us, and I humbly request that we make good use of the remaining days of this Convention, as well as the available

financial and technical resources which had been provided by our mandates, for the benefit of our people now, and most especially for our future generations in making the needed changes for our one and only FSM Constitution. Thank you.

Moving on to Item 4, Adoption of the Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we adopt the Journal of the Thirteenth Day of our meeting.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we adopt the Journal. Discussion?

**Delegate Bossy:** Question.

**President Killion:** Question has been called for. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Communications.

**Chief Clerk Reyes:** For Item 5, Communications. We are in receipt of one Agency and Government Authority Communication No. 4-01.

### UNFINISHED BUSINESS

**President Killion:** Unfinished Business. Item 6.

**Chief Clerk Reyes:** None, Mr. President.

**Delegate Martin:** Point of privilege, Mr. President.

**President Killion:** Yes. Point of privilege, Delegate Martin.

**Delegate Martin:** Thank you very much, Mr. President. With all due respect to you, Mr. President, Iso Nahnken of Nett and all Delegates, I just wish to share two items. First, I would kindly ask this body to recognize and welcome a citizen of the FSM who is in the gallery. A former Congressman, and former officer of the Pohnpei State, and he is observing our session this morning. Mr. Onlino Lawrence.

(Applause from Delegates)

**President Killion:** Thank you very much, Delegate Martin. I welcome Mr. Lawrence.

**Delegate Martin:** If I may, Mr. President.

**President Killion:** Yes, go ahead Delegate Martin.

**Delegate Martin:** The second thing I would like to touch on at this time, is regarding your beginning short remark especially the action taken by Congress on the budget for the Convention. I do join you in expressing or conveying our positions for their actions on approving the budget, but I was disappointed that they were not able to make this body or the President to be the allottee of the funds. Thank you Mr. President.

**President Killion:** Thank you, Delegate Martin. Your concerns are noted. And in as much as possible, we need to continue working with President Panuelo in accessing the fund. I know he's very open and willing to do that. Thank you.

#### REPORTS OF COMMITTEES

**President Killion:** Moving on, we're on Item 7, Reports of Committees.

**Chief Clerk Reyes:** There are no Reports, Mr. President.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Item 8, First Reading of Committee Proposals.

**Chief Clerk Reyes:** None at the moment, Mr. President.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Can I ask for a short recess?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 10:34 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 10:37 a.m..

### **FIRST READING OF COMMITTEE PROPOSALS.**

**President Killion:** We're now back to session. We're on Item 8, First Reading of Committee Proposals.

**Chief Clerk Reyes:** It was stated earlier. We do not have any, Mr. President.

### **SECOND READING OF COMMITTEE PROPOSALS.**

**President Killion:** Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None at the moment, Mr. President.

### **FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS**

**President Killion:** Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None also, Mr. President.

### **CONSIDERATION OF RESOLUTIONS**

**President Killion:** Okay, Item 11. Consideration of Resolutions.

**Chief Clerk Reyes:** There are no Resolutions, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND  
RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Please refer to Referral Sheet No. 4-11.

**President Killion:** The Referral Sheet is attached to the Order for your information so you can review that. That particular Proposal No. CCPR-4-63 is assigned to the Committee on Government Structure and Function.

SPECIAL ORDERS

**President Killion:** Moving on, Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business. I call for a short recess.

President Killion declared the Convention recessed at 10:39 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 10:45 a.m..

**President Killion:** Our session is now back to order. Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, what is it? I didn't catch what Delegate Fritz was saying.

**Delegate Susaia:** Point of privilege, Mr. President.

**President Killion:** Yes. Point of privilege, Delegate Susaia.

**Delegate Susaia:** Yes. May I ask the Convention to recognize the presence of the Vice-Speaker of the FSM Congress, The Honorable Esmond Moses, who is with us in the gallery this morning.

(Applause from Delegates)

**President Killion:** Thank you very much, Delegate Susaia and welcome Vice-Speaker Moses. Okay moving on, we're still on Miscellaneous Business.

**Delegate Fritz:** Mr. President. If I may.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** I merely wish to convey special greetings and salutations from the people of Southern Namoneas to the entire Convention members and their wishes to also for the Convention to be successful and they urged all of us to work together in the spirit of harmony and cooperation so that we can accomplish the purpose of which they elected us to do. And most especially they are grateful to my colleague here on my right, Delegate Martin for his support for unity and they want me to convey that to him especially. For that, I think I've done my job. Thank you very much.

**President Killion:** Thank you Delegate Fritz.

**Delegate Fritz:** And another one, I read through all the Journals but failed to see the Journal on the First Day. So if you can find that, we may need to also see it. And last but not least, I ask this Convention to recognize one of our staff from the Chuuk Delegation Mr. Gonzaga (Zag) Puas who is our Attorney and he also has a PhD. So he is here with us, hopefully his contract can be signed by you, but I think you've already ratify it because you put him on TA so that's already good. So please welcome our friend.

(Applause from Delegates)

**President Killion:** Thank you Delegate Fritz and also welcome our Counsel Dr. Gonzaga (Zag) Puas. Okay, moving on. Any other Miscellaneous Business?

**Delegate Sitan:** Mr. President.

**President Killion:** Yeah, Chairman Sitan.

**Delegate Sitan:** Thank you Mr. President. Follow suit from Delegate Fritz, our People from the Mortlocks were also very happy. Especially for the first time

we have taken to them the proposals before we adopt them and allow them to comment before we finalized them. So they appreciate the way this Convention is moving forward and I am pretty sure that whatever come out from this Convention they probably support. Thank you very much.

**President Killion:** Thank you Chairman Sitan. Any other Miscellaneous Business?

**Delegate Liwy:** Point of privilege, Mr. President.

**President Killion:** Yes, Delegate Liwy.

**Delegate Liwy:** Before I go on, I would like to pay my respect to Iso Nahnken of Nett, Mr. President and Members of the 4<sup>th</sup> Constitutional Convention. I would like to also take this opportunity to recognize two gentlemen who are in the gallery, Mr. Witson Solomon and Mr. Johnny Pehmot observing our session this morning.

(Applause from Delegates)

**President Killion:** Thank you Mr. Liwy and also welcome our two citizens. Okay, any other Miscellaneous Business?

**Delegate Takesy:** Mr. President.

**President Killion:** Yes, Delegate Takesy.

**Delegate Takesy:** I thank you Mr. President. My respect to Iso Nahnken and to you Mr. President and my fellow colleagues. Mr. President, I wish to take this opportunity to report to you that your Delegates representing the 5<sup>th</sup> District of Chuuk have actually gone out to the majority of the islands to which we represent. And I am pleased to report that they are very happy and they were very encouraged that we took the time to consult with them before we decided on the proposals.

It is their considered view that having been elected by the majority of the people of the Northwest that Mr. Naich and I had been given the responsibility to decide on their behalf. Furthermore, they wish that we conclude our work as quickly as possible so that the education on the proposals that would have gone through the scrutiny of this Convention be fully explained so that intelligent and informed decisions could be made.

Mr. President, this Convention is faced with the decision whether we will go thirty days or forty-five days as authorized by law. It is my considered opinion that it is of national interest that we conclude our work as quickly as possible. For a number of reasons, one of which this country is in an emergency situation. The corona virus is threatening not just the FSM, but the globe as well. We need to make sure that we are not unnecessarily exposing people to that threat. Mr. President, I join you in thanking the Congress and the President in supporting the continued funding for this Convention. However, having the means to do the work is very much welcomed. The decision on what to do with the most efficient way is our responsibility. I, therefore, ask that we conclude these negotiations, these talks, this Convention as quickly as possible without doing damage to the Constitution. Thank you, Mr. President.

**President Killion:** Thank you, Delegate Takesy. I guess we all support and we are in line with your thinking on that matter. Thank you very much. By the way, you forget, it wasn't an intention on your part to also include me because I'm also representing Northwest. So, yes, thank you.

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Chairperson Mori?

**Delegate Mori:** Good morning, Mr. President. Thank you very much. I'd like to say good morning to my fellow delegates from the other States as well as our good State of Chuuk. My miscellaneous is three-fold. I'm not certain whether this Convention has made this statement in the past, but this morning I would like to join our sister State of Kosrae, the shipping industry of the FSM and throughout in sharing our sympathy and condolences for the passing of the late Robert Weilbacher, knowing that he will be dearly missed by those that know him and definitely he has been the backbone of the shipping industry in the region and just a very wonderful person and good hearted man. I would like to ask the Convention to please offer a moment of prayer for the late Robert Weilbacher. Thank you very much, Mr. President and Convention members.

I would also like to extend best wishes of the Faichuuk region from the good State of Chuuk. Your Delegates from that region did our utmost to extend the consultations to our constituents and they, like the others, are equally happy to receive the consultations. Like the others have stated originally, they believe that they were never included in the consultations in the past at this juncture but usually they received some engagement towards the end of the Convention or perhaps

before or during public education. So for this, they are grateful and they extend their warm wishes to this Convention. I would also like to please, Mr. President, recognize Mr. Ben Enlet from the Faichuuk region who is also present in the gallery this morning. May we wish him good morning and welcome him to the chamber? Thank you, Mr. President.

**President Killion:** Thank you, Chairperson Mori for that. And we also recognize Mr. Enlet to our meeting this morning. Thank you. Moving on, any other Miscellaneous Business?

**Delegate Susaia:** Mr. President.

**President Mori:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. On behalf of our Chairman, Iso Nahnken Salvador Iriarte, it would be very un-Pohnpeian if we don't say something to welcome you all back to Pohnpei. So, let me, on behalf of the Pohnpei Delegation, welcome you back to Pohnpei, capital of the FSM. And we are ready to once again work with you to ensure that our Convention is productive and representative of the needs of the FSM as a whole. We specifically ask for your continued support for Pohnpei to remain the capital of the FSM. Thank you.

**President Killion:** Thank you very much on that. There is no proposal to change that so be assured that it will be here all the time. Moving on, any other Miscellaneous Business before we come to Announcements?

**Delegate Asher:** Mr. President.

**President Killion:** Yes, Chairman Asher.

**Delegate Asher:** Thank you, Mr. President. On behalf of the Kosrae Delegation, just want to thank you and the other members for giving us a break. We used that break very wisely and resourcefully to meet with our people of Kosrae, all the villages and it was a very successful consultation that gave us and arm us with information on what we are here to do. Secondly, Mr. President, I join you to also express my appreciation to the good work of FSM Congress and the President's Office for the work done on our budget. I also share Delegate Martin's concern about the sub allottee and I wish, I hope that this Delegation, the officers would do something about it, to expedite and see if you can be designated as sub allottee to expedite processing of our paperwork. I know some of us couldn't come

on TA's because paperwork was delayed. So, for that matter, if we can see how that can be expedited that you be designated as sub allottee for our current budget that was approved. On another matter, I wish to acknowledge that we hired a new staff for Kosrae Delegation and I wish to recognize at this time our staff, Katherine Alfons who is in the gallery with us. Welcome aboard. Thank you very much, Mr. President.

**President Killion:** Thank you, Delegate Asher. Regarding the sub allotment, of course, our office will look into that. But we trust that the money is taken care of and we trust that the President Panuelo is doing his best to administer the fund.

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Chairperson Mori?

**Delegate Mori:** Yes, thank you again, Mr. President. Please, I would like to thank the good staff of the Convention for all the hard work that they've done and all the lines of Mr. Asher's comments, I would like to also add that due to either complications with the documentation or travel authorizations or allottees or whatever the designations are, three of us were not given travel authorizations to join today. I'm only here in spirit. I'm actually not here, because I didn't get a TA. But two of our staff are not here yet and it's a question whether they will be here, be able to join us today and tomorrow, but I would like to just make that clear that there is a definite need to do something because I think we can do a bit better, actually quite a bit better. Thank you.

**President Killion:** Thank you very much and I'm glad. Well you are here both in spirit and in person. Otherwise we would not be talking and your vote would not be counted. But, thank you. We recognize the problem.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Delegate Albert.

**Delegate Albert:** Thank you, Mr. President. I want to take this opportunity to also introduce a new staff member for the Pohnpei Delegation, our new PIO who has been very resourceful in utilizing Facebook and other communication channels and her name is Canita Nakamura. She's present here in the gallery. Further, Mr. President, I want to echo the sentiments of Delegate from Chuuk who

mentioned about the Coronavirus. I believe it has reached at the pandemic level right now so I want to join him in extending our request to the National Government to take appropriate actions in making sure that the virus does not reach our country. Thank you.

**President Killion:** Thank you, Chairman Albert. Thank you very much. Any other Miscellaneous Business before we move on to Announcements? Announcements by any of the Committee Chairmen, Chairpersons?

### ANNOUNCEMENTS

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. The Committee on Government Structure and Functions will be meeting 2:30 today in this chamber. Thank you.

**President Killion:** Thank you very much, Chairman Nabeyan. 2:30 here in the chamber. Any other announcements by any of the other Chairpersons, Chairmen?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Can I ask for a short recess first?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:01 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:10 a.m..

**President Killion:** We're now back to session. We're on Item 15, Announcements. Yes, Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. Your Committee on Public Finance and Revenue will have a meeting on our allotted time, I think Wednesday, at 1 o'clock. First, thanks to my friend here on the left, we will look at the proposal or the Committee Report that was recommit to the Committee. And second, we will get the witness from Finance, NORMA, MRA and I'm also asking staff from Congress and perhaps we may include somebody from President's Office. The purpose of that oversight is really pinned down on the numbers because there seems to be a discrepancy in the numbers. Thank you.

**President Killion:** Thank you, Chairman Sitan. Any other announcements by the other Chairmen, Chairpersons? Before we adjourn, I wish to make the announcement that we will have an officers meeting and also include all the Chairmen, Chairpersons of each of the Delegations immediately after this session at Riverside place. And so that we can come back and some of us may join the Committee on Government Structure. Okay, if there are no other announcements, Mr. Floor Leader?

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** For the Committee on Civil Liberties and Tradition, I understand that there was an announcement that had gone out early this week or maybe yesterday, our next meeting is Wednesday, same time, 8:30 and the topic will be dual citizenship. Please take a look at an email that has been circulated by our Legal Counsel. I believe all of you have gotten a copy of it, to give you some historical background to this issue and some of the laws that are similar in different states or different countries. Thank you.

**President Killion:** Thank you very much, Chairman Albert. So, 8:30 on Wednesday, your Committee and it's going to be at the Congress Committee Room. 8:30 on Wednesday, thank you very much.

**Delegate Sigrah:** Mr. President.

**President Killion:** Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. The Committee on General Provisions will have our first meeting back on Thursday at 1 o'clock. We're taking the slot of our Committee on Style and Arrangement. The topics, subjects, we will

try to review all of the proposals that are pending before our Committee and we will identify those tomorrow during announcements. Thank you.

**President Killion:** Thank you very much, Chairperson Sigrah, Committee on General Provisions. Any other announcements by any of the other Chairpersons, Chairmen? If none, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that this Convention stands in recess until tomorrow at 10 o'clock.

**President Killion:** If no objection, we stand in recess until tomorrow at 10 o'clock.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 11:13 noon, until tomorrow, Tuesday, February 25<sup>th</sup> at 10:00 a.m.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**FIFTEENTH DAY**

Tuesday, February 25, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:21 a.m., Tuesday, February 25, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

## ROLL CALL

Chief Clerk Reyes called the roll, 21 delegates are present.

(Absent Delegate Cantero, Delegate Mori, and Delegate Palsis)

**President Killion:** Thank you Secretary. Moving on to Item 4, Adoption of the Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we adopt the Journal of the First Day that is in front of us.

**Delegate Samo:** Second.

**President Killion:** It's been moved and seconded that we adopt the Journal of the First Day. Discussion? If no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

For the record, Delegate Mori just joined us.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, go ahead.

**Floor Leader Yatilman:** Thank you, Mr. President. I move that the Convention adopt the Journal of the Fourteenth Day of our meeting.

**Delegate Noket:** Second.

**President Killion:** It's been moved and seconded that the Convention adopt the Journal of the Fourteenth Day. Discussion? If no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

**President Killion:** Communications.

**Chief Clerk Reyes:** None, Mr. President.

## UNFINISHED BUSINESS

**President Killion:** Unfinished Business. Item 6.

**Chief Clerk Reyes:** None, Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Item 7, Reports of Committees.

**Chief Clerk Reyes:** There are no Reports, Mr. President.

## FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Item 8, First Reading of Committee Proposals.

**Chief Clerk Reyes:** None at the moment, Mr. President.

## SECOND READING OF COMMITTEE PROPOSALS.

**President Killion:** Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None at the moment, Mr. President.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None also, Mr. President.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Item 11. Consideration of Resolutions.

**Chief Clerk Reyes:** There are no Resolutions, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND  
RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Delegate Cantero just took his seat for the record.

SPECIAL ORDERS

**President Killion:** Item No.13, Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Thank you Mr. President. I wrote a letter to the Secretary of Finance and Administration and copied you, so that you can assign the number and share with Delegates, but that letter has not been shared with the other Delegates.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 10:25 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 10:27 a.m.

**President Killion:** Our session is now back to order.

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** Thank you, Mr. President. There was a letter shared from the Chairperson on the Committee on General Provisions. This letter is from the Office of the National Election Director with some data attached. I am concerned that this information is not accurate; the same as what Chairman Sitan was just referring to is a big concern that data given by the government offices is not accurate. Here it shows eligible voters from Chuuk for 2011 General Election is 59,940. This is like almost the population of Chuuk. That means they are including children to also vote. It shows also the vote cast is 12,298 but on the other page it shows that from Chuuk State 12,996 Yes and 8,527 No. How can the total number here be higher than the total number of votes cast? I think there's a problem here and may be last minute they just start to input, to lie to us by coming up with a number that is not accurate.

**President Killion:** Thank you, Delegate Kanto. It might be just some typos but they cannot tell lies to the leaders of this nation.

**Delegate Sigrah:** Mr. President.

**President Killion:** Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. I intend to subpoena them as the records they shared were not satisfactory.

**President Killion:** Thank you, Chairperson Sigrah. I know you can find some other ways before you use the last resort.

**Delegate Susaia:** President.

**President Killion:** Yes, Chairman Susaia.

**Delegate Susaia:** Can you share what transpired about the leadership meeting yesterday?

**President Killion:** Short recess.

President Killion declared the Convention recessed at 10:23 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:04 a.m..

**President Killion:** We're now back to session. We're on Item 14, Miscellaneous Business. Yes, Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. I will be borrowing the advice from my Iso Nahnken who said. "Be Strong!" You can see the President to solve these issues with Finance; there must be a way to solve what we are talking about. We are not like other offices in the Executive. We are all elected by the people; this is a Convention. There must be an exception for this type of thing.

**President Killion:** Thank you, Chairman Sitan.

**Delegate Susaia:** President.

**President Killion:** Yes, Chairman Susaia.

**Delegate Susaia:** Can I speak on behalf of you?

**President Killion:** Why not? Go ahead if you want.

**Delegate Susaia:** We should not focus on the sub-allottee issue. All expenditures are governed by the Financial Management Regulations. We need to designate a person in the Secretariat staff to handle Convention matters and do daily follow-up on the invoices and requests that the Finance Department is handling.

**President Killion:** Thank you, Chairman Susaia.

**Delegate Noket:** Mr. President.

**President Killion:** Yes, Delegate Noket.

**Delegate Noket:** I move that this Convention stands in recess until tomorrow at 10:00 o'clock.

**Delegate Kanto:** Second.

**President Killion:** Short recess.

**RECESS**

The Convention reconvened at 11:06 a.m.

ANNOUNCEMENTS: None

**President Killion:** We're now back to session. There's a motion on hand for the Convention to recess until tomorrow at 10 a.m. For those in favor say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

President Killion declared the Convention in recess at 11:07 a.m., until tomorrow, Wednesday, February 26<sup>th</sup> at 10:00 a.m.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**SIXTEENTH DAY**

Wednesday, February 26, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:47 a.m., Wednesday, February 26, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

## ROLL CALL

Chief Clerk Reyes called the roll, 22 delegates are present.

(Absent Delegate Mori and Delegate Fritz. Both are excused)

**President Killion:** Thank you Secretary. For the record, Delegate Mori and Delegate Fritz are hereby excused. So therefore, we have a quorum to transact business. Moving on to Item 4, Adoption of the Journal. Mr. Floor leader.

**Floor Leader Yatilman:** Good morning, Mr. President and Good morning to everyone. Our recording system malfunctioned yesterday and so the Secretary and staff are working hard in consultation with those people who were speaking yesterday to reconstruct the Journal for yesterday's session. So, we need your cooperation as they come around to talk to you to at least get a gist of what your statements were yesterday. So, Mr. President, there is no Journal to adopt this morning. So, if I may move that we defer action until later, Mr. President.

**Delegate Martin:** Second.

**President Killion:** Thank you very much. It's been moved and seconded that we defer action on the Journal of yesterday's session. Any discussion? No discussion, let's vote. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Moving on to Item No. 5.

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. I'd like to make a motion for us to suspend the Order of Business from Item No. 5 and move all the way to Item No. 14.

**Delegate Sitan:** Second.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 10:52 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 10:53 a.m.

**President Killion:** Our session is now back to order. Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. I want to make an amendment to my motion to suspend the Order of Business from Item No. 5 to Item No. 11.

**Delegate Martin:** Second.

**President Killion:** Okay, it's been moved and seconded that we suspended the Items from Item No. 5 to Item No. 11. Any discussion? It's understood that it's been explained. So, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

COMMUNICATIONS: None

UNFINISHED BUSINESS: None

REPORTS OF COMMITTEES: None

FIRST READING OF COMMITTEE PROPOSALS: None

SECOND READING OF COMMITTEE PROPOSALS: None

FINAL READING OF PROPOSED CONSTITUTIONAL  
AMENDMENTS: None

CONSIDERATION OF RESOLUTIONS: None

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND  
RESOLUTIONS

**President Killion:** So now we are on Item No. 12. Chief Clerk.

**Chief Clerk Reyes:** For Item No. 12, for Introduction and Referral of Delegate Proposals and Resolutions, please refer to REFERRAL SHEET NO. 4-12.

**President Killion:** Okay, please note the referral sheet on that particular resolution or matter.

### SPECIAL ORDERS

**President Killion:** Item No.13, Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Thank you.

### MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business. Does any Delegate have any Miscellaneous Business to discuss, to raise at this moment? I guess we're all happy and ...

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** Thank you, Mr. President. I know after the Plenary yesterday, the Officers met and I wonder whether the discussions that we had merits sharing with all Delegates or no?

**President Killion:** I move for a short recess.

President Killion declared the Convention recessed at 10:55 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:00 a.m.

**President Killion:** Our session is now back to order. We are now on Miscellaneous Business. Yes, Chairman Sitan.

**Delegate Sitan:** Yes, I have one provided that Delegate Susaia doesn't have another.

**President Killion:** No, he can have another too.

**Delegate Sitan:** I think given that the Congress will have a Special Session on the 5<sup>th</sup> of March, I suggest that during that 5-day period, we focus on Committee Meetings. I want to thank our Legal Counsel for showing us, it takes us almost 5 days to work and get a proposal approved. Given that information, I think we should focus on Committee Meetings. Thank you.

**President Killion:** Thank you very much, Chairman Sitan for that comment. It is well taken. I think this is the way we're moving.

**Delegate Susaia:** President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, Mr. President. I agree with the concern raised by Delegate Sitan provided that those 5 days, if our Legal Counsel can give her advice. It won't be counted as session days, right?

Say something. Don't just ....

**President Killion:** Now we're on session. Let's declare a short recess please.

President Killion declared the Convention recessed at 11:03 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:07 a.m.

**President Killion:** Our session is now back to order. Any other Miscellaneous Business from Delegates? If none, Announcements?

## **ANNOUNCEMENTS**

Any announcements from the Committee Chairs?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Yes. Thank you, Mr. President. I want to remind everyone that our hearing with Finance, MRA, NORMA and other relevant agencies from National Government, we will have it here, today at 2:30 p.m. Please be here. I also extended invitations to all Delegates to be here if you are available. Thank you.

**President Killion:** Thank you very much, Chairman Sitan. So 2:30 here? This place at 2:30 p.m. for your Committee on these matters.

**Delegate Sitan:** Yes, 2:30 p.m. here and I forgot one. Please make sure our staff call the Offices. Because I met one of those guys last night and he said, "He was not aware of it." Thank you.

**President Killion:** Okay, shall be noted and done. We'll call them to remind them. Short recess.

President Killion declared the Convention recessed at 11:08 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:09 a.m.

**President Killion:** Now we're back to session, Chairman Sitan.

**Delegate Sitan:** Yeah, thank you very much. I want to announce that it's not 2:30 p.m., it's 1:00 o'clock. And we will look for some lunch to bring here.

**President Killion:** Okay. 1:00 o'clock has been clarified for the Committee on Public Finance, and it's going to be here. Hopefully some kind of lunch will be given; so, the staff should be working on that. Thank you. Any other announcements? Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. Your Committee on Government Structures and Functions will not be meeting today. We will have our next meeting on Friday at the same time slot at 2:30 p.m. The new item on the agenda will be the proposals on the Office of the Independent Prosecutor. We will

begin working on that and will also resume the pending work on all the business on our agenda. Thank you.

**President Killion:** Thank you very much, Chairman Nabeyan. So, your Committee on Government Structures and Functions is scheduled to meet on Friday at 2:30? Yes. Thank you very much. Any other announcements by any of the Chairs? Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much, Mr. President. The Committee on General Provisions will meet tomorrow, Thursday, February 27<sup>th</sup> at 1:00 p.m. at the Congress Committee Hearing Room. We will be wrapping up our discussion of several proposals on the threshold issue and begin discussing any other proposals, which is about 10 or more that were referred to our Committee. So please come, we have arranged for our lunch tomorrow. Thank you.

**President Killion:** Thank you very much, Chairperson Sigrah. So tomorrow, Thursday at 1:00 o'clock Committee on General Provisions will meet here. Okay, any other announcements? Yes, Chairman Albert.

**Delegate Albert:** Your Committee on Civil Liberties will be meeting on Friday at 8:30 a.m. as usual. We will try to have our Legal Counsel provide us the amendments that we requested prior so we can review before the meeting. That's on Dual Citizenship. Thank you.

**President Killion:** Thank you very much, Chairman Albert. I presume that it's the usual 8:30 a.m. on Friday for the Committee on Civil Liberties and Customs. Okay, thank you. Any other announcements?

**Delegate Palsis:** Mr. President.

**President Killion:** Yes, Chairman Palsis.

**Delegate Palsis:** Yes, I am calling a short meeting for the Kosrae Delegation immediately after the session today. Thank you.

**President Killion:** Alright, it shall be noted. The Kosrae Delegation will meet immediately right after this morning session. Any others? If none, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adjourn until 10 o'clock tomorrow morning.

**Delegate Cantero:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until tomorrow at 10:00 a.m. If no objection, we shall be in recess. Thank you.

President Killion declared the Convention in recess at 11:13 a.m., until tomorrow, Thursday, February 27<sup>th</sup> at 10:00 a.m.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**SEVENTEENTH DAY**

Thursday, February 27, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:22 a.m., Thursday, February 27, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll, 23 delegates are present.

(Absent: Delegate Mori).

**President Killion:** Thank you Secretary. Since we have a quorum, we can transact business. So, we can now move on. Adoption of Journal.

## ADOPTION OF JOURNAL

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move that the Convention adopt the Journal of the 17<sup>th</sup> Day.

**Delegate Asher:** Second.

**President Killion:** It's been moved and seconded that the said Journal will be adopted. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

**President Killion:** Item No. 5, Communications.

**Chief Clerk Reyes:** For Item 5, Communications. None, Mr. President.

**President Killion:** Thank you. Moving on, Item No. 6, Unfinished Business.

## UNFINISHED BUSINESS

**Chief Clerk Reyes:** None, Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Reports of Committees.

**Chief Clerk Reyes:** For Item No. 7 Reports of Committees, none also, Mr. President.

## FIRST READING OF COMMITTEE PROPOSALS.

**President Killion:** Item No. 8, First Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

SECOND READING OF COMMITTEE PROPOSALS.

**President Killion:** Item No. 9, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None also, Mr. President.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Item No. 10, Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None, Mr. President.

CONSIDERATION OF RESOLUTIONS

**President Killion:** Item No. 11, Consideration of Resolutions.

**Chief Clerk Reyes:** There are no Resolutions, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Please see Referral Sheet No. 4-13

**President Killion:** That sheet is attached to the Order for your information so you can refer to that.

SPECIAL ORDERS

**President Killion:** Special Orders, No. 13.

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business. Does anyone have Miscellaneous Business?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you, Mr. President. I have a Miscellaneous Business. But, based on what I sense from the past is Miscellaneous Business has taken too much of our time. So, I have written them out and I request that it be inserted into the Journal. I request that all Delegates to please read them in the spirit that I offer it, to make sure that what we do here is proper and correct. Thank you.

“Thank you, Mr. President. Tirou Lang, Tirou Pun, Tirou Matau, Tirou won Soupunun Fonuach Pohnpei, akaewin Samach Achengicheng Iso Nanhiken Delegate Iriarte, fellow delegate, May the Peace of the Lord be with you all or each of us during this historical gathering. Mr. President, I recalled and agreed with the observations made by the Honorable Delegate Asterio Takesy that our people have elected men and women of varied and very rich credentials, representing many cross sections of our Micronesian communities. Most notably 8 out of 24 members, or 1/3 of the members of this Convention, are lawyers.

Recently, during one of our Committee’s hearing with officials of our government, we complained that information they provided seemed to be “doctored” or untrue. I hope this Convention, its honorable members and staff are held to the same standards we expected of our friends from across. Mr. President and fellow delegates, after reading the Journal for the convening day or first day of this convention, I am troubled that the Journal for the day was “doctored” as it failed to reflect what had truly transpired of the convening day. Recalled on the convening day of this convention, after we completed the election of all the officers of this convention, I believed our delegates, some lawyers, in concurrence with our Chief Legal Counsel. Caused this convention to restart or redo the elections of the officers because of our failure to comply with our Rules of Procedure. More especially, we did not suspend the rule requiring secret voting for election of the officers. Rule 6, Con.Con. R.P. Fortunately, in order to ensure that others may not question the validity of our decisions to elect those officers in violation of our own Rules, the Convention redid the elections for Vice-President, Floor Leader, and Chairman of the Committee of the Whole (COW) after we suspended the required rule. Rule 12 (c) of this Convention’s Rules of Procedure mandates that the Convention Secretary to keep a Verbatim Journal of the Plenary Session. Perusing through the Journal on the first day, most of what written are not

true. I recalled quite clearly that when we elected the Honorable Delegate Redly Killion as President of the Convention, no one moved to suspend the Rule 6 which mandates the election of the President, as are the other Officers of the Convention, be elected by a majority vote of the Delegates by secret ballot. Of course, the Journal for the day made up false statements that our acting Floor Leader did make a motion to suspend that relevant rule. The Convention's failure to suspend the "secret voting" Rule, would render our decisions void and invalid. There is a doctrine in law referred to as "Fruit of the Poisonous Tree". Simply put, any fruit of that tree would also be poisonous.

This Convention has met just about more than half ways using up more than half of the allowable initial 30 days for our Convention. As of today, note that this body has not adopted or passed a proposal yet as possible amendment to be submitted to our people to vote upon in the upcoming referendum. Should we correct our mistakes as we did for the others, or should we just close our eyes and pretend that there was no problem then? I raised these concerns to ensure that our products in this Convention would not be questioned and worse considered by others as invalid and what we should do next if our actions in selecting our President without suspending the relevant Rule was voidable, thus rendering all subsequent action flowing from that as improper and invalid."

**President Killion:** Thank you, Delegate Fritz. Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I know everyone has a copy of the memo that I circulated or that I signed, which is the scheduling of Committee Meetings during the Special Session of Congress. So, I urge the Committees to make use of the time allotted. If there are questions, please let us know otherwise, those are the best times for Committees to meet. Thank you.

**President Killion:** Thank you, Mr. Floor Leader. That information to which you are referring is distributed so you can see the schedule, during the short recess that you will take while Congress is going to be in Session next week. Any other Miscellaneous Business? Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. I just want to request perhaps when you meet the President, please also include the issue of overtime for staffing. I understand that there are some rules that only Immigration and Customs can have overtime, but a lot of our staff are not with those departments. So, if they cannot fix it, perhaps we'll go to Congress to fix it when they meet next week. Thank you.

**President Killion:** Thank you, Chairman Sitan. That's going to be included as one of those issues to be discussed, overtime. Any other Miscellaneous Business before we go onto Announcements? If none, Announcements by each of the Chairman and Chairperson of the Committees.

### ANNOUNCEMENTS

For meetings, I noted that there are scheduled Committee Meetings this afternoon so for the record perhaps for reminders. Chairman Sitan.

**Delegate Sitan:** Yes, your Committee on Public Finance will meet at one o'clock. I think there's a notice out regarding first the referral of the Committee Report and again, I remind my friend on the left to be here and then the others that we tried to consolidate with them. Thank you very much.

**President Killion:** Okay, that's good information. So, one o'clock this afternoon. I presume some lunches will be provided so that we make use of the time. Alright, any other Announcements? Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. The Government Structure and Functions Committee will have its meeting today, following Finance Committee scheduled at 2:30 in this Chamber. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. It's 2:30 the same Chamber the Committee on Government Structures and Functions. Yes, Chairman Albert.

**Delegate Albert:** Good Morning, Mr. President. As a result of this morning's meeting, I just want to give a heads up to Committee Members on Civil Liberties that the final version of our dual citizenship proposal will be circulated by this weekend and please review them. We will try to finalize the proposal on Monday at 8, same time at 8:30 a.m. Thank you.

**President Killion:** Thank you, Chairman Albert. So, the Committee on Civil Liberties and Traditions is moving forward, of course like the other Committees. Any more other Announcements? Yes, Chairperson Sighrah.

**Chairperson Sighrah:** Thank you and Good Morning, Mr. President. The Committee on General Provisions will meet tomorrow, Saturday at 9 o'clock, same venue. We will need to report out a Standing Committee Report, so I urge all

members to come in and review the final draft so we can get this out. And we will continue the discussions that we added on the Proposals yesterday and there will be breakfast and coffee. So, please come one, come all. Thank you.

**President Killion:** So tomorrow at 8:30, did you say? Oh, nine.

**Delegate Sigrah:** Nine o'clock a.m.

**President Killion:** Nine o'clock a.m. tomorrow, Saturday. Yes. Thank you very much Madam Chairperson.

**Delegate Fritz:** Point of Information, Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Yes, with relation to what the Chairperson has just said, there was I guess a decision to request our Counsel to prepare a Committee Report. I wonder whether that's already been done and circulated. So, when we meet, we at least can take appropriate action having known what is in the paper.

**President Killion:** Yes. You want to answer that first or me?

**Delegate Sigrah:** Thank you very much, Mr. President. We will try to have that draft report circulated as soon as it's done. And, hopefully, we will have the hard copy ready by tomorrow. So that we can have some discussions this afternoon, and also tonight, up to nine o'clock tomorrow morning. Thank you.

**President Killion:** Thank you. Delegate Samo?

**Delegate Samo:** Good morning, Mr. President, Colleagues. A reminder to the Chuuk Delegation, we're having a meeting 6:30 today at Island Palm. Thank you.

**President Killion:** The meeting is at six o'clock this evening? Is it? What time?

**Delegate Samo:** 6:30. Island Palm.

**President Killion:** At the Island Palm Hotel. Okay, 6:30 Chuuk Delegation at the Island Palm this evening. Any other Announcements by Committee Chairperson, Chairmen? So, I guess we're all set for...

**Delegate Susaia:** President.

**President Killion:** Yes, Delegate Susaia?

**Delegate Susaia:** Just a reminder. I have been instructed by our Chairman to remind the members of the Pohnpei.

**Delegate Fritz:** You're being cut off.

**President Killion:** So, Pohnpei Delegation meeting tomorrow? Did you say today?

**Delegate Susaia:** Yes. Pohnpei Delegation meeting at 12, today.

**President Killion:** Today?

**Delegate Susaia:** Yes.

**President Killion:** 12 o'clock. As you know, we will have the meeting with the President 11:30 so hopefully we can be done.

**Delegate Susaia:** Iso, the time is good? Yes, 12.

**President Killion:** 12 o'clock, Pohnpei Delegation meeting. Okay. Thank you. Any other Announcements? Delegation Chairmen, Chairpersons, Committees, and so forth? Okay. We're all happy for the rest of the day and tomorrow, the weekend. If no other Announcements, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until tomorrow morning at 10:00 o'clock.

**Delegate Bossy:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until tomorrow morning at 10:00 o'clock. If no objection, that shall be it.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 10:34 a.m., until tomorrow, Saturday, February 29<sup>th</sup> at 10:00 a.m.

Respectfully submitted,  
/s/  
Atarino A. Helieisar  
Journal Clerk

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**EIGHTEENTH DAY**

Friday, February 28, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:22 a.m., Thursday, February 27, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll, 23 delegates are present.

(Absent: Delegate Mori).

**President Killion:** Thank you Secretary. Since we have a quorum, we can transact business. So, we can now move on. Adoption of Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move that the Convention adopt the Journal of the 17<sup>th</sup> Day.

**Delegate Asher:** Second.

**President Killion:** It's been moved and seconded that the said Journal will be adopted. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

#### COMMUNICATIONS

**President Killion:** Item No. 5, Communications.

**Chief Clerk Reyes:** For Item 5, Communications. None, Mr. President.

**President Killion:** Thank you. Moving on, Item No. 6, Unfinished Business.

#### UNFINISHED BUSINESS

**Chief Clerk Reyes:** None, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Reports of Committees.

**Chief Clerk Reyes:** For Item No. 7 Reports of Committees, none also, Mr. President.

#### FIRST READING OF COMMITTEE PROPOSALS.

**President Killion:** Item No. 8, First Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

#### SECOND READING OF COMMITTEE PROPOSALS.

**President Killion:** Item No. 9, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None also, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Item No. 10, Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None, Mr. President.

CONSIDERATION OF RESOLUTIONS

**President Killion:** Item No. 11, Consideration of Resolutions.

**Chief Clerk Reyes:** There are no Resolutions, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Please see Referral Sheet No. 4-13

**President Killion:** That sheet is attached to the Order for your information so you can refer to that.

SPECIAL ORDERS

**President Killion:** Special Orders, No. 13.

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business. Does anyone have Miscellaneous Business?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you, Mr. President. I have a Miscellaneous Business. But, based on what I sense from the past is Miscellaneous Business has taken too much of our time. So, I have written them out and I request that it be inserted into

the Journal. I request that all Delegates to please read them in the spirit that I offer it, to make sure that what we do here is proper and correct. Thank you.

[Statement withdrawn by Delegate.]

**President Killion:** Thank you, Delegate Fritz. Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I know everyone has a copy of the memo that I circulated or that I signed, which is the scheduling of Committee Meetings during the Special Session of Congress. So, I urge the Committees to make use of the time allotted. If there are questions, please let us know otherwise, those are the best times for Committees to meet. Thank you.

**President Killion:** Thank you, Mr. Floor Leader. That information to which you are referring is distributed so you can see the schedule, during the short recess that you will take while Congress is going to be in Session next week. Any other Miscellaneous Business? Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. I just want to request perhaps when you meet the President, please also include the issue of overtime for staffing. I understand that there are some rules that only Immigration and Customs can have overtime, but a lot of our staff are not with those departments. So, if they cannot fix it, perhaps we'll go to Congress to fix it when they meet next week. Thank you.

**President Killion:** Thank you, Chairman Sitan. That's going to be included as one of those issues to be discussed, overtime. Any other Miscellaneous Business before we go onto Announcements? If none, Announcements by each of the Chairman and Chairperson of the Committees.

## ANNOUNCEMENTS

For meetings, I noted that there are scheduled Committee Meetings this afternoon so for the record perhaps for reminders. Chairman Sitan.

**Delegate Sitan:** Yes, your Committee on Public Finance will meet at one o'clock. I think there's a notice out regarding first the referral of the Committee Report and again, I remind my friend on the left to be here and then the others that we tried to consolidate with them. Thank you very much.

**President Killion:** Okay, that's good information. So, one o'clock this afternoon. I presume some lunches will be provided so that we make use of the time. Alright, any other Announcements? Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. The Government Structure and Functions Committee will have its meeting today, following Finance Committee scheduled at 2:30 in this Chamber. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. It's 2:30 the same Chamber the Committee on Government Structures and Functions. Yes, Chairman Albert.

**Delegate Albert:** Good Morning, Mr. President. As a result of this morning's meeting, I just want to give a heads up to Committee Members on Civil Liberties that the final version of our dual citizenship proposal will be circulated by this weekend and please review them. We will try to finalize the proposal on Monday at 8, same time at 8:30 a.m. Thank you.

**President Killion:** Thank you, Chairman Albert. So, the Committee on Civil Liberties and Traditions is moving forward, of course like the other Committees. Any more other Announcements? Yes, Chairperson Sigrah.

**Chairperson Sigrah:** Thank you and Good Morning, Mr. President. The Committee on General Provisions will meet tomorrow, Saturday at 9 o'clock, same venue. We will need to report out a Standing Committee Report, so I urge all members to come in and review the final draft so we can get this out. And we will continue the discussions that we added on the Proposals yesterday and there will be breakfast and coffee. So, please come one, come all. Thank you.

**President Killion:** So tomorrow at 8:30, did you say? Oh, nine.

**Delegate Sigrah:** Nine o'clock a.m.

**President Killion:** Nine o'clock a.m. tomorrow, Saturday. Yes. Thank you very much Madam Chairperson.

**Delegate Fritz:** Point of Information, Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Yes, with relation to what the Chairperson has just said, there was I guess a decision to request our Counsel to prepare a Committee Report. I wonder whether that's already been done and circulated. So, when we meet, we at least can take appropriate action having known what is in the paper.

**President Killion:** Yes. You want to answer that first or me?

**Delegate Sigrah:** Thank you very much, Mr. President. We will try to have that draft report circulated as soon as it's done. And, hopefully, we will have the hard copy ready by tomorrow. So that we can have some discussions this afternoon, and also tonight, up to nine o'clock tomorrow morning. Thank you.

**President Killion:** Thank you. Delegate Samo?

**Delegate Samo:** Good morning, Mr. President, Colleagues. A reminder to the Chuuk Delegation, we're having a meeting 6:30 today at Island Palm. Thank you.

**President Killion:** The meeting is at six o'clock this evening? Is it? What time?

**Delegate Samo:** 6:30. Island Palm.

**President Killion:** At the Island Palm Hotel. Okay, 6:30 Chuuk Delegation at the Island Palm this evening. Any other Announcements by Committee Chairperson, Chairmen? So, I guess we're all set for...

**Delegate Susaia:** President.

**President Killion:** Yes, Delegate Susaia?

**Delegate Susaia:** Just a reminder. I have been instructed by our Chairman to remind the members of the Pohnpei.

**Delegate Fritz:** You're being cut off.

**President Killion:** So, Pohnpei Delegation meeting tomorrow? Did you say today?

**Delegate Susaia:** Yes. Pohnpei Delegation meeting at 12, today.

**President Killion:** Today?

**Delegate Susaia:** Yes.

**President Killion:** 12 o'clock. As you know, we will have the meeting with the President 11:30 so hopefully we can be done.

**Delegate Susaia:** Iso, the time is good? Yes, 12.

**President Killion:** 12 o'clock, Pohnpei Delegation meeting. Okay. Thank you. Any other Announcements? Delegation Chairmen, Chairpersons, Committees, and so forth? Okay. We're all happy for the rest of the day and tomorrow, the weekend. If no other Announcements, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until tomorrow morning at 10:00 o'clock.

**Delegate Bossy:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until tomorrow morning at 10:00 o'clock. If no objection, that shall be it.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 10:34 a.m., until tomorrow, Saturday, February 29<sup>th</sup> at 10:00 a.m.

Respectfully submitted,  
/s/  
Atarino A. Helieisar  
Journal Clerk

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**NINETEENTH DAY**

Saturday, February 29, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:45 a.m., Saturday, February 29, 2020.

## MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

## ROLL CALL

Chief Clerk Reyes called the roll, all 24 delegates are present.

**President Killion:** Thank you very much. So, we have a full house, we can transact business. So, we can now move on. Adoption of Journal.

## ADOPTION OF JOURNAL

**Floor Leader Yatilman:** Mr. President. I move that we defer the adoption of Journal.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we defer the adoption of the Journal. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Item No. 5, Communications.

**Delegate Martin:** Mr. President.

**President Killion:** Yes, Delegate Martin.

**Delegate Martin:** Thank you, Mr. President. With all due respect and recognition to this Body, I wish to move that we suspend our Calendar of the Day and move down to Item No. 12.

**Delegate Fritz:** I second.

**President Killion:** Okay, it's been moved and seconded that we suspend the other items and move all the way to Item No. 12 on the Order. Any discussion? If none, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried. So we're now on Item 12. Thank you very much, Delegate Martin.

The motion carried by voice vote of Delegates.

COMMUNICATIONS: None

UNFINISHED BUSINESS: None

REPORTS OF COMMITTEES: None

FIRST READING OF COMMITTEE PROPOSALS: None

SECOND READING OF COMMITTEE PROPOSALS: None

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS:  
None

CONSIDERATION OF RESOLUTIONS: None

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND  
RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** None, Mr. President.

SPECIAL ORDERS

**President Killion:** Special Orders.

**Chief Clerk Reyes:** None also, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Miscellaneous Business, Item 14. Any Miscellaneous Business by any Delegates?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you, Mr. President. My fellow Delegates, I merely wish to express on behalf of the people of Southern Namoneas our sincere appreciation to our President for his bold decision to extend the declaration to ensure that the welfare and the livelihood of our people are adequately protected. So once again, I know as I said yesterday that even the U.S., the richest country in the world is very much concerned about the spread of the Corona virus. And we, as a small nation particularly in Chuuk, we're the first point that comes from Guam. We should be extra careful to ensure that this terrible disease does not reach our shores. So, I commend our President, and I wish him to continue to protect the welfare and interest of our people. Thank you very much.

**President Killion:** Thank you very much, Delegate Fritz. On that note of course, in addition the whole nation including us, we are very appreciative of the effort that President Panuelo and his administration, of course, including Congress, are taking to safeguard us from this very dangerous disease. So, thank you. Any other comments on Miscellaneous Business? Yes, Chairman Sitan?

**Delegate Sitan:** Yes, can I ask for a short recess?

**President Killion:** Short recess.

President Killion declared the Convention recessed at 10:50 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:01 a.m.

**President Killion:** Our session is now back to order. We are on Miscellaneous Business and any other matters that any members, Chairman or Chairperson wish to bring forth for discussion? Okay, if none, we come down to Announcements.

## **ANNOUNCEMENTS**

**President Killion:** Any of the Chairman or Chairperson of the Committees wants to make announcements for your Committee meetings? I guess it was as per

yesterday's session that certain Committees have already made their schedules for their meetings. I don't know if there are some for this afternoon, but tomorrow is Sunday. Monday is, of course set for Plenary. There is one Committee that is scheduled in the morning then in the afternoon for Monday as per the schedule that has already been provided. Yes, Chairman Sitan.

**Delegate Sitan:** Yes, Mr. President. Your Committee on Public Finance will meet on Monday at one o'clock to do what we were supposed to do yesterday which did not happen. It's too embarrassing to say the reason why it didn't happen. Thank you very much.

**President Killion:** Well, nothing is embarrassing. We appreciate your willingness to reschedule the meeting from yesterday to Monday, and we still have a few days. Okay, one o'clock on Monday, the Committee on Public Finance and Revenue shall meet here. The venue will be here or Committee Hearing Room?

**Delegate Sitan:** Here.

**President Killion:** Okay, one o'clock. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. Just a reminder to the members of the Committee on Government Structure and Functions. I've sent out an email and all the attachments for materials to be reviewed in preparation for that meeting on Monday at 2:30 in this chamber. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. So, the Committee on Government Structure and Functions is scheduled on Monday at 2:30, I guess after the Committee on Public Finance and Revenue the same day, 2:30. Okay, and other announcements?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Do we intend to have a meeting on Monday, Plenary or should we give the Committees time to meet?

**President Killion:** As we had discussed earlier, we're scheduled to have Plenary on Monday, Tuesday and then we start the recess on Wednesday the

following Monday or Tuesday for Committee work unless that decision has changed.

**Floor Leader Yatilman:** I am asking because if we are going to have Plenary on Monday and we are going to have an Agenda similar to this, we might as well have Committees.

**Delegate Susaia:** Short recess so we can discuss this.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 11:05 a.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 11:33 a.m.

**President Killion:** Our session is now back to order. We're on Announcements, any more other...Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President and all the Delegates. I have the pleasure of introducing one of our former Presidents who is observing the transaction of this Convention today, His Excellency, Manny Mori.

(Applause from Delegates).

**President Killion:** Thank you very much. Welcome, President Mori to our session this morning.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** If I may follow suit to rise on a point of privilege. Also, in the gallery is one of our young staff from the Chuuk Delegation, Mr. Mori also. He is not a former President, but he's a young, very energetic man. And may I ask that we recognize him please?

(Applause from Delegates).

**President Killion:** Yes. Thank you, Mr. Mori, another Mori. Okay, and of course our own staff, other staff, Mymy, Myjoleen (Mymy) Kim, she is there. Welcome.

(Applause from Delegates).

Okay, we're still on Announcements.

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. In introducing President Mori, I overlooked to also introduce his granddaughter. May I ask the Convention to also recognize his granddaughter? Thank you, Mr. President.

(Applause from Delegates).

**President Killion:** Okay, thank you very much for that introduction. Continuing on to Announcements for the other Chairs and Chairperson, if they have Committee Meetings. Chairperson Sigrah?

**Delegate Sigrah:** Thank you very much, Mr. President. If the Committee on Civil Liberties and Traditions are going to meet Monday at 8:30 a.m. then, because some of our members are also on the Committee on General Provisions, we can have our meeting immediately after the meeting on the Committee of Civil Liberties. So, we will call it at 10 o'clock a.m. Monday.

**President Killion:** 10 o'clock a.m. Monday?

**Delegate Sigrah:** Yes.

**President Killion:** Okay, so 10 o'clock on Monday, since we don't have session.

**Delegate Albert:** I think the understanding was, we will take our time up to 11 o'clock and then Committee on General Provision will continue on. But if we recess early, she's more than welcome to take up the rest of the time.

**President Killion:** So, the Committee on Civil Liberties on Monday, starting at 9:00 a.m. all the way up to possibly 11:00 a.m., after which the Committee on General Provisions will have, your Committee meeting, is that correct?

**Delegate Sigrah:** Yes, that's correct. I am a member of their Committee.

**President Killion:** Yes, so you don't have conflicts. Okay, if no objections that shall be the plan on those two Committees. Okay, any other Announcements?

**Delegate Albert:** May I request something, Mr. President?

**President Killion:** Yes, Chairman Albert?

**Delegate Albert:** Since we will be meeting during lunch, may I ask on behalf of the Committee on General Provision that you provide lunch for the group? Thank you.

**President Killion:** So, you provide breakfast and she provides lunch? Okay, thank you. All right, you work that out. If no other Announcements, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until 10 o'clock on Tuesday morning.

**Delegate Bossy:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until Tuesday morning at 10 o'clock. If no objection, that shall be it.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recessed at 11:57 a.m., until Tuesday, March 3<sup>rd</sup> at 10:00 a.m.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

## TWENTIETH DAY

Tuesday, March 3, 2020

### CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:51 a.m., Tuesday, March 3, 2020.

### MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Reyes called the roll, all 23 delegates are present.

**President Killion:** Thank you. Delegate Noket is excused. So, we have a full house in order to transact business. Adoption of Journal.

### ADOPTION OF JOURNAL

**Floor Leader Yatilman:** Mr. President. I move that we defer the adoption of the Journal.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we defer the adoption of the Journal. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

Delegate Sitan: Can I ask for a short recess?

President Killion: Short recess is called for.

President Killion declared the Convention recessed at 10:54 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 10:56 a.m.

**President Killion:** Our session is now back to order. Yes Kathe.

**Delegate Nabeyan:** Recess, please.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 10:56 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 10:58 a.m.

**President Killion:** We're now back to session. Yes, Chairman Sitan.

**Delegate Sitan:** Mr. President, I move that the Convention recall the Journal of the First Day.

**Delegate Nabeyan:** Second.

**President Killion:** It's been moved and seconded that we recall the Journal of our first session which was on January 7<sup>th</sup>. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried. So now we recalled the Journal of our First Day of our session.

The motion carried by voice vote of Delegates.

So we have the discussion, Chairman Sitan.

**Delegate Sitan:** Yes, thank you President. I move that we go back to rule on the Election for the President and move to suspend Rule 6 and accept the decision

of the Convention because there's no other candidate and this also includes the requirement of secret ballot.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded the motion. Discussion? For further elaboration, Chairman Sitan.

**Delegate Sitan:** Yes, again we're doing this to ensure that we all agree that this was the correct decision according to our Rules and we hereby suspend the Rules for this purpose, so there will be no further question on this issue.

**President Killion:** Thank you, Chairman Sitan. Any other Discussions? If none, let's vote on the motion. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** Thank you very much, Mr. President and with all due respect to all my fellow Delegates because I caused this little delay; but, it was based on my honest recollection of what happen. So, with what we just did, I now happily withdraw my miscellaneous business which I raised on the particular day so for the purposes of that record it does not exist. We've done what we did properly. So, thanks very much for the two gentlemen for doing what they did. Thank you.

**President Killion:** Thank you, Delegate Fritz. That clarifies the matter. Okay, let's call for a short recess.

President Killion declared the Convention recessed at 11:01 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:01 a.m.

**President Killion:** We're now back to session. Delegate Susaia.

**Delegate Susaia:** I make a motion to amend the First Day Journal as amended.

**Delegate Sitan:** Second.

**President Killion:** It's been moved and seconded that the Journal of the First Day is adopted as amended. Yes, Delegate Takesy.

**Delegate Takesy:** I think what he meant was to adopt the Journal of the day as amended.

**President Killion:** Thank you for the clarification to adopt the Journal of the First Day as amended. Thank you. That was seconded, so discussion. If none, let's vote on the motion. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So, moving on Item No. 5, Communications.

#### COMMUNICATIONS

**Chief Clerk Reyes:** There are no Communications, Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Thank you very much. Unfinished Business, Item No. 6.

**Chief Clerk Reyes:** None, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Item No. 7, Committees Reports.

**Chief Clerk Reyes:** For Item No. 7s, we have the first ConCon Standing Committee Report which is No. 4-02, regarding CC-PR-04-01 from your Committee on Civil Liberties and Traditions for adoption.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Mr. President, I move to delay our action on this Committee Report.

**Delegate Susaia:** Second.

**President Killion:** Thank you. It's been moved and seconded that we delay action on this particular Committee Report. Discussion?

**Delegate Sitan:** Yes, Mr. President.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** I just want to say why I made that motion. I think we need to be strategic on what we pass and perhaps we can look at the others and prioritize which one should be more important in this Convention. Thank you.

**President Killion:** Thank you very much for your justification. Any other Discussions?

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Thank you. Mwowe, ai tungoal sakarada ong Iso, President and everyone. I think it's only proper that the Committee who is introducing this proposal agree to that. So, I wish to state for the record that the introducer of this is present. So, I'm inclined to agree with Chairman Sitan for the motion. Thank you.

**President Killion:** Thank you, Chairman Albert. Yes, Delegate Noket who is ill, he is the author of the particular proposal.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Yes, in addition to reasons that have been stated for delaying action on the Committee Report. I think earlier, we had an understanding that we should give at least one night to think over proposals, reports, and proposals, that had been report out to Plenary to give each Delegate a proper time to review and digest it, before we started debating it on the floor. So, I would move that we suspend all reports on this item for at least for another session day. Thank you.

**President Killion:** Thank you. Short recess, please.

President Killion declared the Convention recessed at 11:04 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:06 a.m.

**President Killion:** We're now back to session. At hand, we have the motion from Chairman Sitan to defer the Committee Report No. CC-SCR-4-02, regarding CC-PR-04-01 from your Committee on Civil Liberties and Traditions. Any discussion? It was seconded so, all those in favor of the motion to defer that particular Committee Report say Aye? All those opposed say Nay? That particular Committee report is hereby deferred.

The motion carried by voice vote of Delegates.

Moving on Committees Reports.

**Chief Clerk Reyes:** The next report is ConCon Standing Committee Report No. 4-03, regarding CC-PR-04-11 from your Committee on Government Structure and Functions for adoption.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I move that we defer action on the report until the next session.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we defer action on this particular Committee Report to the next session. Discussion? If none, all those in favor of the motion to defer that particular Committee Report say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

Moving on, Committees Reports.

**Chief Clerk Reyes:** The next report is ConCon Standing Committee Report No. 4-04, regarding CC-PR-04-46 from your Committee on General Provisions for adoption.

**Delegate Sigrah:** Mr. President.

**President Killion:** Yes, Madam Chair.

**Delegate Sigrah:** If I may.

**President Killion:** Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much. I move that we defer this until next session. And also, we are missing pages 2 and 3 of that report and if the staff can make sure that they have those pages and distributed to Delegates.

**Delegate Martin:** Second.

**President Killion:** Thank you, Chairperson Sigrah. So your motion is to defer this particular report and has been seconded by Delegate Martin. Thank you. Discussion? If none, all those in favor of the motion say Aye? All those oppose say Nay? Motion carried.

The motion carried by voice vote of Delegates.

Thank you very much. So, we are deferring action on those previous three Committee Reports. Moving on, Item No. 8, First Reading of Committee Proposals.

#### FIRST READING OF COMMITTEE PROPOSALS.

**Chief Clerk Reyes:** Mr. President, since all the committee reports have been deferred, there are none, Mr. President.

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you very much. Item No. 9, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None also, Mr. President.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Item No. 10, Final Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Thank you. Item No. 11, Consideration of Resolutions.

**Chief Clerk Reyes:** None, Mr. President.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Kindly refer to REFERRAL SHEET NO. 4-14.

**President Killion:** Thank you, the Referral Sheet is attached to the Order.

## SPECIAL ORDERS

**President Killion:** Special Orders. Item No. 13

**Chief Clerk Reyes:** None also, Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Item 14, Miscellaneous Business. Any Miscellaneous Business that Delegates wish to bring forth to our session this morning? Yes, Delegate Takesy.

**Delegate Takesy:** Thank you, Mr. President. With all due respect, Mr. President, I would like to request through you to the staff on the preparation of these reports that more care be given to the collation of the pages. I believe all the reports that have been out today, I'm having difficulty reading them. Thank you.

**President Killion:** Thank you very much, Delegate Takesy. That is a very valid and important matter. So, the administration will look into it to improve as per your issues which you have just raised. It shall be done. Moving on, any other Miscellaneous Business by any Delegates?

**Delegate Cantero:** Mr. President, if I may.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Thank you. My humble respect to Isohko, His Majesty, my respects to you, President, and Officers as well as Delegates. I simply just want to submit my sincere sentiments of appreciation to Delegate Fritz for the leadership he has displayed in our session, throughout the Convention especially today. So, I think it's important for me to at least submit my sentiments of Thank You and gratitude. I also want to submit also my apology to him if anything that I've displayed or conveyed that would question his character. I apologize for that. I mean well, but most importantly, his leadership and his openness to the Convention. Thank you so much. Thank you.

**President Killion:** Thank you very much, Delegate Cantero. I guess all of us have the same sentiments. We thank Delegate Fritz for that. Any other Miscellaneous Business?

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Thank you very much, Mr. President. At the beginning of this Convention, I could sense the spirit of unity, especially starting with the PreCon Committee. I complimented Ricky Cantero and the rest of the members of that very special Committee, and I just wish and desire that we sustain that spirit of unity working together. I wish for all the Delegations meet to address all the proposals that have been introduced and that we have common interest of those proposals. And, I've been observing our Chamber here. I am worried if that spirit

would diminish. As I can see if you can look around, we have four pillars here with the FSM flags on them. I wonder why on one of the pillars the flag is not hung on that particular pillar. So, I am appealing to all Delegates, Honorable Delegates, with all due respect that even though we are not full-fledged by that one flag, let us be full-fledged in our minds and hearts. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Bossy. I don't think there was an intention to not have a flag on the fourth pillar. After all, as you had said, we're all for unity for the nation because that's what makes us very strong as a country. So, I think somewhere the flag is hidden. But I know we have four flags of the FSM. Yes, thank you very much. Any other Miscellaneous Business?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** I merely wish to thank the good Delegate from Pohnpei, Delegate Cantero for the kind words he said about me. I don't deserve it; but, I'm here to work with all of us to, as you said, in the spirit of unity to forge ahead to do what we've been entrusted by our people to do. Now, my real Miscellaneous Business is I cannot help, but watch the TV and every day it's all about Corona virus. I really get worried that these big countries who have a lot of resources and manpower are extremely concerned about the safety and health of their people. And, if I could just continue to urge our President and our state governments to be vigilant in ensuring that they take protective action to ensure that this unfortunate thing will not reach our shore. I will sleep a little bit better at night, but I'm having difficulties because if they're worried and we're not worried and if it reaches us, I'm sure we will have terrible consequences. Thank you.

**President Killion:** Thank you very much, Delegate Fritz. It is a very important matter and I understand, of course, our President and our National Government is taking appropriate measures in assisting the states to deal with this very, potentially a deadly virus. But we will urge again, continue to urge our President, Governors, our leaders to continue to do what they can do to prevent such problem. Thank you. Any other Miscellaneous Business?

**Delegate Susaia:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:23 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:24 a.m.

**President Killion:** We're now back to session. We're still on Item 14, Miscellaneous Business. If no other Miscellaneous Business, Announcements by the various Chairpersons, Chairmen? Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. Just going along with the schedule that was distributed earlier, Government Structure and Functions Committee will be holding its Committee meeting starting tomorrow at one o'clock in the afternoon in the Central Facility. Thank you.

**President Killion:** Thank you very much, Chairman Nabeyan.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Thank you. Again, just to remind the Committee on Civil Liberties, our meeting tomorrow is at nine, and also, there will be a joint hearing with the Committee on General Provisions as stated by our LC. So, we'll try to work out a good time for both Committees to complete those tasks. Thanks.

**President Killion:** Thank you very much, Chairman for that Announcement. Any other? Chairperson Sigrah?

**Delegate Sigrah:** Thank you very much. Mr. President, the Committee on General Provisions, as you have heard, we will be joining the Committee on Civil Liberties tomorrow, nine o'clock on Proposal 22. Thank you.

**President Killion:** Thank you, Chairperson Sigrah. So, tomorrow at nine o'clock, Committee meeting with the Committee on Civil Liberties and Traditions, nine o'clock, joint. Any other Announcements by any of the other Chairpersons, Chairmen? Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. Your Committee on Public Finance and Revenue will have a meeting on Thursday, one o'clock. We will

subpoena several staff from Finance, MRA, and Foreign Affairs. This meeting is primarily to get the correct numbers; so, please make sure you're here, because whatever number they provide that day those will be the official number we will use for deliberation on our work on revenue sharing from next week on. Thank you very much.

**President Killion:** Thank you Chairman Sitan for the announcement.

**Delegate Nabeyan:** Recess, Mr. President.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:24 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:30 a.m.

**President Killion:** We're now back to session. Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until 2 o'clock on Friday, afternoon.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until 2 o'clock on Friday, this coming Friday. If no objection, we are hereby recessed until then. Thank you.

President Killion declared the Convention recessed at 11:31 a.m., until Friday, March 6<sup>th</sup> at 2:00 p.m..

Respectfully submitted,

/s/

Atarino A. Helieisar

Journal Clerk

## TWENTY FIRST DAY

Friday, March 06, 2020

### CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 3:21 p.m., Friday, March 6, 2020.

### MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Reyes called the roll, 22 delegates are present. A quorum is present.

**President Killion:** Delegate Cantero is here. For the record, Delegate Noket is excused; so, we have a full house to transact business. So, moving on.

### ADOPTION OF JOURNAL

**President Killion:** Adoption of Journal.

**Floor Leader Yatilman:** Mr. President. I move that we defer adoption of the Journals for Eighteenth Day, Nineteenth Day, and Twentieth Day to our next day of session.

**Delegate Saimon:** Second.

**Floor Leader Yatilman:** May I ask for a short recess.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 3:24 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 3:32 p.m.

**President Killion:** We're now back to session. We have the motion from Floor Leader Yatilman to defer the adoption of the Journals for Day Eighteenth, Day Nineteenth and Day Twentieth to our next day of session. Any discussion? It was seconded so, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

**President Killion:** Item No. 5, Communications.

**Chief Clerk Reyes:** For Item No. 5, Communications. There is currently no Communications Mr. President.

## UNFINISHED BUSINESS

**President Killion:** For Item 6, Unfinished Business.

**Chief Clerk Reyes:** None at the moment Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Item 7, Reports of Committees.

**Chief Clerk Reyes:** For Item 7, Reports of Committees. We have the first one which is Committee Report No. CC-SCR-4-02, regarding CC-PR-04-01 from your Committee on Civil Liberties and Traditions for adoption. This was deferred from the last day of our session which was held on March 03, 2020 to the next day of Con-Con which is today.

**President Killion:** Thank you. Yes, Chairman Albert.

**President Killion:** Short recess please.

President Killion declared the Convention recessed at 3:33 p.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 3:36 p.m.

**President Killion:** Our session is now back to order. Chairman Albert.

**Chairman Albert:** I move that we adopt Standing Committee Report No. CC-SCR-4-02.

**Delegate Fritz:** Second

**President Killion:** It's been moved and seconded that we adopt Standing Committee Report No. CC-SCR-4-02. Discussion? If none, all those in favor say Aye? All those opposed say Nay? Motion carried. So, the motion was unanimously adopted. Moving on.

Motion carried by a voice vote of the Delegates.

**Chief Clerk Reyes:** Thank you Mr. President. Our next report is Committee Report No. CC-PR-4-03, regarding CC-PR-04-11 from your Committee on Government Structure and Functions for adoption. The report was deferred on March 03, 2020 to March 06, 2020 today's session.

**Chairman Nabeyan:** May I ask for a short recess?

**President Killion:** Short recess.

President Killion declared the Convention recessed at 3:37 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 3:44 p.m.

**President Killion:** We're now back to session. Chairman Nabeyan.

**Chairman Nabeyan:** I move to defer this Committee Report to our next session.

**Delegate Bossy:** Seconded.

**President Killion:** It's been moved and seconded that we defer the adoption of the Committee Report to our next day of session. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried. Moving on.

Motion carried by a voice vote of the Delegates.

**Chief Clerk Reyes:** Our last Standing Committee Report is No. 4-04, regarding CC-PR-04-46 from your Committee on General Provisions for adoption. Again this report was deferred from March 03, last day of Con-Con to March 06, which is today.

**Chairman Nabeyan:** Recess Mr. President.

**President Killion.** Short recess.

President Killion declared the Convention recessed at 3:47 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 3:48 p.m.

**President Killion:** We are now back to session. Chairperson Sigrah.

**Chairperson Sigrah:** Thank you Mr. President. I move that we defer action on this Committee Report No. 4-04 to our next session.

**Delegate Fritz:** Second

**President Killion:** Again, it's been moved and seconded that we defer action on this Committee Report to our next session. Discussion? If no discussion, all those in favor say Aye? All those opposed say Nay? Motion carried.

Motion carried by a voice vote of the Delegates.

## FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Item 8, First Reading of Proposals.

**Chief Clerk Reyes:** Thank you Mr. President. For item 8, First Reading of Committee Proposals, we have one which is Committee Proposal 4-02 for first reading from your Committee on Civil Liberties and Functions. Again, this proposal was deferred from our last session on March 03 to today's session.

Delegate Susaia: Mr. President.

President Killion: Yes, Delegate Susaia.

Delegate Susaia: I move that we defer indefinitely Committee Proposal No. 4-02.

Delegate Martin: Second.

President Killion: It's been moved and seconded that we defer indefinitely Committee Proposal 4-02. Discussion? If none, all in favor of said motion say Aye? All those opposed say Nay?. Motion carried.

The motion carried by voice vote of Delegates.

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Item No. 9, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** Thank you Mr. President. Please remove Committee proposals 04-03 and 04-04 from today's calendar because their Standing Committee Reports were deferred to our next day of session.

**President Killion:** Thank you Chief Clerk for the information. The said proposals are now removed. Moving on. Item 9. Second Reading of Committee Proposals.

**Chief Clerk Reyes:** There are none Mr. President.

## FINAL READING OF COMMITTEE PROPOSALS

**President Killion:** Item 10, Final Reading of Committee Reports.

**Chief Clerk Reyes:** There are none Mr. President.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Item No.11, Consideration of Resolutions.

**Chief Clerk Reyes:** There are no resolutions Mr. President.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Item No. 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Kindly refer to Referral Sheet No. 4-15.

**President Killion:** Thank you, the Referral Sheet is attached to the Order.

## SPECIAL ORDERS

**President Killion:** Item 13, Special Orders.

**Chief Clerk Reyes:** None Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Item 14, Miscellaneous Business. Anyone is free to make or add to Miscellaneous Business.

**Delegate Fritz:** Mr. President

**President Killion:** Yes Delegate Fritz.

**Delegate Fritz:** I keep repeating this corona virus. I'm concerned that if we go down this road and this becomes a problem, it will interrupt this Convention's proceedings which is required by law. Then we will be unable to complete our tasks which our people have expected us to do. Right now, we are fortunate that two bills are with Congress, proposed bill 21-151 and 21-152. I suppose came from you folks, but I urge and humbly request that the leadership communicate to Congress to bring some flexibilities in one of these legislations to create a law to allow us to recess if unfortunate things happen, so that we can come back and finish our task. Otherwise, we run out of days for this convention and that's it. Also, make sure some of the things happened to our colleagues are taken care of. But the most important thing is to find flexibility for us to use if this corona virus affects our Convention. In which case, this Convention might promptly stop its proceeding. Thank you.

**President Killion:** Thank you Delegate Fritz.

**President Killion:** Okay, any other Miscellaneous Business

**Delegate Sitan :** Recess

**President Killion:** Recess please.

President Killion Declared the Convention recessed at 3:51 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 3:55 p.m.

**President Killion:** We're now back to session. Any other Miscellaneous Business from any Delegate? None? Moving on.

## ANNOUNCEMENTS

**President Killion:** Announcements. Any from the Committee Chairs?

**Chairperson Sigrah:** Mr. President.

**President Killion:** Chairperson Sigrah.

**Chairperson Sigrah:** Thank you Mr. President. This is to inform all members of the Committee on General Provisions that our Committee will be meeting tomorrow at 9:00 a.m. here, and we will be reviewing proposals 4-52; 4-55; 4-54; 4-35. So please come, we have lots of work to do.

**President Killion:** Thank you Madam Chair Sigrah. So, at 9:00 a.m. here. Okay, any other Announcements?

**Chairman Nabeyan:** Mr. President.

**President Killion:** Yes Mr. Nabeyan.

**Chairman Nabeyan:** The Committee on Government Structure and Functions will have its meeting on Tuesday at 1:00 p.m. and we'll have our regular slot on Wednesday.

**President Killion:** The Committee meeting will be here?

**Chairman Nabeyan:** Yes.

**President Killion:** Okay, other meetings? Chairman Albert.

**Chairman Albert:** Short recess.

**President Killion:** Recess.

President Killion declared the Convention recess at 3:57 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 4:08 p.m.

**President Killion:** We're now back to session. For me, our officers meeting is right after this. I wish to request that all officers attend this meeting.

Any other announcements? Chairman Sitan.

**Chairman Sitan:** Committee on Finance and Revenue will meet on Tuesday at 9:00 a.m.

**President Killion:** Okay, no other announcements? Going once, going twice. Mr. Floor Leader.

**Floor Leader Yatilman:** I move that we stand in recess until 11:00 a.m. Tomorrow morning.

**President Killion:** It's been moved and seconded that we stand in recess until tomorrow morning at 11:00 o'clock. If no objection, then that shall be it.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 4:09 p.m., until the next day, Saturday, March 7<sup>th</sup> at 11:00 a.m.

Respectfully submitted,

/s/

Claudia David  
Temporary Journal Clerk

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**TWENTY SECOND DAY**

Saturday, March 7, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 11:15 a.m., Saturday, March 7, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 22 delegates are present.

(Absent: Delegate Susaia and Delegate Noket).

**President Killion:** Thank you. For the record, Delegate Noket is excused. So, we have a quorum in order to transact business. Adoption of Journal.

### ADOPTION OF JOURNAL

**Floor Leader Yatilman:** Mr. President. I move that we defer the adoption of yesterday's meeting Journal.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we defer the adoption of the Journal. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader Yatilman.

**Floor Leader Yatilman:** Can I ask for a short recess?

**President Killion:** Short recess is called for.

President Killion declared the Convention recessed at 11:18 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:19 a.m.

**President Killion:** Our session is now back to order.

So, moving on Item No. 5, Communications.

### COMMUNICATIONS

**Chief Clerk Reyes:** There are no Communications, Mr. President.

## UNFINISHED BUSINESS

**President Killion:** Thank you very much. Item No. 6, Unfinished Business.

**Chief Clerk Reyes:** None, Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Item No. 7, Committees Reports.

**Chief Clerk Reyes:** For Item No. 7, we have the first ConCon Standing Committee Report which is No. 4-03, regarding CC-PR-04-11 from your Committee on Government Structure and Functions for adoption. Again, this was deferred from yesterday to today's session.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. This was deferred because of the concerns some Delegates have with respect to the part of the language of the proposal, and I had the discussion with the Delegate who raised the concerns and we reached an agreement on how to address the concerns. So, those concerns can be addressed in the COW. So, when it comes to the discussion of the proposal in the COW, those concerns will be dealt with. So with that, Mr. President, I move that we adopt the said report.

**Delegate Martin:** Second.

**President Killion:** Thank you. It's been moved and seconded that we adopt this particular Committee Report from the Committee on Government Structure and Functions. Discussion? Any discussion on the matter before we vote?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Sitan:** Thank you very much, Mr. President. Tirow womi meinisin. I thank the good Delegate who sponsored this Proposal for his statement.

Personally, speaking as one Delegate from Chuuk, I have some difficulty with the second portion of the requirement that is the individual members At-Large to cast their vote for second reading. But in the interest of not only time, but to ensure that we work together in the spirit of unity and harmony, I'm willing to go along with the report, but with the understanding that the matter can be fixed. And I will hold my good friend to that representation. Thank you.

**President Killion:** Thank you, Delegate Fritz. Any other Discussions? Yes, Chairman Sitan.

**Delegate Sitan:** Yes. Thank you, Mr. President. Maybe it's not necessary. Again, in the spirit of unity, we can pass the report and we come to first reading, we will think whether we should do it or wait. For strategic reason, I don't know if this one is very important.

**President Killion:** Thank you, Chairman Sitan. Any other comments on the report before we vote? If none, let's vote on the adoption on the report. I guess it's proper that we voice vote. All those in favor of the said report, say Aye? All those opposed say Nay? Motion carried that the said report has been adopted. So, moving on. Next report.

The motion carried by voice vote of Delegates.

**Chief Clerk Reyes:** The next report is ConCon Standing Committee Report No. 4-04, regarding CC-PR-04-46 from your Committee on Government Provisions for adoption. Again, this was deferred for the second time from yesterday's session to today's session.

**Delegate Sigrah:** Mr. President.

**President Killion:** Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much. I move that we adopt Standing Committee Report 4-04, regarding CC-PR-04-46.

**Delegate Cantero:** Second.

**President Killion:** It's been moved and seconded that the said report be adopted. Discussion? If none, all those in favor of adopting the said report say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Moving on, Item No. 8, First Reading of Committee Proposals.

FIRST READING OF COMMITTEE PROPOSALS.

**Chief Clerk Reyes:** Moving on for the First Reading of Committee Proposals, we have the First Committee Proposal which is Committee Proposal No. 4-03, for First Reading.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** In the interest of just moving things along and I understand the concern raised by Chairman Sitan as this is not necessary and also the concern that Delegate Fritz has also raised which will be fixed in the COW. I believe that we only have only 22 more days left that we start processing these proposals, we discussed the merit of these proposals in the COW and decide the Committee Proposals to adopt. Also we will try to address Delegate Fritz's concern. With that, Mr. President, I move that we adopt this on First Reading.

**Delegate Martin:** Second.

**President Killion:** Okay. It's been moved and seconded that we adopt the Committee Proposal on the First Reading. Discussion? Yes, Chairman Sitan.

**Delegate Sitan:** Yeah, I ask for a short recess.

**President Killion:** Short recess is called for.

President Killion declared the Convention recessed at 11:26 a.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 11:32 a.m.

**President Killion:** Our session is now back to order. We are on First Reading. Yes, Chairman Sitan.

**Delegate Sitan:** Yes, I like to make a statement. In the Committee Report, I stated that it's not really the Chair. First, it's the people who are absolutely vote on are the same people. Procedurally, the way it is really say it, when Congress acts on a veto, first they all meet as a whole, all of them and they discuss it. And from there on, each delegation splits up and also discusses it. So, when it goes to the floor, they already have a decision. But when they vote on it, it's only four votes. If one objects the vote of the state, the state will caucus to pull a mountain of the majority. For the smaller states, if one opposes, it refers automatically. To me, in addition to this, I think we need to be strategic. Are we ready to load up the Proposals to be taken to the people? I suggest we should delay and maybe at some point maybe next week or the following week we can prioritize which one would. I don't think this one is the priority because it's already taken care of. Additionally, I think it will create a problem for when I say strategic. You know, Congress may not like this and they can go against what we do, but in a way this is more like internal procedure. Thank you very much.

**President Killion:** Thank you, Chairman Sitan. Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. I really appreciate the argument put forward by Delegate Sitan and in fact that was also introduced in Committee and we have had a discussion on it. But I think it is essential for the preservation of the principle of checks and balances upon which our nation was founded, that the Executive, Legislative, and Judicial branches of government, being co-equals, are able to effectively check the actions of the other.

To the judiciary, the Constitution bequeaths the power of judicial review over the actions of the Executive and Legislative branches.

The Legislative branch is vested the ability to reverse judicial decisions through its power to initiate constitutional amendments, and enact laws.

The Executive branch has the power of veto, and the Legislative branch the means to override that veto.

But when these facilities of checks are hollow in design, the system of balanced power between branches of government can start to erode.

The power of veto is hollow in design if the legislative voting threshold to pass a bill is the same as that to override a veto of that bill.

To pass a bill on final reading under the current design of the Constitution, a 2/3 vote of 4 state delegations in Congress is required, with each state delegation casting one vote. This equates to 3 of 4 votes.

To override a veto under the current design of the Constitution, a 3/4 vote of 4 state delegations in Congress is required, with each state delegation casting one vote. This also equates to 3 of 4 votes.

So the same number of votes to pass a bill on final reading is the same number of votes to override a veto of that bill. In all likelihood, the same 3 delegation chairmen, who vote to pass a bill on final reading, will also vote to override a veto of that bill, no matter the merit of the veto.

This in effect renders the application of the veto power hollow and futile, under an ill-proportioned structure of cross checks between the Executive and Legislative branches. In the end, this asymmetry of power will erode the system of checks and balances.

It has been argued in Committee, and Chairman Sitan argues now, that this measure is unnecessary because in fact Congress undertakes full consultations among its members in arriving at a decision on override; however, the core issue here is the Constitution, not the practice of Congress.

It is important to reframe the Constitution so that we truly have a system of government with a structure of checks and balances that actually results in a balance of power between co-equal branches of government.

The current system where only the 3 Delegation chairmen, who vote to pass a bill on final reading, can also vote to override a veto of that bill, creates an imbalance of power that renders the Executive and Legislative branches of government unequal, and tilts the balance of power in favor of Congress.

This very issue confronted one of the founding fathers of the United States, on whose Constitution our own founding fathers sought to model our Constitution, John Adams.

In stressing how vital it is to ensure the balance of power between branches of the constitutional government, he said ... "It is by balancing each of these powers against the other two, that the efforts in human nature toward tyranny can alone be checked and restrained, and any degree of freedom preserved in the constitution."

And with that Mr. President, I ask that we put good government above institutional interest. Thank you.

**President Killion:** Thank you, Chairman Nabeyan.

**Delegate Nabeyan:** Mr. President. The concern that Delegate Fritz raised will be fixed in the COW.

**President Killion:** Thank you. Chairman Sitan.

**Delegate Sitan:** We are trying to fix the balance of power with the same, Congress. Because the Congress passes the bill, it goes to the President, President vetos it, then it comes back to Congress. It's up to Congress. We try to fix the balance of power within the same group of people. It doesn't make sense to me. People who vote on the bill that went across are the ones who will check it again and most likely will come out the same, no difference. Based on experience, that's how Congress does it.

**President Killion:** Delegate Kanto first.

**Delegate Kanto:** Thank you. I've heard what both sides said. The status quo is claimed to be in the hands of four people who make the approval after second reading and were also the one's overriding the veto. The proposal is to put it in the hands of majority or 2/3 of the members by people and 3/4 of those At-Large. I believe if we are more concerned about the majority of the vote, the members of Congress, why don't we just take all of them together and then take 2/3 of that rather than going to the Delegation chair people or going to these two methods in which it says 2/3 of the 10 members and 3/4. That goes down to only those four, those four individuals. Because if they don't agree, those four, they don't override.

**Delegate Nabeyan:** Mr. President.

**Delegate Kind:** Thank you.

**President Killion:** Thank you. Chairman Albert first and then.

**Delegate Albert:** Thank you. I'm inclined to side with the good Chairman from Yap State. I think how the language is written is a bit you know, three out of four individuals overwriting the President's veto is not fair to the other members. So I think for the interest of fairness to all the members of Congress, I think I am inclined to side with the proposal that is being introduced. Thank you.

**President Killion:** Thank you, Chairman Albert. Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. I think the concern raised by Delegate Kanto is not exactly the same, but it's along the line of concerns that Delegate Fritz has discussed with me and like I said earlier, I will work with them to get their concerns addressed in the COW. So, if the others really want to kill this Proposal, they still have the opportunity to do that in the COW, but at least I can also discuss the merits of this in the COW, look at how to fix and address some of the concerns raised and if in the end we cannot agree, then we can vote against it but we need to move these proposals forward. And I think the discussion should be had in the COW. Thank you.

**President Killion:** Thank you Chairman Nabeyan. Chairman Sitan.

**Delegate Sitan:** I want to again clarify. It's not the four members that decide the veto. Each delegation decides the veto and they have the chairman to cast the vote. Like I said, if there's dissent among the delegation, and then they poll among each delegation. So, to be frank, it's not the four members, it's the whole Congress and each delegation ... For instance, if Congressman Urusemal go for veto to oppose and Congressman Figir oppose, it refers back to what I said. For Chuuk, if the chairman of the delegation votes something else and the majority don't agree, they challenge and then sit down and do a polling. Please understand, it's not the four votes, it's everybody's vote, but only one represent each delegation. Thank you.

**President Killion:** Thank you. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Yes. When we look at Yap and Kosrae for example and there are only two members. So, if somebody says no and the other says yes, they are basically switching places, but is that a fair way to poll? I think the proposal gives Congress a voice whether or not to override. For the two members, for the votes to switch between the two members just because the second person opposes the first person, I don't think that's a good system to go with.

**President Killion:** Yeah, that's the way it is now.

**Delegate Sitan:** Final Comment.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Maybe I have to convince my friend, Chairman Nabeyan. If you do this, you will lose your power.

**President Killion:** Can you repeat, sorry.

**Delegate Sitan:** If we go on that, smaller states will lose power.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Chairman Nabeyan.

**Delegate Nabeyan:** That is along the line of what I was trying to discuss to fix, work with Delegate Fritz on. But the thing is that the states' power is exercised on Final Reading. That's when the states exercise their power. But the greater concern is not so much the smaller states but the fact that the President is always subservient to Congress. How can the President check the actions of Congress if Congress can arbitrarily just by the vote of three people override the veto? The smaller states' concern will be addressed in the Final Reading before a bill is passed. It will also be addressed, we will try to fix it in the COW.

**President Killion:** Alright.

**Delegate Sitan:** Let me ask a question.

**President Killion:** Yes. Go ahead Chairman Sitan.

**Delegate Sitan:** So, you said two votes. First, how many members will do the first vote?

**Delegate Fritz:** Seven.

**Delegate Nabeyan:** Seven.

**Delegate Fritz:** Seven out of ten.

**Delegate Sitan:** Ten. If it's killed, it's got to go to the second vote. Yes? I want to get an understanding. Because if it's killed on the first vote, it doesn't have a chance for a second vote. So, I'm telling Yap and Kosrae, you will lose out.

**Delegate Nabeyan:** Well, Mr. President. Like I said, the smaller states' concern, is protection in the Final Reading. Yes, because they can vote to pass the bill in the Final Reading by Delegation.

**Delegate Sitan:** Chairman, but he said there will be two votes. One for so many and the final for four. If the first one doesn't make it, is it necessary to go to the floor?

**Delegate Nabeyan:** I'm talking about the protection to the smaller states. I'm sorry, Mr. President. The smaller states' concern is in the Final Reading of a bill whether to pass the bill into law. That's where they exercise their control. But if you want to keep it that way to override, then how can you keep the balance between the Executive and Legislative for Congress? The smaller states' concern is an important concern to me coming from a smaller state. I think the way it's set up in the order of bills, that is where we address our concerns not in override, but in the passage of bills on the Final Reading.

**Delegate Naich:** Mr. President.

**President Killion:** Let him continue.

**Delegate Nabeyan:** But when it passes and goes to the President and it's vetoed, when it comes back, if we continue that trend of voting, then I think it's important because there is a balance of power between Congress. Otherwise, whatever Congress does will most likely go through despite whatever the President, even if the President vetoes the measure. Because it's only three people that vote on the Final Reading and also vote to override the veto. That's my concern.

**President Killion:** Chairperson Sigrah first, and then Delegate Naich.

**Delegate Sigrah:** Thank you very much. Mr. President, I have listened to both sides of the argument and educated myself fairly well during Committee meetings and at this point I see the merits of the proposal and I'm ready to vote. So, I think that we can motion to close debate and be ready to vote.

**Delegate Asher:** Second.

**President Killion:** Delegate Naich first and then. Did you move? Was there a motion?

**Delegate Sigrah:** Yes. I made a motion at the end, but I do not want to exclude some good points so maybe I will withdraw it and then make it later.

**President Killion:** For the record, your motion is withdrawn and I'll call on Delegate Naich. Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President and I thank the Delegate from the great state of Kosrae for allowing me the opportunity to make some observations. I think we are pushing ourselves too hard by trying to apply the requirements of checks and balances when they don't seem to fit our particular case. It has been said that our Constitutional Government is modeled after the US Government. That is true with some exceptions. But, we should not also forget the fact that the Delegates to the Philadelphia Constitutional Convention read the book by a gentleman, the title of which was *The Spirit of the Law*. Now, some of the requirements of checks and balances do not exist in our case. So the mechanism for maintaining that checks and balance do not meet our case unless we go to the other proposals like the election of the President because the checks and balance do not fit in our case. I guess that's the difficulty of applying checks and balance to the fullest in our case. I just wanted to make that small observation. Thank you.

**President Killion:** Thank you very much, Delegate Naich. Yes, Delegate Samo.

**Delegate Samo:** Thank you, Mr. President and good morning to all of you. Thank you, Madame Chair for allowing me to make a motion. I want to thank the two gentlemen for bringing up their wisdom and experience on this rather difficult point. I do not disagree with the point to have good checks and balance. I do not disagree with that point of trying to make this practical work before us. I do, however, disagree to take this point up at this point in time making it as if it's our first and only priority to vote on. Because I have other priorities that I would want to consider this along with the rest. So, I'd rather delay voting on this until we know the rest, because I'm of the view that we will face too many to take it out to the public. And we have to choose, we have to be strategic. We have to ask ourselves which ones of these we should prioritize and give to our people to vote on. So, I just want to share my two cents at this point because that's how I feel at this point. Thank you.

**President Killion:** Thank you very much, Delegate Samo.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman.

**Delegate Nabeyan:** I understand we delayed some time on the floor and I think this is a very good substantive proposal that can have a significant impact on governance. So, I can agree to that. We can defer, move this to the COW and continue discussion there. We can defer action actually in the COW while I'm trying to work with all the Delegates who have shared their concerns and see how we can address those concerns. In the end if we can address it, and then we address it. So we can accommodate people's concerns to see if we can, then I think we can take a vote at that time. But I still think it's still an important matter to just push it off at this point without actually delving into the merits, both pros and cons of the issue. Thank you.

**President Killion:** Thank you very much. Yes, Chairman Sitan.

**Delegate Sitan:** I think it's best we take it to the COW to discuss because I speak from experience how Congress operates. And we're talking override and that's what we're trying to change, override. Yes, I think it's better we discuss more in COW and come up with a more sound decision based on facts because I think some of us, maybe we can ask some other people with experience. Like Samo said, his is very important so do we push it first or we should wait.

**President Killion:** Okay. Delegate Fritz.

**Delegate Fritz:** Thank you very much. Just for the record, because nobody is speaking on behalf of the 1975 Delegates. They weighed these questions that are now in front of us and they sided with the power which is vested with their representatives, with the Congress. Balancing whether to go with the Executive or the Legislative Branch and they believed that because there is a direct relationship between those and the members of the Congress as opposed to the President, who is selected by Congress they tipped the scale weighing the balance of power toward the representative of the people. I was in the Congress for 22 years, 16 years of which I was Speaker and there were some measures that we override and there were also some we did not override depending on how we see the merits of the message from the President. I just want to say this for the record. Like I said before, we are waiting to discuss these because these are principle policy decisions that was decided then and now we're trying to raise it for further discussion. Thank you.

**President Killion:** Thank you very much. Chairman Asher.

**Delegate Asher:** Thank you, Mr. President. I think I've heard arguments from both sides and I move that we close on debate and vote on the Proposal.

**Delegate Naich:** Second.

**President Killion:** It's been moved and seconded that we close debate and move on to vote. So, we have that motion first. All those in favor of the motion to close debate, say Aye? All those opposed, say Nay? The motion to close debate passed. So, let's vote on the matter on, under our Rule, minimum of 16 votes is needed to pass first reading?

**Delegate Sigrah:** Can I make a motion for secret ballot? I demand for a secret ballot.

**President Killion:** Not demand, but request. Alright, if no objection, it shall be done by secret ballot. Declare short recess.

President Killion declared the Convention recessed at 11:40 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:42 a.m.

**President Killion:** We're back to session. May I have the Chief Clerk read the tally of the votes on the First Reading on this Committee Proposal?

**Chief Clerk Reyes:** I apologize Mr. President for the delay.

**President Killion:** No problem.

**Chief Clerk Reyes:** According to the results that we have, 16 Delegates voted for and 6 against, 2 absent.

**President Killion:** So, under our Rule, that particular proposal is passed on First Reading. Okay, moving on, under Committee Proposal for First Reading.

**Chief Clerk Reyes:** Under Item 8, First Reading of Committee Proposals, the second and the last committee proposal that we have on the calendar is Committee Proposal is No. 4-04 for First Reading.

**Delegate Nabeyan:** I move to adopt for First Reading.

**Delegate Fritz:** Second.

**President Killion:** It's been moved and seconded that we pass the new proposal on First Reading. Discussion?

**Delegate Sitan:** Can she read the title?

**President Killion:** Okay. Journal Clerk, you can read the title of that particular Committee Proposal.

**Chief Clerk Reyes:** Committee Proposal No. 4-04 reads as follows. It's relating to amending the Constitution resolve that the following be agreed upon as an amendment to the Constitution to Article XIV, Section 1. An amendment to this Constitution may be proposed by a Constitutional Convention popular initiative or Congress in a manner provided by law. A proposed amendment shall become a part of the Constitution when approved by two-thirds (2/3) of the votes cast on that amendment in each of the three-fourths (3/4) of the states. If conflicting Constitutional amendment submitted to the voters at the same election are approved, the amendment receiving the highest number of affirmative votes shall prevail to the extent of such conflict.

**President Killion:** Yes, Madame Chair.

**Delegate Sigrah:** Mr. President, if I may. Good morning Mr. President, Mr. Vice-President Iso Nahnken, all Delegates. This proposal to lower the threshold from three-fourths to two-thirds votes cast, in three-fourths of the states has been discussed at length by the Committee on General Provisions and many, many sessions, many meetings. We have about five proposals on the same subject. We were able to iron out, reconcile it and then the proposal 4-06 was adopted. I will not reiterate what is very well stated in the Standing Committee Report. I just want to emphasize that what came out of that meeting on General Provisions is that although there is some resistance, most Delegates feel the need that it's time for a change. Forty years ago when the Constitution was enacted, when it took place, it set a very high threshold and time has changed. Forty years later, we've seen some

changes, big changes. One big change is that we have climate change, global warming and we cannot deny that. Another change was that when it was first enacted, the states were not battling over fishing fees. So those are the changes and many more that happened. With that in mind and my concluding thought is that the time has changed and this proposal is coming up to also go along in consideration of all the changes. In this apparent proposal, we are not touching on the ninety some words in there. There are three sentences, ninety some words in there and we're only touching on that three-fourths. Just strike that out and put in there, two-thirds and that's still a very high threshold. I urge our good Delegates here to please consider that. I will want to say that I am a face of change. I'm also a voice that sounds like change because forty some years ago, even twenty years ago, you don't have women sitting here and also share their thoughts on policy, how we move forward. We can tell that the people have spoken and they're ready to move for change. We urge all our good Delegates here to consider a favorable decision on this proposal. Thank you very much.

**President Killion:** Thank you very much, Madam Chair. Do you have a motion?

**Delegate Saimon:** May I? Quickly, in addition to..

**President Killion:** Yes, Delegate Saimon.

**Delegate Saimon:** Thank you very much. Ai tungoal sakaradahn wahu pahn kupwuroan Isohko, Mr. President, and everybody in this Convention. Quickly in addition to what my colleague and Delegate stated, this is really the third Constitutional Convention that amends the first one and some legislative actions for amendments as well. I know that dual citizenship was brought up five times, four to five times and all times it has been defeated either by Constitutional Convention or by legislative action from Congress. It shows that perhaps many factors in addition to the fact that the threshold was 75%, but perhaps the education concern is there as well, which we are trying to address at this Convention. So, this change is perhaps as stated by our colleague here is completely needed. In all of those past conventions, I think our rate of passage has been so low, dismal at best so getting this passed, my concern again is to make sure that we can have some number that is reasonable in our world. When we passed this Constitution, we only needed majority vote. I understand that. But also the rationale is not to easily change it so it would be more difficult than many of us changing spouses as we do. But it shouldn't be too easy as well. So, my point is, and I'm sorry for that anecdote that was supposed to be funny and for you to look at me and engage in

the conversation, but having to lower this is hopefully can get us to get things moving. Now, my additional concern has to do with the time. The Constitution says that every ten years, the question be brought to the people to answer whether there should be a Constitutional Convention. So, if this doesn't work, if we started changing the Constitution too easily, we have ten years from now to also look at this but we know for a fact that forty years past, it hasn't worked. So, change is about time and I vote with my colleague and everybody, I urge us to all agree for this change. Thank you.

**President Killion:** Thank you very much, Delegate Saimon. Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. I think there's strong support for this so I move for closure of debate for this proposal.

**President Killion:** It's been moved and seconded that we close debate. All this in favor, say Aye? All those opposed, say Nay? So, we're now ready to vote on this particular proposal.

**Delegate Samo:** I demand for a secret vote, please.

**President Killion:** Chairman Sitan first.

**Delegate Sitan:** I move we vote by raising hands.

**Delegate Nabeyan:** Recess.

President Killion declared the Convention recessed at 11:49 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:53 a.m.

**President Killion:** Now we're back to session. We're voting on the Committee Proposal No. 4-04 on First Reading. And under our Rule, we need a minimum of sixteen votes for passing. So, may I ask the Chief Clerk to read the outcomes of the votes?

**Chief Clerk Reyes:** Thank you, Mr. President. There are twenty (20) affirmative votes, two (2) against, and two (2) absent.

**President Killion:** With that said, Proposal is passed on First Reading. Thank you.

*(Applause)*

**President Killion:** Okay, moving on.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** I move that we suspend the rest of the calendar and go down to Item 14.

**Delegate Choor:** Short recess.

President Killion declared the Convention recessed at 11:55 a.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 11:58 a.m.

**President Killion:** Now we're back to session. There was a motion by Floor Leader to leapfrog all the way down to Item 14 and it was seconded.

SECOND READING OF COMMITTEE PROPOSALS: None

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS:  
None

CONSIDERATION OF RESOLUTIONS: None

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS: None

SPECIAL ORDERS: None

## MISCELLANEOUS BUSINESS

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Delegate Fritz.

**Delegate Fritz:** I move that we stand in recess until the next session day.

**Delegate Asher:** Second.

**President Killion:** Let's take a recess.

President Killion declared the Convention recessed at 12:12 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 12:17 p.m.

**President Killion:** Now we're back to session.

**Delegate Fritz:** I withdraw my motion so all the statements can be made by anybody before we recess. Thank you.

**Delegate Asher:** I also withdraw my second.

**President Killion:** Thank you very much, Delegate Fritz. So, second is also withdrawn. Now we move back to ... Yes, Chairman Sitan.

**Delegate Sitan:** I move that the statement that Delegate Cantero made will be put on the record instead of repeating.

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that the various including Delegate Cantero, Delegate Naich and others will be inserted in today's record. Discussion. Chairman Nabeyan.

**Delegate Nabeyan:** I think it will make sense if it was recorded. But if it's not recorded?

**President Killion:** We have the audio just a matter of inserting them. So, we have to vote on the motion. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried that all those statements made earlier can be inserted in the Journal. Any other matters?

The motion carried by voice vote of Delegates.

Per Delegates request for insertion in today's Journal.

### ANNOUNCEMENTS

**Delegate Saimon:** The Pohnpei Delegation under our Chairman, we have our meeting after this to discuss a very important, one of our priority proposals. Thank you.

**President Killion:** Alright. Any other? Yes, Chairperson Mori.

**Delegate Mori:** Thank you, Mr. President. Good day to everyone. I would just like to announce to the Delegation that our good friend Delegate Noket will be leaving on today's flight. His health has been causing a bit difficulty for him, but he's going to get that remedied hopefully in a short amount of time, so we need to make allowances for his absence however that needs to be done with the Secretariat but at the same time we ask for your good prayers for his speedy recovery and hope he can come back and join us soon. He will be leaving, I think the flight is at 2 o'clock today should anybody want to bid him farewell, you all are welcome. Thank you.

**President Killion:** Thank you very much, Chairperson Mori.

**Delegate Cantero:** Mr. President.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Thank you, Mr. President. There are a couple of things I want to say. I'm sorry to delay. First of all, I'd like for the record to reflect my vote on the two Proposals and I voted YES. For me, I want that to be clear. I also want to say something on this issue regarding the allowances for Delegate Kanto and Delegate Liwy. I think we need to tackle that and I don't know if we can take it as a final resolution, the opinion from the AG. But I'd like to think that we can also counter, if that's possible. How can we counter, if it's possible, if not then, it is

what it is, but then I don't think we should be giving up too easily on them. I think they deserve it and they should get the compensation just like everybody else. And I also want to just throw out the comment that throughout our discussion today, it appears that there are some interest around the table that want to at least fast track, not fast track, but get proposals across to a certain level where we have an idea of what are the entire proposals that are moving forward. I think it was expressed by my friend Delegate Samo and Sitan, being strategic in getting these proposals perhaps to a certain level, maybe the COW and then we will leave it there and try to get some of them that we want to be on the ballot across. So, we can take the COW forward and maybe fine tune it or subtract things that we may not want to be on the ballot. And again, I think an idea that started that was clear from the first day to now is to try as much as possible to limit the amount of proposals because whether we like it or not, the amount of proposals have an effect on whether they will pass or not. I'd like to believe that idea continues until now. So, being strategic is also important. What I think we all want is that at the end of the day when we go through the process and we end up with 15, 20 proposals, we can retract. I don't know what the process is in that so I think there's merit to get these proposals to a certain level, wait for others to catch up and then let's see where we will go from there, perhaps the COW. I thought I'd share that on the table. I also like to think that there is a need for a gathering for us to get together and maybe have a reception somewhere in honor of the Yap Day, us, as well as the Women's Day. So perhaps the Secretary can do something like that together sometime soon.

Last but not the least, I'd like to acknowledge Ms. Shanty Sigran. She was the former Deputy Assistant Secretary for the Department of Foreign Affairs, looking after our relationship with Europe, if I am not mistaken. And now, she is the President's nominee to be the CG, FSM Counsel General in Hawaii. So, I think we need to acknowledge her. We should acknowledge her since she's an important person for this country as well. So, may I ask that we give her a round of applause.

*(Applause)*

**President Killion:** Thank you very much and also we welcome the young lady and we wish her well. I also wish to ask our LC to give us a briefing on the outcome of our meeting yesterday.

**Vice President Iriarte:** Mr. President.

**President Killion:** Yes, Vice President Iso Nahnken Iriarte.

**Vice President Iriarte:** I just received an invitation for Monday at 10 o'clock in the morning. I'll be speaking to the ladies from Pohnpei, so I am also extending the invitation to all Delegates. Let's meet at 10 at the Kolonia Gym, it is the International Women's Day so, please remember. Since we don't have anything to do that day, especially Chuukese, Kosraean and Yapese, please join us on Monday.

**President Killion:** Thank you, Iso for that invitation. Most of us will go but not all depending on our meetings and others.

**Delegate Naich:** Point of Privilege. According to the announcement made by Delegate Mori about the departure of our colleague, Delegate Noket. I would like to refer to a message by our Delegate upon his departing today wishing all of us Good Luck! I would like to place if it's not out of order the copy of the message in the record of the Convention for today and if it is also okay or fine with Delegate Mori, I would also like to place the response to Delegate Noket's message. Thank you, Mr. President.

**President Killion:** Thank you, Delegate Naich.

Message from Delegate Noket upon his departure:

*Dear all,*

*I am writing to all of you with hard feelings how sad I am that I must leave you. I cannot express in words as it is deep in my heart. Please, keep up the good work that the people of Chuuk directed us to do for the people of Chuuk and the FSM.*

*I am departing today with tears in my eyes to seek for medical treatment as advised by my Physician and leave all of you with the hard work which we all have already started. The work is yet to be completed, but, I am confident that you will accomplish a lot. I am very sorry that I may not be able to accomplish the tasks of what we were directed to do. Please, pray for me so that I can come back early to accomplish the work with you all.*

*One last wish I would like to convey to you all is to please, respect each other in you, your work and cooperate with each other.*

*I hope you understand my situation and forgive me if I have offended any one of you with my performance and words. I love all of you.*

*Sincerely,*

*Delegate Camillo Noket*

Response to Delegate Noket's message:

*Dear Honorable CJ, Samol, Delegate Noket,*

*It is with a heavy heart that I respond to your message, knowing how we have prayed for your speedy recovery, while looking forward to your return to the 4th FSM Convention.*

*There will be a void in our Chuuk Delegation that will never be adequately filled in your absence as no one will measure up to your unique and distinguished persona, intelligence, cultured and respectful nature, caring for your fellow delegates, and your unique ability to change a dire situation to a joyous and delightful one.*

*May your travels be a safe one with the Almighty's guidance and care, so your return may be soon and in vigorous and robust health.*

*God bless and bon voyage.*

*Ai tong ngonuk me Anna on your journey.*

*Kind regards,*

*Delegate Cindy Mori*

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**Delegate Cantero:** Mr. President.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Thank you, Mr. President. I just like to submit my thanks to ahi Papa Delegate Fritz for his kind understanding. I just want to make sure that he knows that it's appreciated.

**President Killion:** Certainly. On our behalf, we certainly appreciate your kindness.

**Delegate Fritz:** You are all welcome.

**President Killion:** Thank you very much. So, any other as we are still on Announcements. If no announcements, Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we stand in recess until Tuesday at 1 o'clock.

**Delegate Martin:** Second.

**President Killion:** It's moved and seconded that we stand in recess until Tuesday at 1 o'clock. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried. We stand in recess until Tuesday at 1 o'clock.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recessed at 1:12 p.m., until Tuesday, March 10<sup>th</sup> at 1:00 p.m..

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**TWENTY THIRD DAY**

Tuesday, March 10, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 2:50 p.m., Tuesday, March 10, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

## ROLL CALL

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 22 delegates are present.

(Absent: Delegate Fritz and Delegate Noket).

**President Killion:** Thank you. For the record, Delegate Noket is excused. So, we have a quorum in order to transact business. Adoption of Journal.

## ADOPTION OF JOURNAL

**Floor Leader Yatilman:** Mr. President. I move for adoption of Journals for Eighteenth Day, Nineteenth Day, and Twentieth Day.

**Delegate Bossy:** Second.

**President Killion:** It's been moved and seconded that we adopt the Journals for Eighteenth Day, Nineteenth Day and Twentieth Day. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

**President Killion:** So, moving on Item No. 5, Communications.

**Chief Clerk Reyes:** There are no Communications, Mr. President.

## UNFINISHED BUSINESS

**President Killion:** Thank you very much. Item No. 6, Unfinished Business.

**Chief Clerk Reyes:** None, Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Item No. 7, Committee Reports.

**Chief Clerk Reyes:** There are no Communications, Mr. President.

FIRST READING OF COMMITTEE PROPOSALS.

**President Killion:** Moving on, Item No. 8, First Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 2:56 p.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 3:03 p.m..

SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Our session is back to order. We were on Item 8, now we're moving on to Item 9, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** Thank you Mr. President. For Item 9, Second Reading of Committee Proposals, we currently have two. The first one is Committee Proposal No. 4-03 for Second Reading that is attached to Standing Committee Report No. 4-03. And the second one is, as we continue on in the order, is Standing Committee Report No. 4-04 for Second Reading and this is attached to Standing Committee Report No. 4-04.

**President Killion:** Thank you. By virtue of our rules, I will now absolve our Plenary into COW. And now I therefore call for a short recess to allow the COW Chair.

President Killion declared the Convention recessed at 3:06 p.m., subject to the call of the Chair.

**RECESS**

The Convention dissolved to the Committee of the Whole.

## RECESS

The Convention reconvened at 3:33 p.m.

**President Killion:** We're now back to session. I wish to call upon the Chairman of the Committee of the Whole (COW), Chairman Asher to make a report.

**Delegate Asher:** Thank you, Mr. President. Your Committee of the Whole (COW) considered Proposals 4-03 and 4-04. For Committee Proposal 4-03, the Committee defers action on the Proposal. By way of that, Committee Proposal 4-03 shall be on the Order of the Day on the next session day which is tomorrow. Mr. President, as for Committee Proposal 4-04, I am pleased to report that your Committee of the Whole (COW) recommended that the Proposal is referred to the Convention's Plenary for voting for Second Reading.

Thank you, Mr. President. I hereby move for acceptance of this oral Report of the Committee of the Whole (COW).

**Delegate Bossy:** Second.

**President Killion:** Thank you. It's been moved and seconded that the said report by the Chairman of the Committee of the Whole (COW) be adopted or accepted. Any Discussion? If none, all those in favor of the motion for the adoption of the said report ...

**Delegate Nabeyan:** Recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 3:40 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 3:46 p.m.

**President Killion:** We're now back to session.

So, for the record, thank you very much Chairman Asher for the report on the COW. So, now we are on Second Reading of that particular Committee

Proposal 4-04. Since this is going to be on Second Reading, voting will be by Delegation, vote of the four Delegations. Passage will require at least 3 out of 4 states to pass the particular Proposal on Second Reading. At this time, I'd like to call on the Chief Clerk to call the States so that we can vote.

**Chief Clerk Reyes:** State of Chuuk, Madame Chairperson Mori.

**Delegate Mori:** Mr. President, the state of Chuuk, our vote on the Proposal 4-04 is affirmative.

**Chief Clerk Reyes:** State of Kosrae, Chairman Palsis.

**Delegate Palsis:** Thank you. Kosrae votes for the affirmative for the Proposal.

**Chief Clerk Reyes:** State of Pohnpei, Chairman or Vice-President Iso Nahnken Iriarte.

**Vice-President Iriarte:** Pohnpei is a Yes.

**Chief Clerk Reyes:** State of Yap, Chairman Nabeyan.

**Delegate Nabeyan:** Yes.

**Chief Clerk Reyes:** Thank you. Mr. President, we have four states that voted for or in support of Committee Proposal 4-04.

**President Killion:** Thank you very much. As per our Rules, this particular Committee Proposal 4-04 has been adopted or passed on the Second Reading. Thank you. Congratulations!

[Applause]

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Moving on. Item No. 10, Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** For Item 10. None, Mr. President.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Item No. 11, Consideration of Resolutions.

**Chief Clerk Reyes:** None also, Mr. President.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** There is no Referral Sheet, Mr. President.

## SPECIAL ORDERS

**President Killion:** Item 13, Special Orders.

**Chief Clerk Reyes:** None also, Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Item 14, Miscellaneous Business. Does any Delegate wish to provide or add comments on Miscellaneous Business?

**Delegate Sitan:** May I?

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** My respects to Iso and President.

At the same time, I look back and the founding fathers made it that on any Second Reading, all the states should cast vote, full participation to Second Reading and override. What I see in the new proposal, that's kind of changing the way it was. What is happening now is opening up for the smaller states to lose the time to vote on override because it will first go to. In the end, rules of the veto, mostly on money, on appropriation, I can assure you, the big states, when it comes to overriding the money, they will do it. Or if something is not right, they can also go along with it. The proposal that we will be considering, it will most likely take away the power of the small states, but I believe we should have all the states' full participation in the voting or we try to see if everybody votes. But once we do the

first one, whatever the outcome of the first one cannot go to the second one. I want to leave this with Delegates, not only that this affects the smaller states but at the same time see where it is following priority to be put up for consideration. Thank you very much.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Thank you very much, Chairman Sitan. I think your comments are pertinent to the Committee Proposal 4-04 that was deferred and reconsidered tomorrow. Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President and respect to Delegate Sitan. The Proposal will be discussed tomorrow in the COW, but I vehemently disagree with his assessment of what impact there will be on the smaller states or any of the states. At the last session we said that we will make some amendments to the Proposal that will address some of the concerns that some of the Delegates have raised. We've done that. That's the reason for deferment. So that I'm allowed to have the opportunity to introduce the proposed amendment in accordance with the Rules.

**President Killion:** Thank you, Chairman Nabeyan. Any other Miscellaneous Business? Yes, Delegate Takesy.

**Delegate Takesy:** Thank you, Mr. President. My respects to all of you. I would like to raise a moment of jubilee. I think that it is very fitting that the first Proposal to pass this Convention addresses the very future of this country and I am so proud to be among you in stepping up to that. Our country is young and it is born of a culture that is so mixed but we're able to come together to face the future because the future is uncertain at the moment because of climate change, and now Corona Virus and who knows what else. I think it is very fitting that the first proposal should look to fixate and strengthen the writing of the law of the land to protect the future generations of this country. For this reason, Mr. President, I would urge you that a press release be called immediately so that the people of this country are aware of what we have done and that this is the first. Thank you very much.

**President Killion:** Thank you very much, Delegate Takesy. I also share that same sentiment regarding the importance of this very important proposal that we have just passed and also regarding our nation, our federation. Yes, we will try to

make sure that the press release on that very important matter that we had just passed on Second Reading. Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. Listening to my neighbor here, I am compelled as the Chairwoman of the Committee on General Provisions, on behalf of the Chair and the Vice Chair and our committee members, I know that we worked very hard on this particular proposal so I would like to take this time to thank each and every one of you. It's a good start and we have more proposals coming for us. At this time, I'd like to thank each and every one of you. Thank you very much.

**President Killion:** Thank you. Short recess declared.

President Killion declared the Convention recessed at 3:52 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 3:56 p.m.

**President Killion:** We're now back to session. We're on Item 14, Miscellaneous Business. Yes, Delegate Bossy.

**Delegate Bossy:** First I have to say my piece of mind, thanking all Honorable Delegates and praising them for what they did on the first proposed amendment. In my Miscellaneous Business on the 20<sup>th</sup> day, I express my wish and desire to all Delegations and in saying that we should address the proposals, amended proposals that we have common interest so that we will move on smoothly and expedite the process. So, we won't have to argue and debate. Instead we should pass all these proposed amendments on a consensus basis. Thank you very much.

**President Killion:** Thank you very much. That is a very valid concern. In our efforts to move forward, we need to do that. Thank you, Delegate Bossy. Any other Miscellaneous Business? If none, let's move on to Announcements.

### **ANNOUNCEMENTS**

**Delegate Nabeyan:** Chair.

**President Killion:** Yes, Chairman Nabeyan first.

**Delegate Nabeyan:** The Committee on Governance Structure and Functions will not have its meeting today. We'll see what transpires tomorrow and then we'll schedule the next meeting.

**President Killion:** Thank you, Chairman Nabeyan. Chairman Saimon.

**Delegate Saimon:** The Style and Arrangement will have its first meeting tomorrow, one o'clock. We should probably take from 45 minutes to an hour so or maybe less than that. Maybe 20 minutes. No lunch.

**President Killion:** Lunch will be provided?

**Delegate Saimon:** Because we'll be meeting right after General Provisions and lunch will be over by then.

**Delegate Albert:** President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Our Committee on Civil Liberties, we have our report in front of us; so tomorrow we'll just quickly go over it before we send it over for.

**Delegate Nabeyan:** Three o'clock?

**Delegate Albert:** Eight thirty (8:30).

**President Killion:** Thank you, Chairman Albert. Any other announcements by the other Chairpersons? Yes, Chairperson Sigrah.

**Delegate Sigrah:** The Committee on General Provisions will meet tomorrow. The time slot given to us as of now is 11:00 o'clock. I apologize. We were announcing 2:30 p.m. but it has been moved. We're very accommodating but at the same time we hope that in the future when we send out our time slot, as much as possible if we can keep that. And because we're meeting close to lunch hour, I will work to make sure that there is lunch for us tomorrow. Thank you.

**President Killion:** Thank you for offering the lunch to the Committee. Thank you very much. Any other? Yes, Chairman Albert.

**Delegate Albert:** Since there is a joint assignment with your Committee, would it be possible to just continue after this?

**Delegate Sigrah:** We have another.

**President Killion:** After this? The eleven o'clock and then continue?

**Delegate Albert:** Okay. Never mind.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** Committee on Public Finance and Revenue will meet tomorrow, 10 o'clock to consider Proposal 4-36 plus I want to add Committee Reports I have yet to get. I'd like to ask LC to follow up. Plus, I want the Committee Report on what gets decided today to be ready for tomorrow's meeting on Revenue Sharing.

**President Killion:** Thank you very much, Chairman Sitan. For your Committee on Public Finance and Revenue, did you say there are Committee Reports drafted or being drafted?

**Delegate Sitan:** It's kind of late. That's why I ask the LC to hear me out.

**President Killion:** Alright. LC will look into it and work with your legal staff.

**Delegate Sitan:** If the LC works with our legal staff, then perhaps you can focus on the one on Revenue Sharing because we're behind

**President Killion:** That is the recommendation to our LC to work with your legal staff. We're still on Announcements. Any other announcements?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until tomorrow at 2 o'clock.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until 2 o'clock tomorrow. If no objection, we are hereby recessed until then. Thank you.

President Killion declared the Convention recessed at 4:03 p.m., until Wednesday, March 11<sup>th</sup> at 2:00 p.m..

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**TWENTY FOURTH DAY**

Wednesday, March 11, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 2:07p.m., Wednesday, March 11, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll,

**Chief Clerk Reyes:** Mr. President, 21 delegates are present.

(Absent: Delegate Fritz, Delegate Naich and Delegate Noket).

**President Killion:** Thank you. So, we have a quorum in order to transact business. For the record, Delegate Noket is still excused.

Delegate Naich arrived at 2:25 p.m.

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. I apologize that I just came in right after the Chief Clerk called the roll. May the record reflect the fact that I have joined the Convention.

**President Killion:** Thank you. Delegate Naich. For the record, you are present although you just came late so it shall be noted. And Delegate Noket is still ill. He's sick so he is excused. And Delegate Fritz is on travel and shall be noted for the record. So moving on, Adoption of Journal.

### ADOPTION OF JOURNAL

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move that the Convention adopts the Journal of the Twenty First Day.

**Delegate Martin:** Second.

**President Killion:** Okay. It's been moved and seconded that the said Journal be adopted. Discussion?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Which Journal?

**President Killion:** The Twenty First Day.

**Delegate Sitan:** Short recess, please.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 2:25 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 2:27 p.m.

**President Killion:** We're now back to session. Floor Leader? We're still on Item 4.

**Floor Leader Yatilman:** You can call for a vote.

**President Killion:** Yes. So, the motion is to adopt for Twenty First Day. If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So, moving on Item No. 5, Communications.

**Floor Leader Yatilman:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 2:32p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 2:34 p.m.

**President Killion:** We're now back to session. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adopt the Journals of the Eighteenth, Nineteenth, and Twentieth Days.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we adopt those Journals of those days, Eighteenth, Nineteenth, and Twentieth Days. Discussion?

**Delegate Sitan:** Yes, with the understanding that it will be clarified.

**President Killion:** Thank you, Delegate Sitan. Any other discussion? So, let's vote on the main motion. All those in favor of the motion, say Aye? All those opposed, say Nay? Motion carried. Moving on, Item 5, Communications.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**Chief Clerk Reyes:** For Item 5, Communications, there are no Communications, Mr. President.

### UNFINISHED BUSINESS

**President Killion:** Item No.6, Unfinished Business.

**Chief Clerk Reyes:** For Item 6, Unfinished Business, none, Mr. President.

### REPORTS OF COMMITTEES

**President Killion:** Item No. 7, Reports of Committees.

**Chief Clerk Reyes:** For Item No. 7, we have one Report of Committee and that's CC-SCR 4-05 on Committee Proposal 4-05 from your Committee on Civil Liberties and Tradition for adoption.

**President Killion:** Chairman Albert.

**Delegate Albert:** I so move.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that the said Committee Report be adopted. Discussion? Any discussion on CC-SCR 4-05?

**Delegate Sitan:** Yes.

**President Killion:** Discussion. Yes, Delegate Sitan.

**Delegate Sitan:** I have a question. There is a section on Loyalty. It says.

**President Killion:** Go ahead. What page?

**Delegate Sitan:** On page four.

**President Killion:** What paragraph?

**Delegate Sitan:** Paragraph two. Let me just call out something. The case of loyalty is greatly supported. What if we have a dual citizen person and there's no change in criteria for eligibility for President or Congress? Can a dual citizen be one of those people, President or a member of Congress?

**Delegate Susaia:** Yes.

**President Killion:** Yes, Chairman Saimon.

**Delegate Saimon:** Thank you. Ai tungoal sakaradahn wahu pahn kupwuren Isohko, Mr. President, kitail koaruhsie. When you become a citizen of FSM, you should have all the benefits and rights and everything that comes with the citizenship, whether you're a citizen of our country or not. My answer to that, my personal answer to that would be a Yes. But I also looked up the United States. The current person running for president on the Democratic side, I think he has two passports also. Joe Biden, he has, so he is a dual citizen so the guidance that they have under the United States Constitution would be followed I think should guide us to the same conclusion. That a citizen shouldn't be kind of a different status because it's dual. It should be complete with all kind of benefits that go with it. So, it should be. Thank you.

**President Killion:** Thank you very much, Chairman Saimon. Does that answer your point, Delegate Sitan?

**Delegate Sitan:** Yes. Thank you very much. At some point, I want to make an amendment somewhere. Add rights be given to dual citizens. We have a small country. I can understand the U.S. because it's a big country, loyalty to the number one biggest country in the world. I can imagine us, a small country and we're also citizens to another big country. Where is our loyalty? Thank you very much.

**President Killion:** Thank you Chairman Sitan for expressing that concern. I'm sure some Delegates also share the same. Any other discussion?

**Delegate Nabeyan:** I move that we stop debate on the proposal.

**President Killion:** Any second?

**Delegate Saimon:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor, say Aye? All those opposed, say Nay? So, we stop debate. Let's vote on the main motion at hand, to adopt the said Report CC-SCR-04-05. So, a show of hands. All those in favor of the said Report, say Aye?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 2:45 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 2:49p.m.

**President Killion:** We're now back to session. So, we need to vote on the said Report by showing of hands. All those in favor of the said Report, raise your hand? It's unanimous. Therefore, this said Report is hereby adopted. Moving on, any other Committee Reports?

**Chief Clerk Reyes:** There are no more Committee Reports, Mr. President.

**President Killion:** Moving on, Item 8, First Reading of Committee Proposals.

### **FIRST READING OF COMMITTEE PROPOSALS.**

**Chief Clerk Reyes:** For Item 8, we have First Reading of Committee Proposals, we have one and that Committee Proposal No. 4-05 for First Reading. This is attached to Standing Committee Report No. 4-05.

**Delegate Nabeyan:** I move to pass for First Reading.

**Delegate Palsis:** Second.

**President Killion:** It's been moved and seconded that the said Committee Proposal No. 4-05 be adopted on First Reading. Discussion? Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. I just want to make a statement. Perhaps it will not be addressed in this Proposal except somewhere else. Like I said earlier, my concern of loyalty and be a leader of a small country and also citizen of a bigger country. That's one. The second one, and I hope it can be addressed later on is the issue of land ownership. And I hope this is somewhere addressed so that we don't end up losing land to the rich. But the nature of this Proposal, I support it and I think if there is room somewhere to address these two matters. Thank you very much.

**President Killion:** Thank you, Chairman Sitan. That is a valid concern to take into account. Any other discussion on the Committee Proposal? Yes, Madam Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much. I go along with the same sentiments voiced by Sitan. I shared that concern during the Committee meetings a lot, that we cannot serve two masters. Our loyalty, we can only be loyal to one master, one flag. So, what happens when one flag goes to war with another flag? So, there is a need to house that concern somewhere because if we elect this official. Is that official going to be loyal to which flag? This is a very important point and that goes to the same, land ownership. We have dual citizenship that are enjoying both worlds and they can have a lot of resources at their disposal. So, we have to weigh this carefully going forward. Thank you.

**President Killion:** Thank you very much, Madam Chairperson Sigrah. Any other discussion on the said Committee Proposal? Delegate Naich.

**Delegate Naich:** Thank you, Mr. Chair. I fully support the statement made by Delegate Sitan. The world has become a borderless village. Our country is a small country, that is true, and we are subject increasingly to the forces of globalization where the issue of loyalty may be marginalized because of other countries more powerful, richer than we are and more technologically sophisticated. So, the issue of loyalty has not been completely diminished. So, I suggest that the head of state, head of government be still subject to that, that issue of being different from the other citizen. Thank you so much.

**President Killion:** Thank you very much, Delegate Naich, for that valid concern. Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, President. The issue on loyalty is a difficult one to address. But if we're focusing on the intent of this proposed amendment, it

is trying to bring in those children who were born outside the FSM in countries that allow citizenship by birth. These countries are not that numerous. China, you cannot gain citizenship by birth or other countries, mostly. U.S allows that. You can gain U.S. citizenship by birth, regardless of the citizenship of your parents. So, what this proposed amendment provides is that that kind of person, that kind of child, if one or both parents are FSM citizens, she can come back and become FSM citizen and also maintain her U.S. citizenship after she reaches 21 years. And on loyalty, do we have doubt that he or she can be head of a country? Because she's Micronesian by blood. So, the only difference is he or she may hold another passport in addition to an FSM passport. But, by blood, he or she is Micronesian, FSM citizen, by blood, both parents or one of the parents is an FSM citizen. So, to me the question of loyalty, I really have no problem. It shouldn't be an alarming thing. In fact, I think it will benefit us in the future. Those kind of kids can benefit this country. On land ownerships, the protections are in the State Constitutions. For instance, in the Pohnpei Constitution, ownership of land in Pohnpei is restricted to Pwilidaks. Pwilidaks in Pohnpei means you have to be a Pohnpeian. So that means dual citizenship, you cannot own land. I mean, you can own land, I'm sorry. I take it back, you can own land. So, what's the risk? The important thing is, that the child is not denied her right to own land because after all, like I said, he or she is a Micronesian and a Pohnpeian resident. So are we going to deny him or her the right or privilege to own land in Pohnpei?

**Delegate Sitan:** Short recess.

President Killion declared the Convention recessed at 2:55 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 2:58 p.m.

**President Killion:** We're still on the said Committee Proposal, 4-05, First Reading.

**Delegate Nabeyan:** I move for previous question.

**Delegate Susaia:** Second.

**President Killion:** Okay. Close debate. All those in favor of the motion to close debate, say Aye? All those opposed, say Nay? Motion carried. Let's declare a short recess.

President Killion declared the Convention recessed at 3:01p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 3:04 p.m.

**President Killion:** Now we're back to session. Let's vote on the said Committee Proposal, No. 4-05. Under our Rule for First Reading, a minimum of 16 affirmative votes constitutes passage of a Committee Proposal. So, at this time, I'd like to call the Journal Clerk to read, call the names, roll call for this particular passage.

### Chief Clerk Reyes:

|                                    |          |
|------------------------------------|----------|
| Delegate Albert                    | Yes      |
| Delegate Asher                     | Yes      |
| Delegate Bossy                     | Yes      |
| Delegate Cantero                   | Yes      |
| Delegate Choor                     | Yes      |
| Delegate Fritz                     | [Absent] |
| Delegate Hashiguchi                | Yes      |
| Vice President Iso Nahnken Iriarte | Yes      |
| Delegate Kanto                     | Yes      |
| Delegate Liwy                      | Yes      |
| Delegate Martin                    | Yes      |
| Delegate Mori                      | Yes      |
| Delegate Nabeyan                   | Yes      |
| Delegate Naich                     | Yes      |
| Delegate Noket                     | [Absent] |
| Delegate Palsis                    | Yes      |
| Delegate Saimon                    | Yes      |
| Delegate Samo                      | Yes      |
| Delegate Sigrah                    | Yes      |
| Delegate Sitan                     | Yes      |
| Delegate Susaia                    | Yes      |
| Delegate Takesy                    | Yes      |
| Floor Leader Yatilman              | Yes      |
| President Killion                  | Yes      |

Mr. President, we have 22 affirmative votes.

**President Killion:** With that, that particular proposal is hereby passed on First Reading. Congratulations to all of us for that. Thank you.

So, moving on, Second Reading, Item 9.

*[Applause]*

**President Killion:** Let the record show that we all applauded the action we just did, the passage on First Reading.

### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Moving on, Item 9 on the Order, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** For Item 9, Second Reading of Committee Proposals, we have one Committee Proposal and that's No. 4-03, for Second Reading. This is attached to the Standing Committee Report 4-03 and it was deferred from yesterday's session to today's session.

**President Killion:** Thank you. As per our Rule, I hereby resolve our Plenary into the Committee of the Whole for the discussion of this matter. It was deferred from yesterday. Therefore, I now call for a short recess so Chairman of COW can come and conduct business. Chairman Asher. Thank you.

President Killion declared the Convention recessed at 3:10 p.m., subject to the call of the Chair.

### **RECESS**

The Convention dissolved into the Committee of the Whole at 3:12 p.m.

### **RECESS**

The Convention reconvened at 3:34 p.m.

**President Killion:** We're now back to session. Plenary. At this time, I will kindly ask Chairman Asher to make a proper report on the outcome of the COW meeting that we just had a while ago.

**Delegate Asher:** Thank you, Mr. President. The Committee of the Whole took some action on Committee Proposal 4-03. There was a proposed amendment submitted to Committee of the Whole for extensive discussions on points and arguments made for and against. However, the Committee of the Whole is still in discussion and has not completed its discussion. Therefore, I move that this be placed on our next order of business during our next session. Thank you, Mr. President.

**President Killion:** Pursuant to our Rule, it's automatic that the particular matter is moved to the next COW session. Therefore, final decision on that particular Committee Proposal is still pending.

**Delegate Sitan:** Recess.

President Killion declared the Convention recessed at 3:35p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 3:37 p.m.

**President Killion:** Our session is now back to order. We're now moving on to Item 10, Final Reading of Proposed Constitutional Amendments.

### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Thank you. Item 11, Consideration of Resolutions.

### CONSIDERATION OF RESOLUTIONS

**Chief Clerk Reyes:** None also, Mr. President.

### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Kindly refer to REFERRAL SHEET NO. 4-16.

**President Killion:** Thank you, that declared Referral Sheet is here with attached to the Order.

### SPECIAL ORDERS

**President Killion:** Item 13, Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Miscellaneous Business. Does anyone have any issues under this particular heading, Miscellaneous Business?

**Delegate Nabeyan:** Short recess.

**President Killion:** Recess called for.

President Killion declared the Convention recessed at 3:44 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 3:47 p.m.

**President Killion:** Now we're back in session. We're on Miscellaneous Business. On the assignment of this particular Resolution CC-Res-4-08, I had decided to assign this to the Committee on General Provisions and hopefully within the next day or two to come up with a recommendation and report back to Plenary after deliberating on this very interesting, important Resolution. Any other Miscellaneous Business?

**Delegate Cantero:** I just have one. I'd like to submit for the Committee Chairs to perhaps think about expediting some of the proposals that are with each Committee. Just an encouragement to take into account, we have a couple more days left. It's a friendly encouragement that we try to expedite getting those proposals out to Plenary. Thank you.

**President Killion:** Thank you, Delegate Cantero. I was going to say that because as echoed by the sentiment by Delegate Bossy a while ago that it's needed

in light of the fact that we have decided more or less to have another week of deliberation session and then we break. For each Committee Chair to look at the pending matters in your Committees and then move them forward so that we can hopefully conclude our decision on them and take the appropriate actions.

**Delegate Cantero:** Thank you.

**President Killion:** Thank you very much.

**Floor Leader Yatilman:** Short recess, Mr. President.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 3:48 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 3:49 p.m.

### ANNOUNCEMENTS

**President Killion:** We're now back to session. We're on Item 15, Announcements. Any of the Chairmen, Chairpersons have any Announcements? Yes. Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much, Mr. President. The Committee on General Provisions will meet tomorrow at 1 o'clock here in this meeting room. Thank you.

**President Killion:** General Provisions Committee, 1 o'clock here in this place, tomorrow. Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. The Committee on Style and Arrangement, we're meeting tomorrow at 2:30 in this place also. Thank you.

**President Killion:** Okay. 2:30 Committee on Style and Arrangement, tomorrow afternoon at 2:30. Any other Announcements? Yes. Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. The Committee on Government Structure and Functions will meet on Friday, 2:30 either in the

Chamber, if we have the Chamber back, or here. The agenda will be Independent Prosecutor proposal and the proposal to increase the number of At-Large members of Congress. Thank you.

**President Killion:** Thank you very much, Chairman. It is noted. Any others? Chairman Sitan.

**Delegate Sitan:** 1 o'clock, maybe Friday. I want the Committee to meet to look at Revenue Sharing to clean it up before we bring it forward.

**President Killion:** Friday at 1 o'clock. Alright, thank you very much Chairman. Any other Announcements by any of the other Chairmen, Chairpersons? Okay, if none, Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President. I move that the Convention stands in recess until tomorrow, Thursday, at 10:00 a.m.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until tomorrow, Thursday, at 10 a.m. All those in favor, say Aye? All those opposed, say Nay? Thank you very much. We're in recess.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recessed at 3:53p.m., until Thursday, March 12<sup>th</sup> at 10:00 a.m.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**TWENTY FIFTH DAY**

Thursday, March 12, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 11:23 a.m., Thursday, March 12, 2020.

### MOMENT OF SILENT PRAYER

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Reyes called the roll,

**Chief Clerk Reyes:** Mr. President, 22 delegates are present.

(Absent: Delegate Fritz and Delegate Noket).

**President Killion:** Thank you very much. So we have a sufficient number of Delegates to transact business. For the record, Delegate Noket is still excused. So, moving on, adoption of the journal. Mr. Floor Leader.

### ADOPTION OF JOURNAL

**Floor Leader Yatilman:** Mr. President. I move that we defer action on the adoption of the Journal of yesterday's meeting.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we defer action on the adoption on the said Journal. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So, moving on Item No. 5, Communications.

### COMMUNICATIONS

**Chief Clerk Reyes:** There are no Communications, Mr. President.

### UNFINISHED BUSINESS

**President Killion:** Thank you very much. Item No. 6, Unfinished Business.

**Chief Clerk Reyes:** None, Mr. President.

### REPORTS OF COMMITTEES

**President Killion:** Item No. 7, Committees Reports.

**Chief Clerk Reyes:** For Item No. 7, we have the two. The first ConCon Standing Committee Report which is No. 4-06, regarding CC-PR-04-10 from your Committee on Public Finance and Revenue for adoption.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. I move that we defer action on the said Report.

**Delegate Nabeyan:** Second.

**President Killion:** Thank you. It's been moved and seconded that we defer adoption on the said Committee Report No. CC-SCR-4-06 from the Committee on Public Finance and Revenue. Discussion? If none, all those in favor motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

Continue on, Committee Report.

**Chief Clerk Reyes:** The second and last ConCon Standing Committee Report which is No. 4-07, regarding Committee Proposal-4-04 from your Committee on Style and Arrangement for adoption.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I move that we adopt the Report.

**Delegate Asher:** Second.

**President Killion:** It's been moved and seconded that the said report be adopted. Discussion? As pursuant to our rules because we need the minimum of thirteen (13) votes for adoption and by our action we adopt this said committee report that is still to be the passage of this particular proposal No. 4-04. This is for final reading.

**Delegate Saimon:** Mr. President.

**President Killion:** Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. For the record, the report in front of you is missing one of our colleagues, actually two signatures. The correct package, the original is already signed by the second missing person which is Chairman Albert, but the last person whose signature is missing is Delegate Noket. Thank you.

**President Killion:** Thank you, Chairman Saimon.

**Delegate Asher:** Question.

**President Killion:** So move for previous question. All those in favor of the motion to stop debate say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So we will vote on the motion at hand on the adoption of the said report. So, it has to be counted. So, all those in favor to adopt the Report, raise your hand. Count.

Chief Clerk, announce the result.

**Chief Clerk Reyes:** All 22 Delegates that are present voted for, Mr. President.

**President Killion:** Thank you. So, congratulations we just passed the report.

(Applauses)

**President Killion:** Moving on, Item No. 8, First Reading of Committee Proposals.

FIRST READING OF COMMITTEE PROPOSALS.

**Chief Clerk Reyes:** For Item No. 8, First Reading of Committee Proposals. Since Standing Committee Report No. 4-06 has been deferred, please disregard the Committee Proposal 4-06, for First Reading.

SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you very much. Item No. 9, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** For Item No. 9, we have Committee Proposal No. 4-03 for Second Reading. That is attached to the Standing Committee Report 4-03. So, to continue on under Item No. 9 Second Reading of Committee Proposal, we have another Committee Proposal No. 4-05, for Second Reading that is attached to the Standing Committee Report No. 4-05.

**President Killion:** So, pursuant to our Rules, we're resolving to the Committee of the Whole which Chairman Asher will take over. So I hereby call a short recess.

President Killion declared the Convention recessed at 11:36 a.m., subject to the call of the Chair.

**RECESS**

The Convention dissolved into the Committee of the Whole.

**RECESS**

The Convention reconvened at 11:44 a.m.

**President Killion:** We're now back to session. I wish to request the Committee of the Whole (COW), Chairman Asher to make a report.

**Delegate Asher:** Thank you, Mr. President. Your Committee of the Whole was reconvened earlier today. In our session, your Committee considered Proposals 4-03 and 4-05. The Proposal 4-03, the Committee of the Whole

recommends that it will defer to the next meeting of the Committee of the Whole and the Proposal 4-05, the Committee of the Whole recommends that it will refer to the Plenary and for the Plenary for Second Reading. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Asher. So now we have that particular Proposal for Second Reading.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** I just want to clarify. The first one is defer to the next session after the recess.

**President Killion:** Yes. For this one Proposal 4-05, we need to take action on Second Reading. Pursuant to our Rules we need at least 3 out of the 4 states for passage.

**Delegate Kanto:** Can we have a recess?

**President Killion:** Short recess, please.

President Killion declared the Convention recessed at 11:45 a.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 11:54 a.m.

**President Killion:** We're now back to session. We're on Second Reading for the Committee Proposal No. 4-05. Pursuant to our Rules, minimum of 3 out of the 4 states need for passage. So, at this time I would call the votes by state delegations.

**Chief Clerk Reyes:** Thank you, Mr. President.

- State of Chuuk, Madam Chairperson Mori.

**Delegate Mori:** Point of Privilege, Mr. President. I am not feeling quite confident so I yield to my other members of our Delegation.

**Delegate Samo:** Short recess.

**President Killion:** Short recess, please.

President Killion declared the Convention recessed at 11:57 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:01 p.m.

**President Killion:** We're now back to session. We're are on Second Reading on the said Proposal No. 4-05. We are in process of having the states call for the votes.

**Chief Clerk Reyes:** State of Chuuk, Madam Chairperson Mori.

**Delegate Mori:** Thank you, I abstain.

**Chief Clerk Reyes:** State of Kosrae, Chairman Palsis.

**Delegate Palsis:** Yes.

**Chief Clerk Reyes:** State of Pohnpei, Chairman Iso Nahnken Iriarte.

**Vice President Iriarte:** Yes.

**Chief Clerk Reyes:** State of Yap, Chairman Nabeyan.

**Delegate Nabeyan:** It's a bigger Yes.

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Chairperson Mori.

**Delegate Mori:** For Chuuk Delegation, our vote is Yes.

**President Killion:** That shall be recorded. Chuuk is Yes also. The number of votes we have just unanimously passed Committee Proposal No. 4-05 which is a very important matter. Thank you.

(Applause)

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Okay. Moving on, Item No. 10, Final Reading of Proposed Constitutional Amendments

**Chief Clerk Reyes:** For Item No. 10. Since Committee Report 4-07 from your Committee on Style and Arrangement was adopted without any recommendations of changes or amendments, the Committee Proposal listed under Item No. 10, which is Committee Proposal 4-04 has been passed on Final Reading. So, please disregard the Committee Proposal 4-04 listed under Item No.10.

**President Killion:** Thank you very much. That shall be noted. So, moving on Item No. 11, Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I move to place ConCon Resolution 4-09.

**Delegate Mori:** Second.

**President Killion:** It's been moved and seconded that the said Resolution No. CC-RES-4-09

**Delegate Choor:** Short recess.

**President Killion:** Short recess, please.

President Killion declared the Convention recessed at 12:02 p.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 12:03 p.m.

**President Killion:** We're now back to session. There was a motion to place the said Resolution CC-RES-04-09 to be placed on today's calendar and it was seconded. Discussion? If no objection, all those in favor of the said particular Resolution on the calendar say Aye? All those oppose say Nay? Motion Carried.

The motion carried by voice vote of Delegates.

Now we have the said particular Resolution on the calendar.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** I yield to my friend Delegate Susaia to make the amendment.

**Delegate Sitan:** Short recess.

**President Killion:** Yes, short recess.

President Killion declared the Convention recessed at 12:04 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:05 p.m.

**President Killion:** We're now back to session. May I request the Chief Clerk to read the said Resolution?

**Chief Clerk Reyes:** Under Item. No. 11, Consideration of Resolutions. We have now one Resolution No. 4-09. Convention Resolution 4-09 is a Resolution relating to the Schedule of the Fourth FSM Constitutional Convention for adoption.

**Floor Leader Yatilman:** Mr. President, I so move for adoption.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that the said Resolution be adopted. Discussion?

**Delegate Susaia:** Here.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Thank you, President. On behalf of our Floor Leader, I'd like to offer an amendment to the title of the Resolution to read; "strike schedule and replace it with extension so it can conform with the Whereas clause of the Constitution. And I ask for a second.

**Delegate Liwy:** Second.

**President Killion:** Okay, there's a proposed amendment by Delegate Susaia and it was seconded. As noted, the word "schedule" to be replaced with the word "extension". Any Discussion? If none, all those in favor of the Proposed Amendment say Aye? All those oppose say Nay? Motion carried. So we have a Proposed Amendment in the said Resolution. Further Discussion?

**Delegate Takesy:** Mr. President.

**President Killion:** Yes, Delegate Takesy.

**Delegate Takesy:** Thank you, Mr. President. I just like to request for the Secretariat to make sure that the spelling of names and titles of the officers mentioned in this Resolution are correct. Thank you.

**President Killion:** Okay. That is pertinent. The spelling of names and title shall be noted and corrected.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** I move for the adoption of the Resolution as amended.

**Delegate Asher:** Second.

**President Killion:** It's been moved and seconded that the said Resolution as amended be adopted. Discussion. Recess.

President Killion declared the Convention recessed at 12:05 p.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:06 p.m.

**President Killion:** We're now back to session. Now we have to motion to adopt this Resolution as amended. All those in favor of the motion say Aye? All those oppose say Nay? Motion carried.

The motion carried by voice vote of Delegates.

## **INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS**

**President Killion:** Moving on to Item No. 12, Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Kindly refer to REFERRAL SHEET NO. 4-17.

**President Killion:** Thank you, the said Referral Sheet No. 4-17 is here with attached to the Order.

## **SPECIAL ORDERS**

**President Killion:** Moving on, Item No. 13, Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

## **MISCELLANEOUS BUSINESS**

**President Killion:** Item 14, Miscellaneous Business. Any Miscellaneous Business that Delegates wish to bring forth to our session this morning? Yes, Chairperson Mori.

**Delegate Mori:** Thank you, Mr. President. I wish just to call the attention of the Convention on the issue regarding our recess or our adjournment Saturday and what becomes the status of our Convention budget. What happens .....

**Peter Sitan:** Short recess.

**President Killion:** Recess call for.

President Killion declared the Convention recessed at 12:07 p.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:11 p.m.

**President Killion:** We're now back to session. We are still on Miscellaneous Business.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delete Sitan:** My respect to Iso, you and all Delegates. I want to follow suit on something my friend Delegate Naich said. The advice of my other Delegate Fritz, he reminds me of saying as "we the clan called Sopwun like Tupwin Pahnmei" the sayings especially related to the Corona Virus. "You heard it, but you don't want to hear it. You see it, but you don't want to see it. You know it, but you don't want to know it." Thank you very much.

**President Killion:** No, we all don't see it, and we're all scared from it because we are all human beings.

**Delegate Sitan:** That's my Miscellaneous.

**President Killion:** Thank you very much, Chairman Sitan for that interesting notation. Okay, anymore on Miscellaneous Business before we go to Announcements? If none, Announcements.

## **ANNOUNCEMENTS**

You all see the Sheet that was distributed by our LC attached to the schedule. Any other announcement? Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. In the Plenary yesterday, I announced the meeting for your Committee on Government Structure and Functions was scheduled for tomorrow. But given what has transpired today in terms of moving up our recess, I'm canceling that meeting because whatever

comes up in that meeting will be going down in the pipeline. So, I postpone the meeting of your Committee on Government Structure and Functions until further notice. Thank you.

**President Killion:** Thank you Chairman, Nabeyan. Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. Your Committee on Style and Arrangement, please let's meet at 2:30 this afternoon so we can have something for Plenary tomorrow so we can have some insight for Plenary tomorrow. Thank you.

**President Killion:** Thank you, Chairman Saimon. Madam Chair Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. The Committee on General Provisions will be meeting today at 1 o' clock, here in this room. We will be going over Draft Standing Committee Report on Delegate Proposal No. 4-52. So, you should have the draft with you so I hope we can sign that today so that we can work on it tomorrow. And then we will also looking at the Proposal relating to the environment. Thank you.

**President Killion:** Today, at 1 o' clock.

**Delegate Sigrah:** Yes, here at the next hour.

**President Killion:** Okay. Thank you very much, Madam Chair for that announcement. Any other announcements?

**Delegate Sitan:** Mr. President. Can I call for a short recess?

**President Killion:** Recess called for.

President Killion declared the Convention recessed at 12:14 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:21 p.m.

**President Killion:** We're now back to session. We are the last item, which is Announcements.

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Your Committee on Public Finance and Revenue will have a meeting tomorrow at 1 p.m. here to look at Committee Reports.

**President Killion:** Okay. The Committee on Public Finance and Revenue will have a meeting at 1 o' clock tomorrow here to review Committee Reports. Any other announcements?

**Delegate Cantero:** Just one thing, Mr. President.

**President Killion:** Yes.

**Delegate Cantero:** I think we've done well. We started off all these debates arguing back and forth but at the end of the day we passed two proposed amendments unanimously. It's healthy for a debate but the fact that we are able to pass those two very important proposals across the unanimously despite the debates, that speaks volumes to me and I hope we maintain that spirit as we continue to progress. I thought I'd mention the success, Mr. President.

**Delegate Sitan:** Short Recess.

**President Killion:** Thank you very much Delegate Cantero. That is very true and I thank you all for that.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes.

**Floor Leader Yatilman:** I move that we stand in recess until 10 o' clock tomorrow.

**Delegate Kanto:** Second.

**President Killion:** It's been moved and seconded that we stand in recess until 10 o'clock on tomorrow. If no objection, we are hereby recessed until then. Thank you.

President Killion declared the Convention recessed at 12:23 p.m., until Friday, March 13<sup>th</sup> at 10:00 a.m..

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**TWENTY SIXTH DAY**

Friday, March 13, 2020

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 12:07 p.m., Thursday, March 13, 2020.

**MOMENT OF SILENT PRAYER**

**President Killion:** I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

**ROLL CALL**

Chief Clerk Reyes called the roll,

**Chief Clerk Reyes:** Mr. President, 21 delegates are present.

(Absent: Delegate Fritz, Delegate Hashiguchi and Delegate Noket).

**President Killion:** Thank you. For the record, Delegate Noket still excused. So, we have a quorum in order to transact business. Adoption of Journal.

**ADOPTION OF JOURNAL**

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Go ahead.

**Floor Leader Yatilman:** I move that we defer adoption of the Journal of yesterday's session.

**Delegate Kanto:** Second.

**President Killion:** It's been moved and seconded that we defer the adoption on yesterday's Journal. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So, moving on Item No. 5, Communications.

#### COMMUNICATIONS

**Chief Clerk Reyes:** There are no Communications, Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Thank you very much. Item No. 6, Unfinished Business.

**Chief Clerk Reyes:** None, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Item No. 7, Reports of Committees.

**Chief Clerk Reyes:** For Item No. 7, we have a few. The first one is ConCon Standing Committee Report No. 4-06, regarding CC-PR-04-10 from your Committee on Public Finance and Revenue for adoption.

**President Killion:** Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. I move for adoption on the Standing Committee Report.

**Delegate Liwy:** Second.

**President Killion:** Thank you. It's been moved and seconded that the said Committee Report be adopted. Discussion?

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** There's a proposed amendment that the Yap Delegation wants to make in terms of the formula for revenue distribution under this proposal. So, I would like to actually defer action on this until after the recess.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 12:11 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 12:12 p.m.

**President Killion:** Now we're back in session. There's that motion on hand to adopt the said report by Chairman Sitan. Any more Discussion?

**Delegate Nabeyan:** I move the previous question.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we stop discussion. All those in favor say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So, let's vote on the committee report by raising of hand. All those in favor raise your hand? All those opposed raise your hand? The motion to adopt the report is here now passed.

The motion passed by Delegates raise their hand to show their vote.

**Delegate Nabeyan:** Recess.

**President Killion:** Recess is called for.

President Killion declared the Convention recessed at 12:13 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:14 p.m.

**President Killion:** Now we're back in session. A while ago, the Plenary just adopted the said report from the Committee on Public Finance and Revenue. So moving on, Committee Report.

**Chief Clerk Reyes:** The second Committee Report on the calendar is Committee Report No. 4-08, re. CC-PR-04-52 from your Committee on General Provisions for adoption.

**Floor Leader Yatilman:** So move for adoption, Mr. President.

**President Killion:** It's been moved and seconded that said Report be adopted.

**Delegate Nabeyan:** I move the previous question.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor to stop debate say Aye? All those opposed say Nay? Ayes have it.

The motion carried by voice vote of Delegates.

So let's vote on the main motion at hand to adopt the said report. All those in favor of the said report say Aye? All those opposed say Nay? Motion carried. The said report has been adopted at Plenary.

The motion carried by voice vote of Delegates.

So moving on, more Committee Report?

**Chief Clerk Reyes:** The last Committee Report under Item No. 7, Committee Report No. CC-SCR-4-09, on Committee Proposal No. 4-05 from your Committee on Style and Arrangement for adoption.

**Floor Leader Yatilman:** So move for adoption, Mr. President.

**Delegate Kanto:** Second.

**President Killion:** It's been moved and seconded that the said Report be adopted.

**Delegate Nabeyan:** I move the previous question.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor to stop debate say Aye? All those opposed say Nay? Ayes have it.

The motion carried by voice vote of Delegates.

So let's vote on the main motion at hand to adopt the said report. All those in favor of the said report say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

Short recess.

President Killion declared the Convention recessed at 12:17 p.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:19 p.m.

**President Killion:** Thank you very much everyone. A while ago, we just adopted the said Committee Report No. CC-SCR-4-09, re. Committee Proposal 4-05. So by our action by adopting the said report pursuant to our rules, such adoption means the Committee Proposal No. 4-05 is hereby passed on final reading.

[Applause]

## **FIRST READING OF COMMITTEE PROPOSALS.**

Thank you. So, moving on Item No. 8, First Reading of Committee Proposals.

**Chief Clerk Reyes:** Under this item we have two Committee Proposals. The first one we have Committee Proposal No. 4-06 for First Reading. This is attached to Standing Committee Report 4-06.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I move that we defer action on this until after the recess.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that the said Committee Proposal be deferred until after the recess.

**Delegate Nabeyan:** I move the previous question.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor to stop debate say Aye? All those opposed say Nay? Ayes have it.

The motion carried by voice vote of Delegates.

So let's vote on the main motion to defer this particular Committee Proposal to act on after recess. Short recess.

President Killion declared the Convention recessed at 12:24 p.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:25 p.m.

**President Killion:** Now we're back to session. At hand, there's a motion and it was seconded to defer the Committee Proposal No. 4-06 till we come back after recess. So, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried. That particular Proposal is hereby deferred.

The motion carried by voice vote of Delegates.

Okay, moving on First Reading of Committee Proposals.

**Chief Clerk Reyes:** Yes. Continue down on Item No. 8. The second and last Committee Proposal is Committee Proposal No. 4-07 for First Reading. This is attach to Standing Committee Report No. 4-08.

**Delegate Sigrah:** Mr. President.

**President Killion:** Yes, Madam Chair.

**Delegate Sigrah:** I'm making a motion to defer action on Committee Proposal No. 4-07 until after we return from recess.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that the said Committee Proposal be deferred until we come back after the recess.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I move the previous question.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor to stop debate say Aye? All those opposed say Nay? So we stop debate on the motion at hand.

The motion carried by voice vote of Delegates.

So let's vote on the main motion to defer this particular Committee Proposal No. 4-07 to act on after recess. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried that the particular Committee Proposal is hereby deferred.

The motion carried by voice vote of Delegates.

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Okay, moving on Item No. 9, Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Item No. 10, Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** Mr. President. With the adoption of Committee Proposal No. 4-09 from your Committee on Style and Arrangement with no recommendation of any changes or amendments from the said Committee. This Committee Proposal No. 4-05 is been passed on Final Reading. Therefore, please disregard Committee Proposal 4-05 listed under Item No. 10.

**President Killion:** Okay, that is noted. Thank you very much, Chief Clerk. So, moving on Item No. 11, Consideration of Resolutions.

## CONSIDERATION OF RESOLUTIONS

**Delegate Asher:** Short recess.

**President Killion:** I declare short recess.

President Killion declared the Convention recessed at 12:26 p.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:27 p.m.

**President Killion:** Now we're back to session. We're on Item No. 11.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Yeah, Mr. President I move that we place on today's calendar CC-RES-04-10 and CC-RES-04-11.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that the said two Resolutions, CC-RES-04-10 and CC-RES-04-11 be placed on today's calendar.

**Delegate Nabeyan:** I move the previous question.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor to stop debate say Aye? All those opposed say Nay? So we stop debate on the motion.

The motion carried by voice vote of Delegates.

So, let's vote on the motion at hand to place these two Resolutions on today's calendar.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Short recess, please.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:29 p.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 12:30 p.m.

**President Killion:** Now we're back to session. So, let's vote on the motion at hand to place these two Resolutions on today's calendar. All those in favor of the motion say Aye? All those opposed say Nay? Now we have these two Resolutions on today's calendar.

The motion carried by voice vote of Delegates. Now, Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. The first Resolution under the Resolution Calendar is CC-RES-04-10 for adoption. CC-RES-04-10 is a Resolution relating to the recess of the Fourth FSM Constitutional Convention due to the novel coronavirus pandemic declared by the World Health Organization.

**President Killion:** Okay. Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that we adopt the Resolution with an amendment that we also . . .

**Peter Sitan:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:31 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 12:34 p.m.

**President Killion:** Now we're back to session. Mr. Floor Leader.

**Floor Leader Yatilman:** Yes, Mr. President. I move for adoption of the said Resolution.

**Delegate Kanto:** Second.

**President Killion:** So, it's been moved and seconded that the said Resolution CC-RES-04-10 be adopted. Discussion.

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Chairman Susaia.

**Delegate Susaia:** I wish to offer floor amendments to the said resolution.

**President Killion:** Well, go ahead Chairman Susaia.

**Delegate Susaia:** On page 3, line 4 after the semicolon. State of Chuuk; the Traditional Leadership of Pohnpei State and the Traditional Leadership of Yap State;

**President Killion:** Okay. That is your proposed amendment. Any second?

**Delegate Nabeyan:** Second.

**President Killion:** It's been moved and seconded that the said amendment to the Resolution be adopted ....

**Delegate Sitan:** May I ask for a short recess?

**President Killion:** Short recess.

President Killion declared the Convention recessed at 12:35 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 12:37 p.m.

**President Killion:** We're now back to session. I know there's a floor amendment to the Resolution.

**Delegate Susaia:** May I amend my amendment, Mr. President?

**President Killion:** Yes, go ahead Delegate Susaia.

**Delegate Susaia:** So the first addition is to the Chairman of the Mwoalen Wahu, Pohnpei State, Chairman of the Council of Pilung and the Chairman of the Council of Tamol, the Chairman of Chuuk Traditional Council and Mayors, and the Chairman of Kosrae?

**Delegate Palsis:** Short recess, please.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 12:38 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:46 p.m.

**President Killion:** We're now back to session. Delegate Susaia, you have an amendment?

**Delegate Susaia:** May I ask for adoption for the proposed amendment to the Resolution CC-RES-04-10?

**President Killion:** Okay. Can you clarify your proposed amendment?

**Delegate Susaia:** On line 4 after the semicolon Chuuk, insert Chairman of the Mwoalen Wahu, Pohnpei, Chairman of the Council of Pilung, Chairman of the Council of Tamol, and the Chairman of the Chuuk Traditional Council.

**President Killion:** Okay. Any second?

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that the said proposed amendment by Delegate Susaia be adopted as part of the said Resolution. Discussion?

**Delegate Sitan:** Can I ask for a short recess again?

**President Killion:** Short recess.

President Killion declared the Convention recessed at 12:47 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 12:48 p.m.

**President Killion:** Now we're back to session. We have at hand a proposed amendment to the resolution and we need to vote on it. If no objection we can now proceed to vote on the proposed amendment as offered by Delegate Susaia and it was seconded. So all those in favor of the proposed amendment say Aye? All those oppose say Nay?

The motion carried by voice vote of Delegates.

So the proposed amendment has been adopted. So we have a main motion at hand as the main resolution has been amended. Any other discussion? If none, let's vote.

**Delegate Susaia:** Previous question.

**President Killion:** I declare short recess.

President Killion declared the Convention recessed at 12:49 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 12:50 p.m.

**President Killion:** Now we're back to session. We need to vote on the main motion at hand that is the adoption of the said resolution. If there are no other comments or suggestions, so let's vote. All those in favor of the motion say Aye? All those oppose say Nay?

The motion carried by voice vote of Delegates.

So the said resolution has been adopted. Thank you! So moving on, Chief Clerk.

**Chief Clerk Reyes:** The second and last resolution under Resolution Calendar is CC-RES-04-11 for adoption. CC-RES-04-11 is a Resolution requesting His Excellency David W. Panuelo, President of the Federated States of Micronesia to call for a special election to allow citizens of the Federated States of Micronesia to vote on the proposed amendment to Article XIV, Section 1 of the Constitution of the Federated States of Micronesia to lower the percentage of votes cast required in each state to adopt amendments to the Constitution from the current  $\frac{3}{4}$  of the votes cast in  $\frac{3}{4}$  of the States to  $\frac{2}{3}$  of the votes cast in  $\frac{3}{4}$  of the States which amendment was adopted by the Fourth Constitutional Convention of the Federated States of Micronesia on March 12, 2020.

**Floor Leader Yatilman:** I so move for adoption, Mr. President.

**Delegate Kanto:** I second.

**President Killion:** It's been moved and seconded that the said Resolution be adopted. Discussion.

**Delegate Saimon:** Mr. President.

**President Killion:** Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. I just want to ask that we correct certain typos.

- Line 15 on page 4, Chief Justice Honorable Chang is missing middle initial B. That's line 15. He's the Chief Justice of the Kosrae State Court not the Speaker. I'm going to finish up this and my colleague Delegate Sigrah will complete the others.
- Line 20 his Honorable Chief Justice Nelson A. Joseph.
- Line 22, Honorable Vincent A is missing a period.
- And Line 23, Chief Justice Manmaw should be J with middle initial.

**Delegate Susaia:** Chief Justice not Chief Judge.

**Delegate Saimon:** And it's Yap State Court but not Yap Supreme Court. I just got corrected by colleague to my left and . . .

**Delegate Sitan:** Short recess.

**President Killion:** I declare short recess.

President Killion declared the Convention recessed at 12:51 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 2:42 p.m.

**President Killion:** Now we're back to session. We're on the Resolution. Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you, Mr. Based on our understanding to go on recess subject to our last session before we break for short recess, there were

some amendments being offered by some of the Delegates so with that I'd like to amend my main motion to reflect those which is now reflected in this CC-RES-04-11 C.C.D.1 that it be approved.

**Delegate Nabeyan:** Second.

**Delegate Susaia:** Can I seek for clarification? Are we voting on C.C.D.1 or the Resolution as amended? CC-RES-04-11 or C.C.D.1?

**Floor Leader Yatilman:** That's the amended version.

**President Killion:** I declare short recess.

President Killion declared the Convention recessed at 2:44 p.m., subject to the call of the Chair.

### **RECESS**

The Convention reconvened at 2:45 p.m.

**President Killion:** Now we're back to session. We're on this particular resolution as presented. Now with no discussion, let's vote on the Resolution as CC-RES-04-11 C.C.D.1. So if no objection, let's vote by voice vote. All those in favor of the motion to adopt the said Resolution say Aye? All those opposed say Nay?

The motion carried by voice vote of Delegates.

So the motion carried as amended. The Resolution is now adopted. So moving on, Item No. 12.

### **INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS**

**Chief Clerk Reyes:** Item No. 12, Introduction and Referral of Delegate Proposals and Resolutions. Kindly refer to REFERRAL SHEET NO. 4-18.

**President Killion:** Okay the said Referral Sheet is herewith attached to the Order of the Day. That's straight forward.

### **SPECIAL ORDERS**

**President Killion:** Moving on, Special Orders. Item No. 13

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Item 14, Miscellaneous Business. Does anyone have any Miscellaneous Business to make at this time?

**Delegate Nabeyan:** Recess.

**President Killion:** Yes, short recess.

President Killion declared the Convention recessed at 2:46 p.m., subject to the call of the Chair.

**RECESS**

The Convention reconvened at 2:47 p.m.

**President Killion:** We're now back to session. We're on Miscellaneous Business. Does anyone wish to make comments?

**Delegate Sitan:** Here.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Thank you, Mr. President. Iso is not here but I just want to say from my heart and since we maybe recess soon, I just want to apologize to staff and may be members when I say things that is not politely or maybe you don't want to hear it but let me say this. When I am on the floor, I play different attitude but when I'm outside, I'm a different person. But in here, I want to raise things so we can discuss to get to the right decision. So with that, that is my miscellaneous so when you go home and when you come back, you will remember what kind of a person I am. Thank you very much.

**President Killion:** Thank you, Chairman Sitan. Any other miscellaneous business before I make a short miscellaneous business? Okay, if none others can still come afterward, but as we're just about to take this extended recess of our Fourth FSM Constitutional Convention, I wish to thank again each and every one

of you fellow Delegates as well as our staff for all your cooperation and support in the conduct of our Convention since we first convened on January 7, of this year and the reconvening of our Convention several weeks ago last month.

I'm sure most if not all of you agree that we have successfully met our mandates in dealing with the review of our constitution in spite of various challenges that we have faced these past few month. To deal with our national constitution to make the appropriate needed changes in such documents to be relevant and to further support the ongoing nation building undertaking which started about 45 years ago from our founding fathers of our nation. As we all aware the recent outbreak of the Corona Virus in most of the countries throughout the world especially in our region that contributed to our decision to take this recess. And this would also afford us the opportunity to return to our home states and communities, our families and friends. And during the threat of this Corona Virus this will also give us the opportunity to further engage with our citizens and with our constituents, to update them on the progress of our Convention particularly on the proposed constitutional amendments which had been taken up and are to be already passed on second reading.

I look forward to seeing you all back when we reconvene this Convention soon as per the Resolution which we had just adopted and to continue to work on our mandates as per Public Law 21-19 and other pertinent legislations. I wish you all a safe journey return to your home states and your communities. Thank you.

[Applause]

**President Killion:** Any other miscellaneous business?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Mr. President, before my colleague here on the left says his apology also, I want to ask for a short recess so we can move back to Committee Report.

**President Killion:** Yes, short recess.

President Killion declared the Convention recessed at 2:51 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 3:08 p.m.

**President Killion:** We're now back to session. We're now on Miscellaneous Business and Chairman Sitan.

**Delegate Sitan:** Mr. President, I move that the Convention move back to the Order of the Day Item No. 7, Reports of Committees.

**President Killion:** Any Second?

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we go back to Item No. 7 on our Order that is Reports on Committees. Discussion?

**Delegate Martin:** Mr. President.

**President Killion:** Yes, Delegate Martin.

**Delegate Martin:** Thank you, Mr. President. With all due respect, I move that we stand in recess subject to the call of President.

**Delegate Albert:** Second.

**President Killion:** It's been moved and seconded that we stand in recess subject to the call of President. Short recess.

President Killion declared the Convention recessed at 3:10 p.m., subject to the call of the Chair.

## RECESS

The Convention reconvened at 3:15 p.m.

**President Killion:** We're now back to session. Before we went to recess, there was a motion to recess subject to the call of the chair and it was seconded. Under our rules, such motion is not debatable therefore I call for a vote. So, all those in favor of the motion, say Aye? All those opposed, say Nay?

So, let's vote by show up hands. All those in favor of the motion to recess subject to call of the Chair, raise your hand? Okay, all those opposed to the motion, raise your hand. So, what's the tally? Chief Clerk, what's the vote?

**Chief Clerk Reyes:** Six (6) Delegates voted for and ten (10) against.

**President Killion:** So motion failed, so we still continue. Okay, we're still on Miscellaneous Business.

**Delegate Sitan:** I already made my motion to place. Short recess.

**President Killion:** I declare short recess.

President Killion declared the Convention recessed at 3:23 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 3:25 p.m.

**President Killion:** We're now back to session. We have to entertain a motion by Chairman Sitan to go back to Item No. 7. All those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So now we are back to Item No. 7, Reports of Committees.

**Delegate Liwy:** Mr. President.

**President Killion:** Yes, Delegate Liwy.

**Delegate Liwy:** Thank you, Mr. President. Before I go on I would like to thank Delegates for your patience. I would like to make a motion to withdraw Committee Proposal No. 04-9 as amended in Committee and the Standing Committee Report No. 04-10 and place it on today's calendar.

**Delegate Albert:** Second.

**President Killion:** Okay. It's been moved and seconded that the said Committee Report be placed on today's calendar.

**Delegate Albert:** Move for adoption.

**President Killion:** Okay, we are now going to vote on the motion to stop debate. All those in favor of the motion say Aye? All those oppose say Nay?  
Motion carried.

The motion carried by voice vote of Delegates.

So now we have to vote on the main motion, the placement of this Committee Report. Any other Discussion, if none all those in favor of the motion, the placement of this said Committee Report say Aye? For those oppose say Nay?  
Motion carried.

The motion carried by voice vote of Delegates.

So now we have the said Committee Report No. 04-10.

**Delegate Albert:** Move for the adoption of Standing Committee Report No. 04-10.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that the said Committee Report be adopted. Discussion?

**Delegate Sitan:** Mr. President.

**President Killion:** Yes, Chairman Sitan.

**Delegate Sitan:** Let me say what I was saying earlier. This report needs some adjustments. It's not reflecting some. The Proposal itself and the Report while it's good the Report but we need to do something. That is why I recommend to recommit but we do some more.

**President Killion:** Okay, there was a motion for the adoption of the said report and it was seconded.

**Delegate Albert:** There was a motion for previous question.

**President Killion:** Yeah, it was moved and seconded that we stop debate. All those in favor of the motion say Aye? All those oppose say Nay? So we stop debate.

The motion carried by voice vote of Delegates.

So now we have the main motion at hand that is the adoption of the said Committee Report No. 04-10.

**Delegate Nabeyan:** Short recess.

**President Killion:** Yes, short recess.

President Killion declared the Convention recessed at 3:27 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 3:28 p.m.

**President Killion:** We're now back to session. We're on Item 7, Reports of Committees.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** With all due respect, I would like to withdraw the motion to adopt the Report as submitted and recommit to Committee.

**Delegate Susaia:** Second.

**President Killion:** It's been moved and seconded that we withdraw the motion, but recommit the particular Committee Report to the Committee on Public Finance and Revenue.

**Floor Leader Yatilman:** Move for previous question.

**President Killion:** A motion to stop debate. All those in favor say Aye? All those opposed say Nay?

The motion carried by voice vote of Delegates.

So now we vote on the main motion that is to recommit this report back to the Committee of Public Finance and Revenue. All those in favor say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

So now this particular Committee Report No. 04-10 has been recommitted to the Committee on Public Finance and Revenue.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** So are we going to Item No. 8.

**President Killion:** Recess, please.

President Killion declared the Convention recessed at 3:30 p.m., subject to the call of the Chair.

### RECESS

The Convention reconvened at 3:32 p.m.

**President Killion:** We're now back to session. We're on Item No. 7. Chairman Sitan.

**Delegate Sitan:** Mr. President and Delegates, I recommend to recommit because what the Committee was meeting and discussed on the revenue sharing on fishing fee and we made a mistake by picking the wrong proposal. So we should look at which one among those that talks on fishing fee so we will adjust the report to match. And I think the proposal from Pohnpei State talks about something else and we thought that was the best approach, but it wasn't. So there need to do be some adjustment for both the right Proposal and the Committee Report.

**President Killion:** Thank you, Chairman Sitan. I think that will stir up some work on the Report.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Mr. President, thank you. Just to be clear for the record because we had recalled for the Committee the Proposal and its Report because we had a motion to recommit the Report along with that Proposal also goes to the Committee. So that Proposal is no longer implemented.

**President Killion:** Yes. Thank you for that clarification. Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I move that the Convention stands in recess subject to the call of the Chair.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we stand in recess subject to the call of the Chair. If no objection. All those in favor say Aye? All those opposed say Nay? So we stand in recess until subject to the call of the Chair.

President Killion declared the Convention recessed at 3:35 p.m. until subject to the call of the Chair.

Respectfully submitted,

/s/

Atarino A. Helieisar  
Journal Clerk

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**TWENTY-SEVENTH DAY**

Wednesday, June 01, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 11:03 a.m., Wednesday, June 1, 2022.

**President Killion:** I now call our – reconvening of our 4<sup>th</sup> FSM Constitutional Convention to order. With my utmost respect to our Traditional and government Leaders throughout the FSM, especially the Traditional Leaders and government of this great state of

Pohnpei, being the Host of our Convention. I now call the opening session of our 4<sup>th</sup> FSM Constitutional Convention to order.

It is my great pleasure to welcome each and every one of you, my fellow delegates to this Convention. It has been a long and difficult two years and three months since this Convention went into recess on March 13, 2020 due to the Corona Virus Pandemic Emergency Declaration. There was never a doubt in my mind since that time that we all wanted to come back, as delegates, to finish up the monumental task placed upon us by our fellow citizens of our great nation; the daunting task of reviewing the Supreme law of our land, our FSM Constitution, to make the necessary changes to make it a useful document for our young nation to move forward and meet the challenges ahead of us – and there are several.

It is only fitting and proper that I also acknowledge the support of our government leaders, particularly President Panuelo as well as Speaker Simina and all the members of our FSM National Congress for all the support which they have provided to our Convention since we first started over two years ago up to now, without which we will not be able to convene and now reconvene our Convention.

In the same vein, I also wish to extend our thanks and appreciation to these leaders in their continued efforts during these past two years in making our nation COVID-free. In fact, as we are aware, our nation is only one of the few remaining countries in the whole world which has that distinction of being COVID-free status.

Our COVID-free status has not been achieved without difficulties and challenges, including the difficulties, we have had in reconvening our Convention these past two years. But now that we are once again together, it is time for us to re-focus on our mandate for which we have been elected to undertake.

As you may recall, prior to our recess in March 2020, we had passed on Final Reading the two proposed amendments –the one for Dual Citizenship as well as the one for reducing the threshold for amending our FSM Constitution from the current 75% to 66%. In the next three weeks, we must now turn our focus on the other provisions of our Constitution, which need to be amended, based on the various proposals, which are now pending in the committees. I request that all of us work cooperatively and diligently in the coming weeks to complete our task in coming up with the needed amendments to our Constitution to be presented to our people for their review and ultimate decision to accept or reject such proposed changes to our Constitution in a referendum to be held, hopefully, in the next several months after we are done with our Convention.

On a somber note, as you all know, two of our delegates, the late Delegate/Chief Camillo Noket and Delegate Peter Sitan, passed away after we went into recess about two years ago. Although Delegate Noket and Delegate Sitan had departed us, we will always cherish their memories, friendship, and counsel as Delegates of this 4<sup>th</sup> FSM Constitutional Convention.

#### MOMENT OF SILENT PRAYER

**President Killion:** Hence, I would kindly request that we stand and observe a moment of silence in remembering these two gentlemen, the Honorable Delegate Noket and Honorable Delegate Sitan.

A moment of silent prayer was observed.

### ROLL CALL

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, we have a total of 20 delegates that are present.

(Absent: Delegate Hashiguchi; Late: Delegate Mori)

**President Killion:** Thank you. Chief Clerk. Therefore, quorum is present, so...

**Delegate Arnold:** Mr. President.

**President Killion:** Yes?

**Delegate Arnold:** This is Roger Arnold. I just want to make the record clear. It's not "Mori, Roger Mori" but it's "Roger Arnold."

### REPORT ON QUALIFICATIONS OF DELEGATES AD HOC COMMITTEE ON QUALIFICATIONS

**President Killion:** Thank you, Delegate Arnold, for that clarification. Again, since the quorum is present, therefore, our convention can now conduct business. On Item 4 of our Order of the Day, we have the Report of the Qualification of those delegates: Delegate-elect Arnold to replace the late Delegate Peter Sitan and Delegate-elect Risin to replace the late Chief/Delegate Noket. And members of that committee, which was chaired by Delegate Martin, Delegate Yatilman, Madam Chair Sigrah and Vice Chairman Samo. The process for determining the delegate elect, as you know, in Section 4 of Public Law 21-19 which states that a vacancy will be filled by a relevant candidate received the next highest number of votes in the State's Delegate Election District. I had instructed our Secretary Capelle to obtain from the FSM Election Office the names of the relevant candidates receiving the next highest numbers of votes from the election districts represented by the late Delegate Noket and the late Delegate Sitan, representing the Election District of the Mortlocks in Chuuk State. Secretary Capelle was informed that Joannes Risin, who is here with us in the room, was a delegate-elect for the Election District representing District 1 – sorry – 2, represented by the late Delegate Noket. And that Roger Arnold was the delegate-elect for the Election District 1 represented by the late Delegate Sitan. The Qualification Committee or Credential Committee was provided with the names of Delegates Risin and Arnold and requested to determine whether the delegates satisfy the eligibility requirements as set out in the Section 2 of Public Law No. 21-19. Therefore, now call upon Delegate Martin, the chair of that committee, to report to the Convention the committee's findings and request Delegate Martin to proceed.

**Delegate Martin:** Thank you very much, Mr. President. Let me associate with you on the greetings and recognition and respect that have already been made. My respect to the traditional leaders of this nation, most especially Pohnpei State, including Pohnpei Delegation Chairman Iso, Mr. President, Officers, Chairmen or Delegates, our dedicated staff, and all who have joined us on different media. Welcome all Delegates. Thank you, Mr. President, for the opportunity. Before I proceed, I beg the indulgence of this assembly to remember our eternally departed

colleagues and friends, Honorable Camillo Noket and Honorable Peter Sitan. During our extended recess due to COVID-19, before that, we are led this morning to this special proceeding of honoring and welcoming their replacements, Honorable Joannes “Johnny” Risin succeeding Honorable Camillo Noket, representing Election District 2 and Honorable Roger Arnold representing ED 1 from the State of Chuuk. Mr. President, it is indeed my honor to represent the honorable members of your Special Qualifications Committee established pursuant to Rule 19 of the 4<sup>th</sup> FSM Constitution Convention to review the provision and qualifications of relevant candidates to fill the vacancies that sadly came about by the passing of Honorable Noket and subsequently of the Honorable Sitan. The selection of these delegates were done pursuant to Section 4 of Public Law 21-19, the 4<sup>th</sup> FSM Constitution enabling law. The Special Qualification Committee was created twice by the President with the same members: Honorable Andrew Yatilman of Yap, Honorable Yoslyn Sigrah of Kosrae, Honorable Marcus Samo of Chuuk, and yours truly. The credentials and qualifications of these two good gentlemen were carefully reviewed and vetted. On October 23, 2020, the Committee issued its official recommendation, declaring Mr. Joannes “Johnny” Risin eligible and qualified to sit as the Delegate, representing Election District 2. In similar manner, on January 19, 2021, a similar proceeding was engaged with similar outcome. A recommendation for Mr. Roger Arnold representing Election District 1 from the State of Chuuk. The official recommendations were distributed then via email and our own distributed again this morning as part of today's proceedings and documentation. Again, both Mr. Risin and Mr. Arnold were found well qualified to be Delegates of the 4<sup>th</sup> FSM Constitutional Convention. Thank you very much, Mr. President. This is the report on behalf of the Special Qualifications Committee.

**President Killion:** Thank you, Chairman Martin.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I would like to move that Convention adopt both reports of the ad hoc Committee of Qualifications for the qualifications of the delegate-elects.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that the said report as presented by Chairman Martin on the qualification of two gentlemen be adopted. Any discussion? If no discussion, we're going to vote by voice vote. All those in favor of the motion to adopt the committee report that's presented, say “Aye.” Those opposed say “Nay.” So, the vote is unanimous. I congratulate the two gentlemen.

The motion is carried by voice vote of Delegates.

[Applause.]

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 11:19 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:30 a.m.

### SEATING OF NEW DELEGATES

**President Killion:** We're now back to session. A while ago, before we recessed, a report from the Committee of Qualification of the two gentlemen, Delegate-elect Risin and Delegate-elect Arnold, was adopted. Therefore, a formal motion needs to be made to formally seat the two gentlemen.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I move that the Convention seat Delegates-elect Arnold and Risin.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that the Convention officially seats the two gentlemen, Delegate-elect Risin and Delegate-elect Arnold. Discussion? If no discussion, all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried.

The motion is carried by voice vote of the Delegates.

**President Killion:** Let's have a short recess.

President Killion declared the Convention recessed at 11:32 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:33 a.m.

**President Killion:** Now, we are back to session. I can now, based on the vote which was just taken to formally seat the two gentlemen, Delegate Risin and Delegate Arnold – I will now administer the Oath of Office to these two gentlemen now.

President Killion administered the Oath of Office for Delegate Risin and Delegate Arnold.

**President Killion:** Congratulations. I call for a short recess.

President Killion declared the Convention recessed at 11:35 a.m., subject to the call of the Chair.

## **RECESS**

The Convention reconvened at 11:58 a.m.

### PROPOSED AMENDMENTS TO CONVENTION RULES

**President Killion:** Now, we're back to session. Before we recessed, we were reaching Item No. 6 on the Order of Business; that is the Proposed Amendments to Convention Rules. Do I hear a motion on that matter?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** I move that the Convention defer action on the Proposed Amendments to tomorrow.

**Delegate Choor:** Second.

**President Killion:** Okay, it has been moved and seconded that we defer action on the Proposed Amendment as per Item No. 6. Any discussion?

**Delegate Nabeyan:** Mr. President?

**President Killion:** Yes.

**Delegate Nabeyan:** The motion is to defer to tomorrow – if we're having a session tomorrow – or a motion to defer until the next session? Are we having a session tomorrow?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** Let me amend my motion then: that until the next plenary session.

**President Killion:** Okay, it is clear that until the next day of our plenary. That is the motion – yes, Delegate Takesy?

**Delegate Takesy:** Do we have the correct version, now, of the Amendments?

**President Killion:** No -

**Delegate Takesy:** Have they been distributed?

**President Killion:** Kathe? Has there been correction? Or Secretary Kapilly? You have the correct version of that Proposed Amendment?

**Secretary Capelle:** They're being printed now.

**President Killion:** Okay, so that shall be distributed to each of us before we leave this room today – some time today. Thank you. Let's vote on the motion to defer action on Item No. 6. All those in favor, say "Aye." All those opposed, say "Nay." So, no objection. That motion carried; Item No. 6, adoption of the Amended Rules is hereby deferred to the next session date.

The motion is carried by voice vote of the Delegates.

#### ADOPTION OF JOURNAL

**President Killion:** Moving on to Item No. 7 on our Order of Business for today, the Adoption of Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move that the Convention adopt the Journal of the 26<sup>th</sup> Day of the Convention dated Friday, March 13, 2020.

**Delegate Choor:** Second.

**President Killion:** Okay. It's been moved and seconded that the Convention adopts the Journal of the Day March 13, 2020; two years and three months ago. So, you can still have memory and copies of that. Discussion? No discussion? All those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried. So, it's been adopted.

The motion is carried by voice vote of the Delegates.

#### COMMUNICATIONS

**President Killion:** Moving onto Item No. 8. Chief Clerk?

**Chief Clerk Reyes:** Item No. 8: Communications; none at the moment, Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Item No. 9: Unfinished Business?

**Chief Clerk Reyes:** None, also, Mr. President.

## REPORTS OF THE COMMITTEES

**President Killion:** Item No. 10: Reports of Committees?

**Chief Clerk Reyes:** Non –

**Delegate Susaia:** Mr. President?

**President Killion:** Yes, Ambassador Delegate Susaia?

**Delegate Susaia:** Have we reached Miscellaneous Business?

**President Killion:** Not yet. Sorry. Don't worry; we're coming down to that. That's the beauty of being here versus there.

**Delegate Susaia:** Oh, sorry.

**President Killion:** We haven't reached that, but it's on our order. We have a Miscellaneous Business Item.

## FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Okay, moving on. Item No. 11, Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 11, First Reading of Committee Proposals, we have two of them. And the first one is Committee Proposal 4-06 for First Reading.

**President Killion:** Okay.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Go ahead, Floor Leader.

**Floor Leader Yatilman:** I move that the Convention defer action on this until the next plenary.

**Delegate Choir:** Second.

**President Killion:** It has been moved and seconded that action on this particular committee proposal is deferred until the next plenary day. Discussion? None? All those in favor of deferring action on this proposal, say "Aye." All those opposed, say "Nay." Motion carried. That particular proposal has been deferred.

Motion is carried by voice vote of the Delegates.

**Delegate Nabeyan:** Mr. President?

**President Killion:** Go ahead, Chairman Nabeyan.

**Delegate Nabeyan:** I introduced a proposed amendment to this proposal, and I would like that reflected in the Order of Business for the next session date. Thank you.

**President Killion:** Okay. Thank you, Chairman Nabeyan. And I presume that proposed amendment to this particular proposal has been distributed.

**Delegate Nabeyan:** Yeah, but if it can be reflected in the Order of Business for the next session. Thank you.

**President Killion:** Okay. Since it was distributed, it'll be part of the discussion of the next convening day. Yes?

**Delegate Fritz:** Yes. Because that's a way of future thinking, I think that some of us would also like to take on some amendments with his – nothing to do with yours (directed towards Delegate Nabeyan) – but with the others shared with – we shared with the other States no present. I'm just kind of giving you advanced notice that we will also make an amendment to that. Thank you.

**President Killion:** Thank you, Delegate Fritz. Yes, of course. That should be the case. Okay, so we have disposed of the matter of that particular Committee Proposal 4-06. Moving on; Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. The next committee proposal is Committee Proposal 4-07 for First Reading.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President. I also move that we defer action on this Committee Proposal 4-07 until the next plenary.

**Delegate Choor:** Second.

**President Killion:** It has been moved and seconded that that particular Committee Proposal 4-07 be deferred to the next plenary meeting. Discussion? No discussion? All those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried, so the consideration of that particular proposal is hereby deferred to the next plenary date.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** So, moving on to Item No. 12: Second Reading of Committee Proposals. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 12, Second Reading of Committee Proposals, we have one. And that is the Committee Proposal 4-03 for second reading. This was deferred in Committee of the Whole on March 12, 2020 to the first Committee of the Whole until after the long recess.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that we defer action on this Committee Proposal 4-03 until next plenary.

**Delegate Palsis:** Second.

**President Killion:** It has been moved and seconded that this particular Committee Proposal for Second Reading, 4-03, is hereby deferred. Any discussion? The motion was seconded. If none, all those in favor say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of the Delegates.

**Delegate Nabeyan:** Mr. President?

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Recess, please.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 12:06 p.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 12:15 p.m.

## **FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS**

**President Killion:** Now we're back to session. We were just on Item No. 12, regarding second reading that particular committee proposal's been deferred to the next session day. Moving on to Item No. 13: Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None at the moment, Mr. President.

## **CONSIDERATION OF RESOLUTIONS**

**President Killion:** Thank you. Item No. 14: Consideration of Resolutions?

**Chief Clerk Reyes:** None also, Mr. President.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item No. 15: Introduction and Referral of Delegate Proposals and Resolutions?

**Chief Clerk Reyes:** Mr. President, we do not have a referral sheet at the moment.

**President Killion:** Thank you. Item No. 16: Special Orders?

**Chief Clerk:** None also, Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Okay, Miscellaneous Business. Let me report on behalf of our officers on the decision, appointment and selection of the new chairman of Committee of Public Finance and Revenue. As you all know, the late Delegate Chairman Sitan was the chairman with that committee until he passed away, almost two years ago. As per our rule, the chairman of each of the committees has to be concurred to or agreed to among the officers; four of us. And the Vice Chair will be selected from the committee members. And based on the first discussion/agreement that committee share among other four delegations, that particular committee, Committee of Finance and Revenue, has been allocated to Chuuk State Delegation. And of course, as I said, Delegate Sitan was that chairman from our state delegation. And thanks to the officers yesterday, we were able to come to agreement that our new chairman of this committee, very important committee, shall be Delegate Fritz. And that's really the consensus of the officers. So, I guess that doesn't need voting but just information. So again, we thank the other officers for that grant. And again, I congratulate Delegate Fritz as the new chairman of this very important committee, and I know you will be very busy from here on out. So, you already know the members of that committee since you already have been a member of that committee. And of course, your Vice Chairman, if there are no changes, remain as Delegate Vice Chairman, your fellow clansman – from the same clan – Delegate Liwy. Thank you. Let's give him a round of applause.

Applause.

**President Killion:** Congratulations. Okay. Any other Miscellaneous Business?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you very much. Mr. President, if I may, on behalf of our Chuuk Delegation, I thank you and the leadership for announcing the result of your decisions that I should kind of serve as the referee of the Committee for the Finance and Revenue. I will try to do my best with the cooperation of the members. I think we can accomplish what we came here to do. What I'm planning to do is for our committee members to meet, review all of the existing proposals and then select those that we think should come out during this Convention and forget the rest of the proposals just so we can move ahead with the limited time we have accomplished

what we have to do. Once again, I thank you and the leadership, and I need your support also to help us get to where we needed to go for that committee. Thank you.

**President Killion:** Thank you, Chairman Fritz. Yes, Delegate Bossy.

**Delegate Bossy:** Thank you, Mr. President. I feel the obligation to follow suit after those who have made statements regarding the sympathies of the late Camillo Noket and Sitan. I have no intention to impose the grief experience, but just for the record of this Convention that the people of the Northern Namoneas household pay respect to the two delegates that departed and also to convey my thanks to the traditional leaders of Pohnpei again and also the government leaders, including the National. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Bossy. Any other Miscellaneous Business?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Ambassador Susaia.

**Delegate Susaia:** Thank you, Mr. President. If it's appropriate, Kathe, I'd like to submit a written statement for the record. If I can just email it to her. If that's not in conflict with the existing rules. Surely, it's pretty lengthy, so I thought it would be better if I just submit it for the record. Is that in line with our rules, Kathe, if I just email it to you?

**Legal Counsel Burch:** We've allowed written statements to be introduced into the Journal in the past, so, yes.

**Delegate Susaia:** Thank you, Mr. President. So I will email Kathe my written statement. Just so you know, it's on the main – two main topics of revenue sharing and unity. Thank you.

**President Killion:** Thank you, Mr. Ambassador. We look forward to your written statement to be shared among us. Those are very important issues. Again, current issues relating to our nation. Thank you. Unity and revenue sharing. Sometimes they go hand in hand; sometimes they go opposite. Thank you. By the way, for the record, we're, on Item No. 15, because also kind of cut, there is introduction of new measures as well as referral. So those are you who may have proposals to introduce, make sure that you know that at this – today's session – you can introduce those for consideration of the Convention, so you don't forget. So we're still on Miscellaneous Business, Item No. 17, unless –

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** With all due respect to everyone here, I think you read all this. Earlier, I had two concerns to raise. One, I believe it's moot, so I will forget that one. But I need to raise this. Again, not to delay our proceedings, but I just want to make sure what we do is proper and

lawful. So this second matter – or now first – relates to the applicability of our rules and those new amendments to the appropriate legislations relating to in-person, virtual, or a combination of both participation in this Convention. I'm fully aware that there is legislation allowing for hybrid type of participation. However, at present I believe our Rules of Procedure does not allow for such participation, until we amend our rules allowing for such hybrid participation. There is a sentiment to act and to dismiss right so there are proposed amendments to fluctuate these needs. However, until we amend the rules to allow for hybrid participation, I believe our rules still prefer over the new proposed amendment despite of the fact that it is in the subsequent laws. Only this Convention may amend its own rule. Congress lacks the authority to amend our rules. I believe this is the essence of that Court decision relating to the power of the Constitutional Convention.

So, I'll be more than happy to be wrong, and I have been told that I'm wrong, but that is okay. I would follow our legal system and again, abide by legal opinion issued by our Department of Justice. I believe this concern needs to be raised to the authoritative agency of our government, Department of Justice. I was privileged to manage the FSM Congress for the past 16 years as a parliamentarian. But when there is a disagreement among many lawyers, we send the concern across to the Department of Justice because the opinion of the Department of Justice would prevail over that of our legislative counsel. So, Mr. President, I raise this one concern to ensure that our work product here would be legally and lawfully acceptable. So, I would request that we ask the Department of Justice to issue an opinion. I know our legal counsel has made her own opinion, but I'd be more comfortable if one is coming forth from our own Department of Justice to the same platform. There seems to be – if we don't need to amend the rule because the law already provide for it, then why are we amending it together. Thank you.

**President Killion:** Thank you, Chairman Fritz, for that comment. We will try to make sure that things are done properly so that there would be no questions and reactions down the road.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I'm sorry, but I'm going to respectfully disagree with the statement made by Delegate Fritz and as for relying on legal opinion to be issued by the Department of Justice, I thought that we are saying we are independent. Why are we now changing course and allowing us to have the Department of Justice advise us on legal matters? With all due respect, Mr. President, I would like us to just use one set of legal opinion to guide the work of this convention, and I say that with utmost respect. Thank you.

**President Killion:** Alright –

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. I think this issue will probably become moot once we act on the rules. If you do adopt the proposed amendments to the rules at the next session, then we're basically accommodating both interests and concerns raised. So, I would defer consideration whether or not to seek legal opinion from DOJ until we know the outcome of our action on the proposed amendments. Thank you.

**President Killion:** Thank you, Chairman Nabeyan.

**Delegate Kanto:** Mr. President.

**President Killion:** Yes.

**Delegate Kanto:** I guess this goes back to my original question on the proposed amendments. So the law says that it allows for hybrid, both in-person and virtual. Our rule does not, so we are planning to amend it. Now, will the virtual attendees be participating in the voting on that proposed amendment?

**President Killion:** Okay. The question has been raised to be answered. Kathe? Is that – Floor Leader?

**Floor Leader Yatilman:** Mr. President, I deferred to the legal minds in the room to advise us, but if we're going to make us so limited, we're just going to hold ourselves hostage. I have not been able to move along to do the work that we are interested to do. Thank you, Mr. President.

**Delegate Nabeyan:** Mr. President, may I?

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I thought the purpose of the proposal is to allow for virtual participation. So if that is the case, then I guess I can see that that is necessary in order to allow virtual participation, meaning if you're if you have to read it strictly, it has to be voted on by the people who have a form in person, unless there's another opinion that says otherwise. But if there's an opinion that says they can vote on the proposed amendment virtually, then we don't need to actually amend the rules.

**President Killion:** Alright, we're still in session, right? Oh we're in recess? We are? Yeah, we're in recess. Okay, let's exhaust our discussion before we go back. So what's –

Delegates looking to recall whether in session or recess.

**Delegate Liwy:** We are on Miscellaneous.

**President Killion:** So, we don't even agree if we're recess or not recess. How come we agree on the major ones?

**Delegate Sigrah:** Mr. President –

**President Killion:** Can you clarify, Journal Clerk. Are we recessed or not? Okay, so we're still in session. So, all those comments you're making on the Miscellaneous are recorded. So it shall be noted. Thank you.

**Delegate Choor:** Is that the case? That we are in recess?

**President Killion:** No, we are not in recess. We are in session. So, Madam Chair? Chairperson Sigrah.

**Delegate Sigrah:** Yes, thank you, Mr. President. I agree with the question raised by Kanto. It's a very good question. They're outside waiting for us. They're knocking on the door if they can come in or not. And we're here trying to make sure that we amend the rules to allow them to come in. So that's a visual way of looking at it. I agree with Nabeyan that we have those that are presented to amend the rules first, allowing them virtual participation before they can virtually participate. Thank you.

**President Killion:** Thank you. Delegate Takesy?

**Delegate Takesy:** Thank you, Mr. President. Through you, question to our Legal Counsel, the enabling legislation that created this Convention, is it your opinion that the decisions of this convention is available or subject to interpretation by the Attorney General?

**President Killion:** Kathe, can you answer that?

**Legal Counsel Burch:** So I'm not sure if I understand the question delegate Takesy, so let me restate it to see if I understand. Are you asking whether or not the Department of Justice has the authority to interpret the enabling statute for the convention?

**Delegate Takesy:** Correct.

**Legal Counsel Burch:** The Department of Justice for the FSM has the authority to interpret all of the laws of the FSM, so that would also include the Enabling Act. The Department of Justice does not have authority to tell this Convention what to do. Let me go back to a couple of statements that I know this is not exactly what you asked Delegate Takesy, but goes back to the convention rules. The Enabling Statute does specifically authorize this Convention to adopt their own rules. The Convention did so back in January of 2020. The convention rules do not specifically identify the location of the convention. So the analogy that was just stated of the delegates who are online or knocking to come in is not accurate because the President – the recess was at the call of the President – the President reconvened the convention in a hybrid format. The convention is hybrid. The rules of the convention apply to all of the convention in this format. The reason to amend the rules, is so that this Convention, if it wishes to make additional requirements on those who are participating via Zoom that their cameras are on, or something happens with the way they have to cast their vote, that they have to actually put it in the chat as well as raise their hand. Whatever it is that the Convention wishes to place on

obligations of those who are participating via Zoom, or even those in the room with how they vote or where they need to be in order to be counted present at the roll call. That is the purpose for the amendments, so that this Convention can modify the rules to meet the needs and requirements and its desires. However, in the meantime, the rules that currently exist apply to the Convention in hybrid format. Because that is how this President called the Convention back into session, and because the rules do not state a physical location as the place of the Convention. And location is –

**Floor Leader Yatilman:** Excuse me, sorry.

**Legal Counsel Burch:** Okay.

**Floor Leader Yatilman:** I move to recess.

President Killion declared the Convention recessed at 12:35 p.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 12:57 p.m.

**President Killion:** Our session is now back to order. Before we went into recess, we were on Item No. 17: Miscellaneous Business, and we're still there. Unless anyone wish to bring up additional miscellaneous business before we move on. Any other miscellaneous business?

### ANNOUNCEMENTS

**President Killion:** If none, then Item No. 18: Announcements. Does any of your chairpersons have any announcements to make regarding your committee meetings? Yes. Chairman Fritz.

**Delegate Fritz:** Thank you very much. I request that your Committee on Finance and Revenue use its allotted time on Friday to meet at 1:00 p.m. to 2:30 p.m. But before that, I request our staff to compile all of the necessary measures, anything in that committee and provide it to us tomorrow. They know where we're staying, even though they have not provided our TAs, but they can give us our paperwork so we can prepare ourselves for that meeting on Friday.

**President Killion:** Thank you, Chairman Fritz. Sincerely noted.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** The Committee of Government Functions and Structures is holding a meeting today at 2:30 p.m. Thank you.

**President Killion:** The Committee on Government Structure is today, 2:30 p.m., here at this place. Okay, those members that are of that committee – something to look at. Chairman Albert?

**Delegate Albert:** First before my announcement, just to give you an update for those members who were not present for the Civil Liberties Committee, we held a meeting yesterday where we aligned all the proposals we have in the committee, and we are left with only two. So once we get the rules adopted tomorrow, we'll be able to seat our new vice chairman. I'm looking at maybe Thursday or Friday to start going through our proposals, and we anticipate that some more proposals will be coming, but we'll wait for those. Thank you.

**President Killion:** Thank you, Chairman Albert. Congratulations. You mentioned that you have narrowed down your proposals to two based on the review, right? Thank you and congratulations. Of course, subject, there may be additional ones introduced from today on, some of which may be assigned to a committee.

**Delegate Albert:** Sorry –

**President Killion:** Yes, go ahead, Chairman Albert.

**Delegate Albert:** Since we're being broadcast live throughout, maybe to also update our colleagues out there. We have one proposal already passed committee and was adopted by – apparently it was on dual-citizenship, so we will be expecting that to be on the next referendum. Thank you.

**President Killion:** Thank you, Chairman Albert. Yes, as I mentioned, yes. That's one of the two proposals which we had passed on Final Reading before we recessed two years ago, the dual-citizenship, which I understand is really important for our citizens outside of the nation. Any other announcements by any committee chairman/chairperson? Chairperson Sigrah.

**Delegate Sigrah:** Thank you. Mr. President. The Committee on General Provisions have been given a meeting slot on Mondays, Wednesdays and Fridays at 8:30 to 10:00 a.m., and we are not really morning people. So we have been asking as of now, we ask the Committee of Style and Arrangement if they're going to give up as the days progress. their slot on Tuesdays, Thursdays, Saturdays at 1:00 p.m. to 2:30 p.m. And that may happen and also some slots in the afternoon. We think better in the afternoon and we reserve our minds for the plenaries in the mornings. And for this reason, we may not have meetings until we sent out the notice. There's been some request by the members of our committee to schedule it when they are physically present. So we're working with our attorneys that are assigned on our committee. You will be receiving a notice in your email. So that's what we have for now. Thank you very much.

**President Killion:** Thank you, Chairperson Sigrah for that announcement. Thank you. Any other announcement by any other present chairman of the committees? If none, Mr. Floor Leader?

**Floor Leader Yatilman:** Short recess, Mr. President.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 1:02 p.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 1:03 p.m.

**President Killion:** Session is now back to order. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that the Convention stands in recess until 10:00 a.m. tomorrow morning.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow morning at 10:00 a.m. Discussion? Disagreement? Debatable? All those in favor say, "Aye." All those opposed, say "Nay." Thank you. Our meeting is hereby recessed until tomorrow at 10:00 a.m. Thank you.

President Killion declared the Convention recessed at 1:03 p.m. until subject to the call of the Chair.

### REMARKS BY DELEGATE AKILLINO H. SUSAIA TO THE 4<sup>th</sup> FSM CONSTITUTIONAL CONVENTION ON JUNE 1, 2022

**Mr. President, distinguished Delegates: I beg the indulgence of this Convention so that I may share my views on some of the pending proposals.**

Our FSM Constitution provides, in Article XIII, Section 3, "It is the solemn obligation of the national and state governments to uphold the provisions of this Constitution and to advance the principles of unity upon which this Constitution is founded." [*emphasis supplied*]

When those words were conceived at the 1975 Constitutional Convention, our founding fathers represented island people who had lived for centuries under the domination of competing world powers, with only as much minimal indigenous local governance as suited the convenience and interests of those governments--not of our choosing, and not even within our region.

Even so, throughout much of that long period our local cultural institutions remained in place and the resources we valued were not threatened at that point. Our local cultures remained the focus of our lives.

The devastation visited upon us by World War II changed all that forever.

After that terrible war, we became a UN Trusteeship for another forty years. And it was during that period of increasing travel and better communications that we, especially our younger generations, developed a growing appreciation for the many common values and traditions we share as Micronesians. We also became aware of the movement toward self-government among formerly non-independent peoples all over the world. And in the fertile field of those influences, the seeds of our nation took root.

It did not happen overnight, and it was not obvious at first that a unified Micronesia would even be a goal. We were separated by distances. We spoke many languages. But as our leaders were exposed to advanced education in the US and elsewhere, some becoming active in government in the Trusteeship Districts and in the Congress of Micronesia, many of them came to envision greater opportunities for our islands as a whole by working together to advance our many shared interests.

By the time the first Micronesian Constitutional Convention met in 1975, the Northern Marianas, Marshall Islands and Palau were strongly motivated by their own perceived economic interests. We all know how that turned out, but out of that difficult and sometimes contentious process there also emerged something unique to our long history---a bonding of four ancient island cultures to become the Federated States of Micronesia!

At the 1975 Convention, a few argued that in committing their states to this new and untried nation, the document should specifically provide states an option to withdraw from the Federation should their people so decide at some later date. It is important now to recall that these arguments did not prevail. Ultimately, the delegates decided and the people later confirmed that the Constitution is founded on the principles of Unity and that the commitments to those principles by the national and state governments are solemn obligations to uphold.

Now more than forty years later, that original commitment to Unity has served our people well as FSM has become a fully-participating member of the United Nations as well as many other multilateral organizations. The FSM also conducts full bilateral diplomatic relations with the United States and with dozens of other sovereign countries, large and small. The day-to-day lives of our people have improved tremendously with advances in health care, education and public infrastructure facilities.

**Mr. President, Delegates:** I, for one, feel a great sense of pride in our demonstrated political stability and the economic progress our new nation has made in little more than forty years; and I say to you that it is progress our states separately could not have achieved alone.

Naturally, at times some of our people have faced hardships along the way, causing them to question whether it might be better for their state to leave the Federation and go its own way. An argument has been made that since the Constitution does not expressly forbid state secession, that option is available. Delegates, I believe the Constitution's unqualified commitment to Unity and the 1975 Convention debates on that principle removes the possibility of state secession from the federation. However, I believe that so long as anyone challenges that conclusion as a matter of Constitutional law, the reality must be expressed beyond any shadow of doubt to preclude pointless debate, confusion among our people and expenditure of needless public expenses to determine the intention of our founding fathers.

For that reason, Delegate Berney Martin and I introduced CCPR-4-39 which would amend Article XIII, Section 3 of the FSM Constitution by adding the following sentence to the existing language:

**“In furtherance of this spirit of unity, no state can secede or separate from this Federation.”**

My fellow delegates, I appeal to you today to support the passage of this Proposal (CCPR-4-39).

**Mr. President, distinguished Delegates:** It is my strong belief that the continued progress of this nation hangs not only on preserving our unity in name, but also on applying its principles consistently throughout all our governmental decisions and

actions at every level. This means that we must remain alert to proposed actions that may not only directly erode our unity but which in practice would tend to weaken the basic institutions that make up our nation as a whole.

For most of our citizens, the focus of our daily lives is within our states and local governments. That is as it should be. We are impacted every day by what occurs within our states, and within each state there are always challenges in securing adequate resources to meet local needs.

I know that most citizens and state government officials don't give much thought from day-to-day to the financial needs of running your national government. I say "your" national government, because while it functions largely over your horizon each and every FSM citizen is a stakeholder in the successful, effective operation of the national government. And like your state governments' obligations to their respective states, the national government is constantly challenged to find adequate resources to meet its obligations to the Federation as a whole.

Because, you see, under our Constitution the National Government has no interests of its own – no reason for being, no constituents to serve other than the people of the FSM. The only role for those who work in the Executive Branch, the Congress and the Judiciary is to generate and provide benefits to the states and to the people.

Those benefits take many forms. One of course is revenues and assistance from both domestic and international sources. A major national government function is to distribute those financial assistance and revenues among the states as our Constitution and laws provide, retaining only as much as is required to perform its functions. Another form of benefits is direct delivery of services in support of state activities the states cannot carry out alone, harnessing economies of scale and accessing international expertise.

**Mr. President, honorable Delegates:** Those great men who came together and designed the FSM Constitution more than forty years ago were not looking inward. They were looking beyond a system of limited internal cooperation. They saw that this Federation could not survive and prosper in isolation from the rest of the world. The Federation's structure therefore was designed to meet that reality head-on with a Nationally-elected, representative government--Executive and Congress,

with powers limited, yet sufficient to deal with issues of our collective national interest, both foreign and domestic.

I would not dispute that over forty-plus years we in the FSM at every level of government have experienced much, and in many cases learned from our mistakes. Our dynamic Congress, together with our Judiciary has done and continues to do a great deal to implement, enlarge upon and to interpret the principles of our Constitution, and to me it is striking how seldom and how little a need has been seen over the years to amend the words of our founding fathers.

One of the things I take away from that observation is that before moving to amend our founding document every effort should be made to use our institutions of government, including our national Executive and Congress, to find and adopt solutions short of Constitutional amendments.

In the case of revenue sharing between the national and state governments, which is the topic of several amendments proposed in this Convention, while it may be true that the circumstances have evolved beyond what was envisioned in 1975, I believe that solutions can be found short of Constitutional amendment. And I certainly believe it is inappropriate to refer in a Constitution to specific, temporal economic assets such as the captive insurance program.

I understand the motivation for equitable sharing of fishing revenues. But, I hardly think that a population basis that would, across the board, give Chuuk and Pohnpei considerably more shares of such revenues is equitable. I strongly believe that the existing arrangement for distributing the fishing revenues is the most ideal set up. We should not allow politics to trumped our economic development.

Finally, I respectfully submit that these and other concerns relating to revenue sharing with the States should first be submitted to the scrutiny and wisdom of the State and National Leadership Conference as well as other relevant expert bodies before receiving the attention of our Constitutional Convention.

And so, Mr. President and honorable delegates let me end this statement with this old saying: **“Some things call for plain talk, so please forgive my directness here.”**

Kalahngan, Kinisou Chapur, Kamangar and Kulo Mulalap.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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**TWENTY-EIGHT DAY**

Thursday, June 2, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:44 a.m., Thursday, June 02, 2022.

**SILENT PRAYER**

**President Killion:** I now call our Convention to order. May we observe a moment of silent prayer before we start.

**ROLL CALL**

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 22 Delegates are present.

(Absent: Delegate Mori and Delegate Samo)

**President Killion:** Thank you, Chief Clerk. So, quorum is present, so we may transact business.

**ADOPTION OF JOURNAL**

**President Killion:** Moving on. Item No. 4: Adoption of Journal. Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that we defer action on Journal of Day 28, June 2, 2022.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that we defer adoption of the journal of that date. Discussion? No discussion –

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** I'm just wondering why we keep deferring Journals, when the Journal is what lawyers will refer to later. Right? When they review the result of this Convention. And if we don't review them, who knows what the actual journals are? Or if we agree with the content of the journals? I'm just wondering –

**Floor Leader Yatilman:** Mr. President. We are deferring action on it because it's still being reviewed, and we want to make sure that a Journal that is adopted is reflective and truly reflective of what transpired in this Convention. Thank you.

**President Killion:** Thank you, Mr. Floor Leader. And the comment made by Delegate Kanto is valid, so try to get those Journals of the previous two days presented to Delegates for review soon. Thank you.

### COMMUNICATIONS

**President Killion:** Okay, moving on Item No. 5.

**Chief Clerk Reyes:** Thank you, Mr. President, for Item No. 5, at the moment, we do not have any Communications.

**Delegate Bossy:** Pres., I move for recess.

President Killion declared the Convention recessed at 10:48 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 10:49 a.m.

**President Killion:** We are now back to session. A while ago, we were on Item No. 4: Adoption of Journal. There was a motion to defer action on that matter, and it was seconded. Therefore, we vote on it. All those in favor of the motion say, "Aye." All those opposed, say, "Nay." Motion carried. So, that Journal to be done, previously, will be deferred. As soon as they are finalized, they will be presented to Delegates for review. Pretty soon.

The motion carried by voice vote of Delegates.

**President Killion:** Moving on to Item No. 5. Chief Clerk?

**Chief Clerk Reyes:** For Item No. 5: Communications, we do not have any Communication, Mr. President.

**President Killion:** Thank you, Item –

**Delegate Kanto:** Mr. President. Recess, please.

**President Killion:** Recess called for.

President Killion declared the Convention recessed at 10:50 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 10:56 a.m.

**President Killion:** Our Convention is now back to session. We're on Communications for Item No. 5. And may I ask Chief Clerk to read Communication from Chairperson Mori, Chuuk Delegation, communicating to me the designation of her proxy of that Delegation. Jessica? Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. The first – or the latest part of her email is “Designating Delegate Kind Kanto as my proxy. Thank you very much, Cindy S. Mori.” And, the second part to her email is “Thank you, President Redley Killion. In that case, I would like to designate Delegate Kanto as my proxy as Delegation Chair for today's Plenary Session as I will be at a hearing at the Supreme Court. Thank you very much. Respectfully, Delegate Cindy S. Mori.”

**President Killion:** Thank you, Jessica, Chief Clerk. So just for clarification purposes the designation meant for Chairperson Mori to designate Delegate Kanto today and other days that she would not appear on the screen so that's automatic that Delegate Kanto will be the proxy on all those days. So, I can elaborate on that for clarity purposes. So, no questions on it? So you're okay, Delegate Kanto; you're in charge. So you can vote on her behalf for Second Reading as well as other authorities that that Chairperson can be. So, be ready for that. Thank you.

**Delegate Fritz:** Go back and please put that on the record.

**President Killion:** Aren't we –

**Delegate Fritz:** Oh, okay.

**President Killion:** Are we on record? We're in session.

**Chief Clerk Reyes:** According to her (Journal Clerk), we're in session.

**President Killion:** Thanks, Ms. Clerk.

**Delegate Liwy:** Mr. President, may I ask for recess?

**President Killion:** Alright. Call for short recess.

President Killion declared the Convention recessed at 10:58 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:00 a.m.

**President Killion:** We're now back to session. A while ago, our Chief Clerk just read the Communication from our Chairperson of Chuuk Delegation, designating Delegate Kanto to be proxy for our Chairperson Mori. So he has all that power and authority to act on her behalf.

### **UNFINISHED BUSINESS**

**President Killion:** Okay, if no other matters on that, we move on; Item No.6. Chief Clerk?

**Chief Clerk Reyes:** Unfinished Business; none at the moment, Mr. President.

### **REPORTS OF THE COMMITTEES**

**President Killion:** Thank you. Item No. 7?

**Chief Clerk Reyes:** Reports of the Committees, none also, Mr. President.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Yes, Item No. 7 and Item No. 8, there are none. I move that we go to Item No. 9.

### **FIRST READING OF COMMITTEE PROPOSALS**

Motion was carried out to disregard this item since there is nothing under this matter.

### **SECOND READING OF COMMITTEE PROPOSALS**

**President Killion:** Okay, we're moving down, so – thank you, Delegate Bossy. Item No. 7 and Item No. 8 are “None,” so we'll continue on to Item No. 9. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 9: Second Reading of Committee Proposals, we have a few of them. And the first one is on Committee Proposal 4-03 for Second Reading, this is from your committee on Government Structure and Functions. But first, this is subject to the review of COW.

**President Killion:** Thank you. To expedite our work, the other subsequent committee proposals, going down further, is noted. Committee Proposal 4-06 [CCD1], 4-07 from Second Reading, and under the Rule 30 of our Rules of Procedures of our Convention, I hereby resolve

our Plenary Session into the Committee of the Whole. And I request the Chair of that committee, Chairman Asher, to take over.

**Delegate Fritz:** Point of information.

**President Killion:** Yes?

**Delegate Fritz:** I'm a little bit concerned because –

**Floor Leader Yatilman:** Can we go into recess first?

**President Killion:** We move into a short recess.

President Killion declared the Convention recessed at 11:02 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:06 a.m.

**President Killion:** Now, we go back to session. A while ago, under the Rule 30, I dissolved our Plenary Session into the Committee of the Whole to discuss the three pending Committee Proposals, as noted, and therefore, Chairman Asher, Chairman of that committee, will take over. So, Chairman Asher, you're now in charge. I hereby call for a short recess.

President Killion declared the Convention recessed at 11:06 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:15 a.m.

### **RECESS**

The Convention dissolved into the Committee of the Whole.

### **RECESS**

The Convention reconvened at 12:29 p.m.

**President Killion:** Our session is now back to order. A while ago, the Committee of the Whole was in business discussing the proposal 4-03, so at this time, I wish to call upon the Chair of that Committee, COW, Chairman Asher to report.

**Delegate Asher:** Thank you, Mr. President. The Committee of the Whole has considered Committee Proposal 4-03. I am pleased to report that your Committee of the Whole recommends that the proposal be referred to the Convention Plenary for Second Reading voting. Thank you, Mr. President.

**President Killion:** Thank you, Chairman of COW.

**Delegate Saimon:** Mr. President, if I may?

**President Killion:** Yes, Vice-Chairman Saimon.

**Delegate Saimon:** I move that we defer Second Reading of the proposal.

**Delegate Cantero:** Indefinitely.

**Delegate Saimon:** Indefinite –

**Delegate Fritz:** Second.

**President Killion:** Okay, thank you. It's been seconded. Motion is not debatable, therefore, let's vote on it. All those in favor of the motion as proposed to defer this declared proposal –

**Delegate Cantero:** Indefinitely.

**President Killion:** – say, “Aye.”

**Delegate Nabeyan:** Mr. –

**President Killion:** All those opposed, say, “Nay.”

**Delegate Nabeyan:** Mr. President.

**President Killion:** Motion carried.

**Delegate Nabeyan:** Mr. –

**President Killion:** Oh –

**Delegate Nabeyan:** It was hard for me to vote because I wasn't clear with the motion; I was raising a point of clarification.

**President Killion:** Okay, I can retract my statement to appoint the opportunity so that the introducer of the motion, Vice-Chairman Saimon, to clarify before we vote on it.

**Delegate Saimon:** Yes, thank you, Mr. President. The debate that we were having earlier clearly showed a rift – if I may – created a dichotomy between or among the Delegations, especially for Pohnpei and Chuuk. I see value in consultation with our respective groups before we come and vote on behalf of – with the entrusted Delegation Chair – or Acting in my purposes. So, we'd like time to caucus – the Pohnpei Delegation – and would like – I can see perhaps by tomorrow we would have that chance. I know that Iso is in Guam, and the Vice-Chair

is in quarantine and will be out for a while. So we'll deal with the clarifications on logistics, but I think we can do it, hopefully, by tomorrow. Subject to some comments from my co-Delegation members. Thank you.

**President Killion:** Thank you, Vice-Chairman Saimon.

**Delegate Nabeyan:** So, this is deferred until the next session time?

**President Killion:** Can you clarify, Vice-Chairman Saimon? You said the day in motion? Or?

**Delegate Fritz:** Mr. President. I think the statement was declared “indefinitely,” but for your comfort, even though that is the decision, you can always bring it back. So if tomorrow – but to be fair, his motion was to defer “indefinitely,” right?

**Delegate Saimon:** Mr. President, the motion was in fact to defer indefinitely, because of the logistical issues that the Pohnpei Delegation has because of our two absent members. Thank you.

**President Killion:** Alright. That is the motion. It's not debatable. Let's vote on the motion. All those –

**Delegate Sigrah:** Point of clarification.

**President Killion:** Yes, Chair Sigrah.

**Delegate Sigrah:** I would like to know what “indefinitely” means – I know that you can pull it out, but I would vote “Yes” if it's deferred to the next session days if there's another motion for the next session day.

**Delegate Saimon:** Mr. President. The problem with – sorry –

**President Killion:** Go ahead.

**Delegate Saimon:** The problem with us committing to tomorrow will be having to foresee what we could potentially negotiate for the next 24 hours or rather 18 hours, and I cannot control that, so I don't want to make another motion like this tomorrow. Thank you.

**President Killion:** Alright, thank you. That is straightforward, so let's vote. All those in favor of the motion –

**Delegate Liwy:** I thought we already –

**Delegate Nabeyan:** Mr. President, I would like to make a second motion.

**President Killion:** Oh, did we vote on it?

**Delegate Susaia:** Mr. President. Point of order. We have already disposed of the main motion by Delegate Saimon. Why are we voting again? Why did we open up discussion again? If Delegate Yoslyn wants to make a motion to amend the main motion, it's too late. The main motion has been adopted.

**President Killion:** Exactly, so –

**Delegate Nabeyan:** Mr. President, I would like to make a motion if possible.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. I understand the motion is to defer this indefinitely, given the limited number of days that we have left in this Convention, I think that it's only fair that we give each proposal a vote up and down, whether it passes or fails. Those that pass can go up the stage. So, I mean that we schedule this to give the Delegation some sure time to consult to schedule this first session starting next week. Maybe Monday or Tuesday; next session next week. Thank you.

**Delegate Albert:** Second.

**President Killion:** Okay, it has been moved and seconded that we have this particular proposal be considered up for consideration next week. Discussion? All those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 12:35 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 1:25 p.m.

**President Killion:** We are now back from the short recess – or long lunch recess.

(Delegate Palsis walks in, Delegate Takesy is still not back from lunch break)

**President Killion:** Okay, for the record, we have quorum. All four Delegations are here. Thank you. There's one for Kosrae walking so it's clear that we have quorum. So, thank you again, Chairman Asher for the COW report before we went into lunch recess on that particular proposal which was deferred to next week's session for action. Now we have those two remaining committee proposals, 4-06 [CCD1], 4-07 pending. And, do I hear a motion – before we go into COW again. This needs to be considered. Floor Leader?

**Floor Leader Yatilman:** Do I make the motion here or in the COW itself?

**President Killion:** Here.

**Floor Leader Yatilman:** Then, Mr. President, I move that when we go into the Committee of the Whole that we take up the remaining two proposals before we come back to Plenary.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that these two proposals, Committee Proposals 4-06, [CCD1] and 4-07, which are pending before us in the Plenary for Second Reading, be considered in the same COW. If – any discussions? I guess it’s pretty straightforward. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” So, motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Therefore, again I resolve our Plenary into the COW, and I kindly ask Chairman Asher to take over as Chairman of the Committee.

#### **RECESS**

The Convention dissolved into the Committee of the Whole.

#### **RECESS**

The Convention reconvened at 2:09 p.m.

**President Killion:** We are now back to Plenary Session. I hereby request Chairman Asher, as COW Chairman, to report.

**Delegate Asher:** Thank you, Mr. President. Your Committee of the Whole has considered Committee Proposals 4-06, CCD1 and 4-07, and I am pleased to report that the Committee of the Whole recommends that both proposals 4-06, CCD1 and 4-07 be referred to the Convention Plenary for Second Reading. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Asher. So those are your Committee Proposals, as stated –

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** I think we should vote on each proposal, one at a time.

**President Killion:** So, I will – we’re still in session – so I’d like to request Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that the Committee Proposal 4-03 be considered for Second –

**Chief Clerk Reyes:** 06, 4-06, Floor Leader.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 2:10 p.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 2:10 p.m.

**President Killion:** Now back to session. Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I repeat my motion: I move that we – that Committee Proposal 4-06, CCD1 be considered for Second Reading.

**Delegate Nabeyan:** Second.

**Delegate Choor:** The motion is for Committee Proposal 4-06, CCD1?

**President Killion:** Yes, that is correct. So, there’s a motion to pass that Committee Proposal 4-06, CCD1 on Second Reading. It was seconded so, any discussion? Any discussion? Now we’re ready to vote on Second Reading. Chief Clerk?

Chief Clerk Reyes takes the Delegations’ votes.

**Chief Clerk Reyes:** Mr. President. All four States voted “for” the said Proposal under the Second Reading.

**President Killion:** Thank you, Chief Clerk. Congratulations. That is a Committee Proposal that has been passed Second Reading today and thank you all for your actions. Thank you. Moving on. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that Committee Proposal 4-07 be considered for Second Reading.

**Delegate Liwy:** Second.

**President Killion:** It’s been moved and seconded that Committee Proposal 4-07 be passed on Second Reading. Discussion?

**Delegate Nabeyan:** Move to close discussion.

**Delegate Choor:** Second.

**President Killion:** It has been moved and seconded to close debate. All those in favor, say “Aye.” All those opposed, say “Nay.”

The motion carried by voice vote of Delegates.

**President Killion:** Now, let’s vote on the Committee Proposal 4-07 for Second Reading. Chief Clerk.

Chief Clerk takes the Delegations’ votes.

**Chief Clerk Reyes:** Mr. President, all four States voted “for” the said Proposal under Second Reading.

**President Killion:** Thank you, Chief Clerk. Congratulation again. We have passed Committee Proposal 4-07 for Second Reading. Thank you. Okay. All applaud!

Applause.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** So moving the Order of the Day. Chief Clerk?

**Delegate Nabeyan:** Mr. President. I move for a short recess, please.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 2:14 p.m., subject to call of the Chair.

#### **RECESS**

The Convention reconvened at 2:15 p.m.

**President Killion:** We are now back to session. Chief Clerk?

**Chief Clerk Reyes:** The next item is Item No. 10: Final Reading of Proposed Constitutional Amendments, and none, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Thank you. Item No. 11?

**Chief Clerk Reyes:** Consideration of Resolutions; none also, Mr. President.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions?

**Chief Clerk Reyes:** Mr. President, we do not have a referral sheet at the moment.

#### SPECIAL ORDERS

**President Killion:** Item No. 13: Special Orders?

**Chief Clerk Reyes:** None, Mr. President.

#### MISCELLANEOUS BUSINESS

**President Killion:** Item No. 14: Miscellaneous Business. This time, I would like to call on Delegates if they have any miscellaneous business to share with us today.

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Acting Chairman Kanto.

**Delegate Kanto:** Thank you, Mr. President. There was a – during Miscellaneous Business – an item raised by Delegate Bossy regarding some kind of coverage or assistance to members during this Convention. I tried to deliver the initiative of going down to the MiCare people if that is possible, and Mr. President, what I was told was that if they are going to extend the benefit to us, then we have to pay – to the Convention members. The Convention has to pay coverage for one year for a member or each member who is not covered. And that is about \$400, plus or minus. So – only! That’s only – so, Mr. President, I wish to ask that this – the leadership look into this to extend a system to us Delegates while we are here, and we don’t have medicine or money for medicine. Thank you very much.

**President Killion:** Thank you very much, Acting Chairman Kanto. And I, again, as former board member on Micare, I'm glad you did that. But did you say \$400 more or each?

**Delegate Kanto:** Each.

**President Killion:** I believe not all of us need that coverage because some of us are already on MiCare; some are using the two-year plan and others, so maybe those without any coverage – I declare a short recess.

President Killion declared the Convention recessed at 2:18 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 2:30 p.m.

During this recess, Delegate Albert leaves and Delegate Takesy returns, both to and from urgent business respectively.

**President Killion:** I now call back our session to order. We're on Item No. 14: Miscellaneous Business. Any other miscellaneous business aside from those already –

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** I have to convey my thanks to Cantero and Kind for their concerns. I would like to ask each member – Honorable Delegates of this Convention – that we should be in our genuine minds to consider such contingencies – not because of your poor fellow, Mr. Bossy, but for a genuine notion and thoughts to consider if there would be any member or delegate that would come to such situation. That Convention funding then Convention should take care of. Thank you very much.

**President Killion:** Thank you very much, Delegate Bossy. That is a very profound point. Okay. Continuing on with Miscellaneous Business before we jump down to the end.

## ANNOUNCEMENTS

**President Killion:** If none, any announcements from the various Committee Chairpersons? Chairman Fritz.

**Delegate Fritz:** You already used up our time, but let's quickly end so you can leave, and we can use the remaining time to wrap up our Committee Order.

**President Killion:** That's what we're trying to do here so – any other announcements so that we can move on so the committee can meet? Chairperson Sigrah.

**Delegate Sigrah:** Yes, just to remind the members of the Committee on General Provisions that we will have a meeting tomorrow after Plenary, so if Plenary ends at 11:00 a.m., we will have it right after. But if it delays to 12:59 p.m., we will have it at 1:00 p.m. As previously announced, we will be delivering pending proposals, and if we have time, we will send out the announcements by email this evening. Thank you very much.

**President Killion:** Thank you very much, Chairperson Sigrah. Yes, Vice-Chair Saimon.

**Delegate Saimon:** Yes, thank you. This is on behalf of the Style and Arrangement Committee. As you guys recall, we just passed two during Second – Final Reading today. So I'd like to schedule – it will be coming out in writing – but Tuesday. Our assigned slot on Tuesday

next week. So just a reminder to make sure we have quorum. We want to make sure to add two more to the currently finalized – with the – March. Hopefully March. And you never know; there’s Monkey Pox out, so we don’t want another shutdown so - thank you.

**President Killion:** Thank you, Vice-Chair Saimon. Chairman Nabeyan? Any announcement on the committee?

**Delegate Nabeyan:** No, not yet. Thank you, Mr. President.

**President Killion:** Thank you very much. Any other announcements? Okay, if none. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that the Convention stands in recess up to 10:00 a.m. tomorrow morning.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow morning at 10:00 a.m. All those in favor, say “Aye.” All those opposed, say “Nay.” Motion carried. We are on recess until tomorrow at 10:00 a.m.

President Killion declared the Convention recessed at 2:34 p.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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**TWENTY-NINE DAY**

Friday, June 3, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:44 a.m., Friday, June 03, 2022.

**SILENT PRAYER**

**President Killion:** I now call our Convention to order. May we observe a moment of silent prayer before we start.

**ROLL CALL**

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 22 Delegates are present.

(Absent: Delegate Mori and Delegate Samo)

**President Killion:** Thank you, Chief Clerk. So, quorum is present, so we may transact business.

#### ADOPTION OF JOURNAL

**President Killion:** Moving on. Item No. 4: Adoption of Journal. Floor Leader?

**Floor Leader Yatilman:** Mr. President. I move that we defer action on Journal of Day 28, June 2, 2022.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that we defer adoption of the journal of that date. Discussion? No discussion –

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** I'm just wondering why we keep deferring Journals, when the Journal is what lawyers will refer to later. Right? When they review the result of this Convention. And if we don't review them, who knows what the actual journals are? Or if we agree with the content of the journals? I'm just wondering –

**Floor Leader Yatilman:** Mr. President. We are deferring action on it because it's still being reviewed, and we want to make sure that a Journal that is adopted is reflective and truly reflective of what transpired in this Convention. Thank you.

**President Killion:** Thank you, Mr. Floor Leader. And the comment made by Delegate Kanto is valid, so try to get those Journals of the previous two days presented to Delegates for review soon. Thank you.

#### COMMUNICATIONS

**President Killion:** Okay, moving on Item No. 5.

**Chief Clerk Reyes:** Thank you, Mr. President, for Item No. 5, at the moment, we do not have any Communications.

**Delegate Bossy:** Pres., I move for recess.

President Killion declared the Convention recessed at 10:48 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 10:49 a.m.

**President Killion:** We are now back to session. A while ago, we were on Item No. 4: Adoption of Journal. There was a motion to defer action on that matter, and it was seconded. Therefore, we vote on it. All those in favor of the motion say, "Aye." All those opposed, say, "Nay." Motion carried. So, that Journal to be done, previously, will be deferred. As soon as they are finalized, they will be presented to Delegates for review. Pretty soon.

The motion carried by voice vote of Delegates.

**President Killion:** Moving on to Item No. 5. Chief Clerk?

**Chief Clerk Reyes:** For Item No. 5: Communications, we do not have any Communication, Mr. President.

**President Killion:** Thank you, Item –

**Delegate Kanto:** Mr. President. Recess, please.

**President Killion:** Recess called for.

President Killion declared the Convention recessed at 10:50 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 10:56 a.m.

**President Killion:** Our Convention is now back to session. We're on Communications for Item No. 5. And may I ask Chief Clerk to read Communication from Chairperson Mori, Chuuk Delegation, communicating to me the designation of her proxy of that Delegation. Jessica? Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. The first – or the latest part of her email is "Designating Delegate Kind Kanto as my proxy. Thank you very much, Cindy S. Mori." And, the second part to her email is "Thank you, President Redley Killion. In that case, I would like to designate Delegate Kanto as my proxy as Delegation Chair for today's Plenary Session as I will be at a hearing at the Supreme Court. Thank you very much. Respectfully, Delegate Cindy S. Mori."

**President Killion:** Thank you, Jessica, Chief Clerk. So just for clarification purposes, the designation meant for Chairperson Mori to designate Delegate Kanto today and other days that she would not appear on the screen so that's automatic that Delegate Kanto will be the proxy on all those days. So, I can elaborate on that for clarity purposes. So, no questions on it? So, you're okay, Delegate Kanto; you're in charge. So, you can vote on her behalf for Second Reading as well as other authorities that that Chairperson can be. So, be ready for that. Thank you.

**Delegate Fritz:** Go back and please put that on the record.

**President Killion:** Aren't we –

**Delegate Fritz:** Oh, okay.

**President Killion:** Are we on record? We're in session.

**Chief Clerk Reyes:** According to her (Journal Clerk), we're in session.

**President Killion:** Thanks, Ms. Clerk.

**Delegate Liwy:** Mr. President, may I ask for recess?

**President Killion:** Alright. Call for short recess.

President Killion declared the Convention recessed at 10:58 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:00 a.m.

**President Killion:** We're now back to session. A while ago, our Chief Clerk just read the Communication from our Chairperson of Chuuk Delegation, designating Delegate Kanto to be proxy for our Chairperson Mori. So, he has all that power and authority to act on her behalf.

## **UNFINISHED BUSINESS**

**President Killion:** Okay, if no other matters on that, we move on; Item No.6. Chief Clerk?

**Chief Clerk Reyes:** Unfinished Business; none at the moment, Mr. President.

## **REPORTS OF THE COMMITTEES**

**President Killion:** Thank you. Item No. 7?

**Chief Clerk Reyes:** Reports of the Committees, none also, Mr. President.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Yes, Item No. 7 and Item No. 8, there are none. I move that we go to Item No. 9.

#### FIRST READING OF COMMITTEE PROPOSALS

Motion was carried out to disregard this item since there is nothing under this matter.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Okay, we're moving down, so – thank you, Delegate Bossy. Item No. 7 and Item No. 8 are “None,” so we'll continue on to Item No. 9. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 9: Second Reading of Committee Proposals, we have a few of them. And the first one is on Committee Proposal 4-03 for Second Reading, this is from your committee on Government Structure and Functions. But first, this is subject to the review of COW.

**President Killion:** Thank you. To expedite our work, the other subsequent committee proposals, going down further, is noted. Committee Proposal 4-06 [CCD1], 4-07 from Second Reading, and under the Rule 30 of our Rules of Procedures of our Convention, I hereby resolve our Plenary Session into the Committee of the Whole. And I request the Chair of that committee, Chairman Asher, to take over.

**Delegate Fritz:** Point of information.

**President Killion:** Yes?

**Delegate Fritz:** I'm a little bit concerned because –

**Floor Leader Yatilman:** Can we go into recess first?

**President Killion:** We move into a short recess.

President Killion declared the Convention recessed at 11:02 a.m., subject to call of the Chair.

#### **RECESS**

The Convention reconvened at 11:06 a.m.

**President Killion:** Now, we go back to session. A while ago, under the Rule 30, I dissolved our Plenary Session into the Committee of the Whole to discuss the three pending Committee Proposals, as noted, and therefore, Chairman Asher, Chairman of that committee, will take over. So, Chairman Asher, you're now in charge. I hereby call for a short recess.

President Killion declared the Convention recessed at 11:06 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:15 a.m.

COW Chairman Asher called the Committee of the Whole to order at 11:15 a.m., Friday, June 03, 2022.

There is a rise to Plenary at 12:28 a.m., Friday, June 03, 2022.

**Delegate Asher:** Plenary is now rise. We go back to Plenary Session. Mr. President?

**President Killion:** Recess.

President Killion declared the Convention recessed at 12:28 p.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 12:29 p.m.

**President Killion:** Our session is now back to order. A while ago, the Committee of the Whole was in business discussing the proposal 4-03, so at this time, I wish to call upon the Chair of that Committee, COW, Chairman Asher to report.

**Delegate Asher:** Thank you, Mr. President. The Committee of the Whole has considered Committee Proposal 4-03. I am pleased to report that your Committee of the Whole recommends that the proposal be referred to the Convention Plenary for Second Reading voting. Thank you, Mr. President.

**President Killion:** Thank you, Chairman of COW.

**Delegate Saimon:** Mr. President, if I may?

**President Killion:** Yes, Vice-Chairman Saimon.

**Delegate Saimon:** I move that we defer Second Reading of the proposal.

**Delegate Cantero:** Indefinitely.

**Delegate Saimon:** Indefinite –

**Delegate Fritz:** Second.

**President Killion:** Okay, thank you. It's been seconded. Motion is not debatable, therefore, let's vote on it. All those in favor of the motion as proposed to defer this declared proposal –

**Delegate Cantero:** Indefinitely.

**President Killion:** – say, “Aye.”

**Delegate Nabeyan:** Mr. –

**President Killion:** All those opposed, say, “Nay.”

**Delegate Nabeyan:** Mr. President.

**President Killion:** Motion carried.

**Delegate Nabeyan:** Mr. –

**President Killion:** Oh –

**Delegate Nabeyan:** It was hard for me to vote because I wasn't clear with the motion; I was raising a point of clarification.

**President Killion:** Okay, I can retract my statement to appoint the opportunity so that the introducer of the motion, Vice-Chairman Saimon, to clarify before we vote on it.

**Delegate Saimon:** Yes, thank you, Mr. President. The debate that we were having earlier clearly showed a rift – if I may – created a dichotomy between or among the Delegations, especially for Pohnpei and Chuuk. I see value in consultation with our respective groups before we come and vote on behalf of – with the entrusted Delegation Chair – or Acting in my purposes. So, we'd like time to caucus – the Pohnpei Delegation – and would like – I can see perhaps by tomorrow we would have that chance. I know that Iso is in Guam, and the Vice-Chair is in quarantine and will be out for a while. So, we'll deal with the clarifications on logistics, but I think we can do it, hopefully, by tomorrow. Subject to some comments from my co-Delegation members. Thank you.

**President Killion:** Thank you, Vice-Chairman Saimon.

**Delegate Nabeyan:** So, this is deferred until the next session time?

**President Killion:** Can you clarify, Vice-Chairman Saimon? You said the day in motion? Or?

**Delegate Fritz:** Mr. President. I think the statement was declared “indefinitely,” but for your comfort, even though that is the decision, you can always bring it back. So if tomorrow – but to be fair, his motion was to defer “indefinitely,” right?

**Delegate Saimon:** Mr. President, the motion was in fact to defer indefinitely, because of the logistical issues that the Pohnpei Delegation has because of our two absent members. Thank you.

**President Killion:** Alright. That is the motion. It's not debatable. Let's vote on the motion. All those –

**Delegate Sigrah:** Point of clarification.

**President Killion:** Yes, Chair Sigrah.

**Delegate Sigrah:** I would like to know what “indefinitely” means – I know that you can pull it out, but I would vote “Yes” if it's deferred to the next session days if there's another motion for the next session day.

**Delegate Saimon:** Mr. President. The problem with – sorry –

**President Killion:** Go ahead.

**Delegate Saimon:** The problem with us committing to tomorrow will be having to foresee what we could potentially negotiate for the next 24 hours or rather 18 hours, and I cannot control that, so I don't want to make another motion like this tomorrow. Thank you.

**President Killion:** Alright, thank you. That is straightforward, so let's vote. All those in favor of the motion –

**Delegate Liwy:** I thought we already –

**Delegate Nabeyan:** Mr. President, I would like to make a second motion.

**President Killion:** Oh, did we vote on it?

**Delegate Susaia:** Mr. President. Point of order. We have already disposed of the main motion by Delegate Saimon. Why are we voting again? Why did we open up discussion again? If Delegate Yoslyn wants to make a motion to amend the main motion, it's too late. The main motion has been adopted.

**President Killion:** Exactly, so –

**Delegate Nabeyan:** Mr. President, I would like to make a motion if possible.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. I understand the motion is to defer this indefinitely, given the limited number of days that we have left in this Convention, I think that it's only fair that we give each proposal a vote up and down, whether it passes or fails. Those that pass can go

up the stage. So, I mean that we schedule this to give the Delegation some time to consult to schedule this first session starting next week. Maybe Monday or Tuesday; next session next week. Thank you.

**Delegate Albert:** Second.

**President Killion:** Okay, it has been moved and seconded that we have this particular proposal be considered up for consideration next week. Discussion? All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 12:35 p.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 1:25 p.m.

**President Killion:** We are now back from the short recess – or long lunch recess.

(Delegate Palsis walks in, Delegate Takesy is still not back from lunch break)

**President Killion:** Okay, for the record, we have quorum. All four Delegations are here. Thank you. There’s one for Kosrae walking so it’s clear that we have quorum. So thank you again, Chairman Asher for the COW report before we went into lunch recess on that particular proposal which was deferred to next week’s session for action. Now we have those two remaining committee proposals, 4-06 [CCD1], 4-07 pending. And, do I hear a motion – before we go into COW again. This needs to be considered. Floor Leader?

**Floor Leader Yatilman:** Do I make the motion here or in the COW itself?

**President Killion:** Here.

**Floor Leader Yatilman:** Then, Mr. President, I move that when we go into the Committee of the Whole that we take up the remaining two proposals before we come back to Plenary.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that these two proposals, Committee Proposals 4-06, [CCD1] and 4-07, which are pending before us in the Plenary for Second Reading, be considered in the same COW. If – any discussions? I guess it’s pretty

straightforward. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” So, motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Therefore, again I resolve our Plenary into the COW, and I kindly ask Chairman Asher to take over as Chairman of the Committee.

COW Chairman Asher called the Committee of the Whole to order at 1:27 p.m., Friday, June 03, 2022.

The Convention reconvened at 2:09 p.m.

**President Killion:** We are now back to Plenary Session. I hereby request Chairman Asher, as COW Chairman, to report.

**Delegate Asher:** Thank you, Mr. President. Your Committee of the Whole has considered Committee Proposals 4-06 [CCD1] and 4-07, and I am pleased to report that the Committee of the Whole recommends that both proposals 4-06 [CCD1] and 4-07 be referred to the Convention Plenary for Second Reading. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Asher. So those are your Committee Proposals, as stated –

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** I think we should vote on each proposal, one at a time.

**President Killion:** So, I will – we’re still in session – so I’d like to request Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that the Committee Proposal 4-03 be considered for Second –

**Chief Clerk Reyes:** 06, 4-06, Floor Leader.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 2:10 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 2:10 p.m.

**President Killion:** Now back to session. Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I repeat my motion: I move that we – that Committee Proposal 4-06 [CCD1] be considered for Second Reading.

**Delegate Nabeyan:** Second.

**Delegate Choor:** The motion is for Committee Proposal 4-06 CCD1?

**President Killion:** Yes, that is correct. So there's a motion to pass that Committee Proposal 4-06 CCD1 on Second Reading. It was seconded so, any discussion? Any discussion? Now we're ready to vote on Second Reading. Chief Clerk?

Chief Clerk Reyes takes the Delegations' votes.

**Chief Clerk Reyes:** Mr. President. All four States voted "for" the said Proposal under the Second Reading.

**President Killion:** Thank you, Chief Clerk. Congratulations. That is a Committee Proposal that has been passed Second Reading today and thank you all for your actions. Thank you. Moving on. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that Committee Proposal 4-07 be considered for Second Reading.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that Committee Proposal 4-07 be passed on Second Reading. Discussion?

**Delegate Nabeyan:** Move to close discussion.

**Delegate Choor:** Second.

**President Killion:** It has been moved and seconded to close debate. All those in favor, say "Aye." All those opposed, say "Nay."

The motion carried by voice vote of Delegates.

**President Killion:** Now, let's vote on the Committee Proposal 4-07 for Second Reading. Chief Clerk.

Chief Clerk takes the Delegations' votes.

**Chief Clerk Reyes:** Mr. President, all four States voted "for" the said Proposal under Second Reading.

**President Killion:** Thank you, Chief Clerk. Congratulation again. We have passed Committee Proposal 4-07 for Second Reading. Thank you. Okay. All applaud!

Applause.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** So moving the Order of the Day. Chief Clerk?

**Delegate Nabeyan:** Mr. President. I move for a short recess, please.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 2:14 p.m., subject to call of the Chair.

**RECESS**

The Convention reconvened at 2:15 p.m.

**President Killion:** We are now back to session. Chief Clerk?

**Chief Clerk Reyes:** The next item is Item No. 10: Final Reading of Proposed Constitutional Amendments, and none, Mr. President.

CONSIDERATION OF RESOLUTIONS

**President Killion:** Thank you. Item No. 11?

**Chief Clerk Reyes:** Consideration of Resolutions; none also, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions?

**Chief Clerk Reyes:** Mr. President, we do not have a referral sheet at the moment.

SPECIAL ORDERS

**President Killion:** Item No. 13: Special Orders?

**Chief Clerk Reyes:** None, Mr. President.

MISCELLANEOUS BUSINESS

**President Killion:** Item No. 14: Miscellaneous Business. This time, I would like to call on Delegates if they have any miscellaneous business to share with us today.

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Acting Chairman Kanto.

**Delegate Kanto:** Thank you, Mr. President. There was a – during Miscellaneous Business – an item raised by Delegate Bossy regarding some kind of coverage or assistance to members during this Convention. I tried to deliver the initiative of going down to the MiCare people if that is possible, and Mr. President, what I was told was that if they are going to extend the benefit to us, then we have to pay – for the Convention members. The Convention has to pay coverage for one year for a member or each member who is not covered. And that is about \$400, plus or minus. So Mr. President, I wish to ask that this – the leadership look into this to extend a system to us Delegates while we are here, and we don't have medicine or money for medicine. Thank you very much.

**President Killion:** Thank you very much, Acting Chairman Kanto. And I, again, as former board member on Micare, I'm glad you did that. But did you say \$400 more or each?

**Delegate Kanto:** Each.

**President Killion:** I believe not all of us need that coverage because some of us are already on MiCare; some are using the two-year plan and others, so maybe those without any coverage – I declare a short recess.

President Killion declared the Convention recessed at 2:18 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 2:30 p.m.

During this recess, Delegate Albert leaves and Delegate Takesy returns, both to and from urgent business respectively.

**President Killion:** I now call back our session to order. We're on Item No. 14: Miscellaneous Business. Any other miscellaneous business aside from those already –

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** I have to convey my thanks to Cantero and Kind for their concerns. I would like to ask each member – Honorable Delegates of this Convention – that we should be in

our genuine minds to consider such contingencies – not because of your poor fellow, Mr. Bossy, but for a genuine notion and thoughts to consider if there would be any member or delegate that would come to such situation. If the Convention has funding then Convention should take care of. Thank you very much.

**President Killion:** Thank you very much, Delegate Bossy. That is a very profound point. Okay. Continuing on with Miscellaneous Business before we jump down to the end.

### ANNOUNCEMENTS

**President Killion:** If none, any announcements from the various Committee Chairpersons? Chairman Fritz.

**Delegate Fritz:** You already used up our time, but let's quickly end so you can leave, and we can use the remaining time to wrap up our Committee Order.

**President Killion:** That's what we're trying to do here so – any other announcements so that we can move on so the committee can meet? Chairperson Sigrah.

**Delegate Sigrah:** Yes, just to remind the members of the Committee on General Provisions that we will have a meeting tomorrow after Plenary, so if Plenary ends at 11:00 a.m., we will have it right after. But if it delays to 12:59 p.m., we will have it at 1:00 p.m. As previously announced, we will be delivering pending proposals, and if we have time, we will send out the announcements by email this evening. Thank you very much.

**President Killion:** Thank you very much, Chairperson Sigrah. Yes, Vice-Chair Saimon.

**Delegate Saimon:** Yes, thank you. This is on behalf of the Style and Arrangement Committee. As you guys recall, we just passed two during Second – Final Reading today. So, I'd like to schedule – it will be coming out in writing – but Tuesday. Our assigned slot on Tuesday next week. So just a reminder to make sure we have quorum. We want to make sure to add two more to the currently finalized – with the – March. Hopefully March. And you never know; there's Monkey Pox out, so we don't want another shutdown so - thank you.

**President Killion:** Thank you, Vice-Chair Saimon. Chairman Nabeyan? Any announcement on the committee?

**Delegate Nabeyan:** No, not yet. Thank you, Mr. President.

**President Killion:** Thank you very much. Any other announcements? Okay, if none. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that the Convention stands in recess up to 10:00 a.m. tomorrow morning.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow morning at 10:00 a.m. All those in favor, say “Aye.” All those opposed, say “Nay.” Motion carried. We are on recess until tomorrow at 10:00 a.m.

President Killion declared the Convention recessed at 2:34 p.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon  
Journal Clerk

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**THIRTIETH DAY**

Saturday, June 4, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:38 a.m., Saturday, June 04, 2022.

**President Killion:** I now call to order our session.

**SILENT PRAYER**

**President Killion:** I now ask that we observe a moment of silent prayer.

**ROLL CALL**

**President Killion:** Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, we have a total of 20 Delegates that are present.

(Absent: Delegate Mori, Delegate Samo, Delegate Takesy, Floor Leader Yatilman)

**President Killion:** Thank you, Chief Clerk. We have a quorum, therefore we can transact business. And for the record, since our Floor Leader Yatilman is not here, with no objection, I hereby designate COW Chair Asher to be Acting Floor Leader for today.

**ADOPTION OF JOURNAL**

**President Killion:** Adoption of Journal, Item No. 4. Chief Clerk?

**Chief Clerk Reyes:** Adoption of Journal, Mr. President.

**Acting Floor Leader Asher:** Mr. President.

**President Killion:** Yes, Chairman/Acting Floor Leader.

**Acting Floor Leader Asher:** Thank you, Mr. President. I understand that the Journal for the 27<sup>th</sup> Day has just been prepared, but I understand that all of the members have not had time to view it, so I move that we defer action on Adoption of the Journal for 27<sup>th</sup> Day, 28<sup>th</sup> Day, 29<sup>th</sup> Day.

**Delegate Kanto:** Second.

**President Killion:** It has been moved and seconded that we defer adoption of the Journals of those previous meeting days. Discussion? It shall be done. I encourage the staff to ensure that we have those Journals so that Delegates can have time to review them and make discussion of them and dispose of them. All those in favors for deferment of those said Journals of those days, say “Aye.” Those opposed, say “Nay.” Motion carried. Therefore, the adoption for those Journals has been deferred.

The motion carried by voice vote of Delegates.

#### COMMUNICATIONS

**President Killion:** Item No. 5: Communications?

**Chief Clerk Reyes:** Mr. President, for Item No. 5: Communications, we have a Delegation Communication and that is No. 4-4. This is the communication that was read on record in yesterday’s session under Item No. 5: Communications.

**President Killion:** Thank you, Chief Clerk. That Communication pertains to the designation of Delegate Kanto by our Chairperson of Chuuk Delegation, Chairperson Mori – designated Delegate Kanto to be proxy for Madam Chair Mori while she is in absence. Since she is going to be here in Session. So that is for the information of Delegates. Okay, others on Item No. 5.

#### UNFINISHED BUSINESS

**President Killion:** If none, we move on to Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None at the moment, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No. 7: Reports of Committees.

**Chief Clerk Reyes:** None also, Mr. President.

### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Item No. 8: First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Okay, Item No. 9: Second Reading of Committee Proposals. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. As indicated in the order, we have Committee Proposal 4-03 for Second Reading from your Committee on Government Structure and Functions. Kindly note that this was deferred from yesterday's session to next week.

**President Killion:** Thank you. Acting Floor Leader.

**Acting Floor Leader Asher:** Short recess, Mr. President.

**President Killion:** Short recess is called for.

President Killion declared the Convention recessed at 10:44 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:00 a.m.

**President Killion:** I now call our session to order. A while ago, we were on Second Reading, Item No. 9, to discuss that particular matter. So to be clear, Chairman Albert – sorry – Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. I yield the floor to Delegate Liwy.

**President Killion:** Thank you very much, Delegate Liwy.

**Delegate Liwy:** Thank you very much, Chairman Nabeyan and Mr. President. As a member of the Government Structure and Functions, on behalf of our esteemed Chairman, I would like to make a motion to place the Committee Proposal 4-03 for Second Reading.

**Delegate Bossy:** Second.

**President Killion:** So, you're proposing to make a motion – so therefore, are you making a motion now? That you are moving –

**Delegate Liwy:** I move.

**President Killion:** Any second?

**Delegate Fritz:** Second.

**President Killion:** So, motion made by Vice-Chairman Liwy to place that particular Committee Proposal 4-03 –

**Delegate Susaia:** President.

**President Killion:** – on today’s calendar. Yes?

**Delegate Susaia:** President?

**President Killion:** It was seconded. Discussion now. Delegate –

**Delegate Susaia:** President, can I make a –

**President Killion:** – Susaia? Go ahead.

**Delegate Susaia:** Yes. I think – you know – we can play smart based on the rules. But we need to respect each other. That was my concern. Who decided to put this proposal back on the agenda today, when we know that motion was approved by majority to delay discussion of this to indefinitely or to next week? We have to be careful that nobody – one Delegate or a staff is controlling our discussions or our agenda. Now we are –

**Acting Floor Leader Asher:** Short recess, Mr. President.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 10:03 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 10:06 a.m.

**President Killion:** I now call our session back to order. There was a motion to – it was seconded – to place Committee Proposal 4-03 on today’s calendar. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Therefore, the motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** This particular Committee Proposal 4-03 is now up for discussion. So, Acting Floor Leader.

**Acting Floor Leader Asher:** Short recess, Mr. President.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 11:07 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:07 a.m.

**President Killion:** I now call this session back to order. Acting Floor Leader, Chairman Asher?

**Acting Floor Leader Asher:** Thank you, Mr. President. I make a motion that Committee Proposal 4-03 for Second Reading voting.

**Delegate Liwy:** Second.

**President Killion:** Okay. It's been moved and seconded that Committee Proposal 4-03 will be considered on Second Reading voting for passage. Any discussion?

**Delegate Saimon:** Mr. President. Recess.

**Acting Floor Leader Asher:** Short recess.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 11:08 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:15 a.m.

**President Killion:** I now call our session back to order. We were considering voting on Committee Proposal 4-03, which is pending. Therefore, I now call Chief Clerk to call votes.

**Delegate Fritz:** Mr. President. I think that the next option we should do is discuss – any additional discussion before we vote.

**President Killion:** Yes – sorry – yeah. Yeah, we were going to discuss it, but I thought there was no discussion but yes. Before we vote, does anyone have any points to make before we cast a vote on Second Reading on this particular proposal? It's open for discussion. Chairman Fritz? We're in session.

**Delegate Fritz:** I have nothing to discuss, I just pointed out the proper procedure to the current issue because we recess – we didn’t have any discussion. And then we’re just going back and we will vote? So –

**Delegate Nabeyan:** Yeah. Mr. President?

**President Killion:** Go ahead, Chairman Nabeyan.

**Delegate Nabeyan:** I understand the point that Chairman Fritz is raising, but I think we have exhausted discussion on this in COW, also during recess, so I move to close discussion.

**Delegate Kanto:** Second.

**President Killion:** It has been moved and seconded that we stop debate on this particular matter. All those in favor, say “Aye.” All those opposed, say “Nay.” Motion carried. Therefore, we are now ready to vote on Second Reading on this particular proposal.

The motion carried by voice vote of Delegates.

**President Killion:** Chief Clerk?

Chief Clerk Reyes takes the Delegations’ votes.

**Chief Clerk Reyes:** Mr. President, all four States voted “for” the said proposal on the Second Reading.

**President Killion:** Thank you very much, and congratulations. We just passed this particular Committee Proposal 4-03 on Second Reading. Thank you.

Applause.

**President Killion:** So, moving on – are there other matters under Second Reading for today’s discussion?

**Chief Clerk Reyes:** None, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Moving on to Item No. 10: Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None also, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Thank you. Item No. 11: Consideration of Resolutions.

**Chief Clerk Reyes:** None, Mr. President.

### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Mr. President, we do not have a referral sheet.

**President Killion:** Meanwhile, if anyone has other matters to submit –?

### SPECIAL ORDERS

**President Killion:** Item No. 13: Special Orders?

**Chief Clerk Reyes:** None at the moment, Mr. President.

### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Then Miscellaneous Business for Item No. 14. Does anyone have any matters to discuss under Miscellaneous Business?

**Delegate Albert:** Mr. President.

**President Killion:** Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. Due to the untimely passing of the late Delegate Noket who was tasked to be the Vice-Chairman of the Committee on Civil Liberties and Tradition, I wish to take this opportunity to express my sympathy and condolences to the families of the late Chief Justice. Your committee held the public hearing this morning and we elected Delegate Kind Kanto to be the next Vice-Chairman. With that said, I respectfully request that we, at full Plenary, recognize Mr. Kanto and give him a big round of applause. Thank you.

Applause.

**President Killion:** Thank you, Chairman Albert, and again congratulating our current Chairman now – Vice-Chairman Kanto – Vice-Chairman of the Committee on Civil Liberties and Tradition. Thank you. Any other matters under Miscellaneous Business?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you very much, Mr. President. I just want to inform the members of your Committee on Finance and Revenue – then for that matter – all of us that we have a proposal – Committee Proposals that we asked our counsel to work on, and when she's done

with it, I am requesting her to please share with the members first so we can take a look at it. What we – and what's in that proposal is – we are trying to put together the question of sharing of revenue under – I think – the appropriate part of our Constitution which is Section 5, which deals with revenue sharing; 50% to the States and then 50% to the National Government. So, we will put maybe b., c., and d. Subsection b. – it should relate with the revenue sharing of the fishing fees and then c., we're proposing that we deal with the other parts of the Yap Delegation's Proposal which we just adopted, and that is the 50% tax; they belong to the National Government. And then another subsection, relates with the concern that my good friend on my left here raised, which are reflected also in some of the proposals which you introduced; that is the question of accountability. So, with this, we're proposing that the fines for the fishing fees only – that they can only be expended pursuing to some approved plan of the National States or Municipal Government so that the funds are accounted, and that will also force our leadership to actually think through on how to expend the money for the betterment of our country and people. That's our current proposal which needs to be fleshed out and then share with everybody. So, I'm just raising that and if it's acceptable to the members and hopefully Plenary – and I think as far as the Committee is concerned, at least I think – it's enough for our parts. That will be our contribution which is trying to address the main problem that I think all our States are facing. And in Chuuk, particularly our Municipal Governments. That's my – kind of like – general notice for everybody. Thank you.

**President Killion:** Thank you, Chairman Fritz.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** I respectfully – I think the issue raised by Mr. Fritz is something that I want us to be very cautious about. Not to go too specifically into the activities that we may want to address respecting the local governments in the States. I think this particular issue should be left generally, open to the States – not to delve into municipalities and try to find ways to get this money to them. Because each state, under the Pohnpei Constitution, all revenue comes into this State, 30% automatically goes to the States. So, I hope when you do this public hearing, you take into consideration what other States or other laws that may be affected by any decision that you make. Thank you.

**President Killion:** Thank you very much, Chairman Albert.

**Delegate Fritz:** If I may -?

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Just to clarify for this proposed proposal. The way we draft the language, we want to make sure that we don't intrude into the decision of the other States. We understand in our last meeting, in the Finance. Pohnpei, Kosrae, and Yap – just wanted to go to that page. I yield the floor.

**President Killion:** Thank you, Chairman Fritz. Yes, Vice-President Iso. Iso Nahnken Iriarte.

**Delegate Iriarte:** [inaudible] – say something?

**President Killion:** You have the floor, Iso, if you want to say something on this particular matter, we're on Miscellaneous Business and – go ahead, Iso.

**Delegate Iriarte:** [inaudible] No, no, no.

**President Killion:** Okay.

**Delegate Fritz:** So, if I may continue –

**President Killion:** Yes.

**Delegate Fritz:** So, we are conscious of the decisions of the other Delegations, and we will not touch your decision. We respect that, because that is what you're entrusted by your constituent supreme. But at least for Chuuk – our mission from our people and government is to make sure that our municipal government has a share and it should be in there because – for now, they're not getting what they're supposed to get. And we're going to ask our counsel to – in light of the report – to also refer to those particular Constitution and the laws in each of the four States. We know that Pohnpei, you can authorize your Municipal Government to have surtax, right? And I think Kosrae has some revenue sharing – but in Chuuk, we only authorize our Constitution, not less than 8% of the revenue is to be provided to our Municipal Government, which is about 40 of them. And our Legislature has never even given them that 8%. So, they're really having difficulties trying to discharge the duties and responsibilities to our people. So that is why they asked us, “When you go into allocate revenues among the States, make sure that – at least for our State – we have some guarantee that we will get a portion of it.” That's all. With respect to Yap and Pohnpei and Kosrae – no, you don't want to send this kind because you already – and the language in the proposal reflect that. So maybe it's better to wait for it so... –

**President Killion:** Thank you –

**Delegate Cantero:** Mr. President; if I may?

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Yeah, so – I think our discussion of this particular issue; it's important but it may be a bit premature. We don't have the proposal draft yet to be shared, for us to have some definitive or substantial discussion over the languages. What I know for sure is that the last action on this particular issue – from the former – before we left two years ago, was a particular proposal that was submitted by Pohnpei State. It did appear at that time to be a consolidated version of what we wanted to take forward. So, we had some general discussion over this with the Finance Committee, and I think the discussion went well. But the absent – a committee hearing specifically designed to talk about this thing – we're just going left and right.

And I can only encourage that the sooner we get the committee hearing in place, the sooner we get something back on so we can review, the better we will have some discussion with this one. This is an issue that I think all of us wants – we need to do this for our country and our people. But it's also very sensitive. And I hope that when we discuss this thing, we look at what's an architecture that's really, really good for the country. At the end of the day, as I mentioned on a couple of occasions, we will be part of the advocacy group. At the end of today, compared to previous CONs, we will be part of it. Whatever the output of this convention – in my view – everything, the understanding, the spirit of it must be fully understood by all of us. So, when we go outside, we advocate the same kind of spirit. If not, this thing will not work, in my view. So, the sooner we get the language that all of us are comfortable with, that we can work with, the better for us. But ultimately, we need to be comfortable in any language that we put forward on this one – all of us. So, thank you.

**President Killion:** Thank you, Delegate Cantero. Again, this kind of discussion should be dealt with inside the Committees, so I encourage Chairman Fritz and members of the Committee to go ahead and schedule –

**Delegate Susaia:** President.

**President Killion:** – because we need to discuss – yes, Delegate Susaia?

**Delegate Susaia:** What subject are we on?

**President Killion:** We are on Miscellaneous.

**Delegate Susaia:** Yes, I know, but what subject are we discussing?

**President Killion:** We're discussing –

**Delegate Susaia:** [inaudible]

**President Killion:** – business revenue on the proposed –

**Delegate Susaia:** On the what?

**President Killion:** on revenue sharing proposal –

**Delegate Fritz:** We're not – if I may – we're not really discussing this – I was just trying to inform the Delegates ahead of time that there is something brewing in the Committee that is coming out and when we look at the language, that's when we actually deal with it. I was trying to also delineate the type of ideas that are filtered into that one proposal, but we're not discussing it yet. The Committee has not decided on anything yet because... –

**President Killion:** Thank you, Chairman Fritz. Again, I encourage your Committee to proceed on, as scheduled, public hearing so that you can discuss these issues that should be with the committee. Therefore, get views from Delegates, including the public. Thank you. Okay.

Delegate Susaia? Sorry? Do you have any other issues on Miscellaneous? We're on Miscellaneous.

**Delegate Susaia:** Are we on [inaudible].

**President Killion:** Sorry?

**Delegate Susaia:** I just wanted to restate what I said earlier, about [inaudible]. I hope you are taking control – officers are taking control of the item put on the calendar. I find it very hard to understand that because somebody had a question on the motion we made then the whole proposal was reinstated on today's agenda. I don't think that's a fair way to address our business. That is, to me, in – opposed to our majority decisions that were made yesterday [inaudible] because the two motions that were both adopted, that is different than what appeared on our calendar today. But that's just – so it's water under the – is it bridge under the water or water under the bridge?

**President Killion:** Water under the bridge.

**Delegate Susaia:** I just wanted to make sure that we don't go through that anymore.

**President Killion:** Again, there's nothing under the Rule that prevents that decision that you have just made on that particular proposal, so we can move on. Thank you. Okay –

**Delegate Cantero:** Just one more thing before –

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** You know – I think the concerns expressed by Ambassador is quite valid. I know it's water under the bridge, but that kind of misunderstanding, as he mentioned – and that's exactly what transpired today: that misunderstanding of – that led to the placement of this proposal on today's calendar. It's already done, which is good, but I would like to maybe just associate myself with the sentiments of Ambassador Susaia that this needs to be very clear, so we don't have these kind of mistakes anymore. This is critical for each and every one of us. So, I implore the staff, also all of us, to really, really be very clear as we move forward as decisions that we made is very impactful on our process. So, let's please try to do that. Thank you.

**President Killion:** Thank you very much, Delegate Cantero.

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate James Naich. Go ahead.

**Delegate Naich:** Thank you, Mr. President. I thank Delegate Fritz for the heads-up that he gave during Miscellaneous Business regarding the discussion that are underway in his committee on the particular subject that will be raised in the Plenary. But, I would like to amplify on the points made by my colleague, Delegate Cantero, about us playing the roles of advocates

on these amendments that we're introducing in the Convention. Mr. President, I had the privilege of serving in the last two Constitutional Conventions, and I would like to share the observation that the last two weeks are usually the crunch time to turn out the amendments in the committees. Why I'm saying this? Because I think the public deserve to know what's going on. I realized that we have this video conferencing, this live stream. But I'm sad to say that the outer islands – not just the outer islands – but even places like the rural and remote areas of Namoneas of Delegate Kanto's Faichuuk, do not have access to our sessions here. So, I am wondering whether we expand the public information of this convention beyond what we have here for the Zoom. Mr. President, we don't want to give the people the feeling that they are being ambushed last minute when the educators go out into the communities to conduct the Public Education Program. I think this Convention owes it to the people of this country to keep them informed of what this Convention is doing. If the officers of the Convention have set up some kind of arrangement to take advantage of the public information outlets at the National Government and in the States, then obviously I'm wrong. So, I will leave it to you, my fellow Delegates, to please consider sending out some public releases – public information to the public from our Convention. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Naich. The points you have raised are valid in terms of informing our citizens throughout the updates of our actions during this Convention, and I take that to heart. And we will continue to work with our officers as well as our staff in ensuring that it is done. Thank you.

**Delegate Albert:** Mr. President.

**President Killion:** Chairman Albert.

**Delegate Albert:** Can I ask a question?

**President Killion:** What?

**Delegate Albert:** This would be a – this is regarding – with respect to proxies, for those who are not on island and are not able to participate, for example, committee hearings, can someone here be designated on their behalf to join those committees and vote?

**Delegate Nabeyan:** Recess, Mr. President?

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 11:38 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:42 a.m.

**President Killion:** I now call our session back to order. We're on Miscellaneous Business, coming towards the end of our session today. Continue on – any other Miscellaneous Business to share before we move on? Okay if silence means no other Miscellaneous Business –

### ANNOUNCEMENTS

**President Killion:** Announcements from the various Committee Chairperson, Chairman? Chairman Nabeyan.

**Chairman Nabeyan:** Thank you, Mr. President. The Committee of Government Structure and Functions will be having a committee meeting on Monday at our allocated time. A notice will be coming out some time today. Thank you.

**President Killion:** Thank you very much. Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. The Committee on General Provisions will be meeting today right after Plenary. We ask that the members please stay behind. And, briefly, I want to thank Kathe and the staff for all their hard work. I was once a staff attorney for FSM Congress, and I know we work through the nights to put up this agenda for the next day. It's not easy; some of us would work until 11:00 p.m. to 2:00 a.m. in the morning, trying to do the best work possible. So thank you very much. And I also understand the need to make sure that the right agenda items be placed. So, I join my colleagues in encouraging. Again, for the Committee of General Provisions, let's stay behind afterwards. Thank you.

**President Killion:** Thank you very much, Chairperson Sigrah. Chairman Fritz.

**Delegate Fritz:** Thank you, Mr. President. The Committee on Finance and Revenue – I believe will be here on Monday – I request you to sign our subpoenas so they can be served and the appropriate witnesses can come to our meeting. And I also request our staff to make sure that those meetings are – I'm assuming will be here in the time that is allotted to your committees. Thank you.

**President Killion:** Thank you very much, Chairman Fritz. Those subpoenas are ready to sign, but I kind of question if they will be ready to provide information as needed between now and Monday before the Committee meeting. Yes, Vice-Chairman –

**Legal Counsel Burch:** Mr. President, might I ask –

**Delegate Saimon:** Short recess.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 11:45 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:48 a.m.

**President Killion:** We're now back to session. Before we went into recess, we were on Announcements for various committees. And Chairman Albert, currently, you have any announcements?

**Delegate Fritz:** Mr. President.

**President Killion:** Chairman Fritz.

**Delegate Fritz:** We discussed during the recess; there is apparently good reasons why we need to postpone our scheduled meeting on Monday so that the proper papers will be served on the appropriate officials. So, with that understanding, I request you to cause our staff to make sure that those scheduled meetings are slotted down to Wednesday with the same needed witnesses and that you sign the paperwork so that they can be served and we will deal with it as it comes on Wednesday. Thank you.

**President Killion:** Thank you, Chairman Fritz. That is going to be done to ensure that they be prepared for the information that's required. Okay, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. I actually signed a notice of hearing for Tuesday at 1:00 p.m. for your Committee on Style and Arrangement, but I just amended that right now to add on what we passed today to Tuesday again at 1:00 p.m. or right after the Plenary. If it ends at 12:00 p.m., we can start right after that. So, I will be sending – I was about to click “Send” – but then we waited because of the posture of the second reading today. So, I'll be sending one this afternoon by email. Thank you very much. 1:00 p.m. on Tuesday. Thank you.

**President Killion:** Thank you very much, Chairman Saimon. So, 1:00 p.m., your Committee will meet on Tuesday. Here.

**Delegate Saimon:** Correct, Mr. President.

**President Killion:** Thank you very much. Any other announcements before we recess?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes.

**Delegate Fritz:** This is more like a request: to please prepare and complete that draft, and then circulate it to the members of the Committee – depending on – when we review it, and it's close to what we wanted, we may call a hearing in the committee meeting on Monday also to deal with that language of the proposed proposal.

**President Killion:** Thank you, Chairman Fritz. If none, Acting Floor Leader Asher?

**Acting Floor Leader Asher:** Thank you, Mr. President. I move that the Convention stands in recess until 10:00 a.m. Monday morning, June 6, 2022.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until Monday at 10:00 a.m., same place. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” We now stand in recess until Monday at 10:00 a.m. Thank you.

President Killion declared the Convention recessed at 11:49 a.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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### **THIRTY-FIRST DAY**

Monday, June 6, 2022

### **CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:27 a.m., Monday, June 06, 2022.

**President Killion:** I now call our Convention to order.

### **SILENT PRAYER**

**President Killion:** Thank you all for coming and good morning to all. Vice President Iriarte Iso and the rest. At this time, I would like to call for a moment of silent prayer.

### **ROLL CALL**

**President Killion:** Thank you. Chief Clerk, roll call.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, we have a total of 20 Delegates that are present.

(Absent: Delegate Samo, Delegate Takesy; Late: Delegate Albert, Delegate Naich)

**President Killion:** Thank you, Chief Clerk. Therefore, we have quorum to conduct this business for today's session.

### ADOPTION OF JOURNAL

**President Killion:** Item No. 4: Adoption of Journal. Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that we adopt the Journal of the 27<sup>th</sup> Day dated June 1, 2022.

**Delegate Saimon:** Second.

**President Killion:** It's been moved and seconded that this here Journal be adopted. Discussion? If no discussion, let's vote on the main motion. All those in favor of adoption of this here Journal, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Any other under Adoption of Journal? That's it? Yes, Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that we defer the rest until our next Plenary.

**President Killion:** Any second?

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that the rest of the Journals for those previous days which we had had meeting will be delayed – deferred to the next Plenary meeting days. Discussion? If no discussion, all those in favor of the motion, say "Aye." All those opposed say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Let's continue on to Item No. 5: Communications. We have, as noted on the Order of the Day today, Delegation Communications No. 4-5, dated June 4, 2022 – which is attached to the Order by Delegate Bossy – pertaining to the various issues of importance of administrative matters. And for the record, to note that Management, our office – especially Secretary Kapilly – and us, we're continuing to deal with the issues and will try to resolve this, hopefully, soon, and then address them satisfactorily. If no other matters under the Delegation Communications –

### UNFINISHED BUSINESS

**President Killion:** – we move on to Item No. 6. Chief Clerk?

**Chief Clerk Reyes:** Unfinished Business; none at the moment, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No. 7, Chief Clerk.

**Chief Clerk Reyes:** Reports of the Committees; none also, Mr. President.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you. Item No. 8, Chief Clerk.

**Chief Clerk Reyes:** First Reading of Committee Proposals; none, Mr. President.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you. Item No. 9, Chief Clerk?

**Chief Clerk Reyes:** Second Reading of Proposals; none also, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Item No. 10.

**Chief Clerk Reyes:** Final Reading of Proposed Constitutional Amendments; none also, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Thank you. Item No. 11.

**Chief Clerk Reyes:** At the moment, we do not have any resolutions, Mr. President.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item No. 12.

**Chief Clerk Reyes:** For Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions, kindly refer to Referral Sheet No. 4-20.

**President Killion:** Thank you very much. That is attached to the Order.

#### SPECIAL ORDERS

**President Killion:** Item No. 13.

**Chief Clerk Reyes:** Special Orders; none, Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Thank you very much, Chief Clerk. Item No. 14: Miscellaneous Business. This time, I'd like to call upon Delegates if they have any issues to discuss under Miscellaneous Business. This is the time. Yes, Delegate Bossy.

**Delegate Bossy:** Thank you, Mr. President. I move for a recess.

**President Killion:** Recess is called for.

President Killion declared the Convention recessed at 10:33 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:02 a.m.

During Recess, Delegate Naich had logged on via Zoom and Delegate Albert had walked in, making both Delegates present; Delegate Takesy had logged on via Zoom, and whether he is considered present or not is pending.

**President Killion:** I now call our session back to order. Before we recessed, we were on Miscellaneous Business – Item No. 14 – and the issue on possible amendments to our Rules to discuss is going to be dealt with by our LC, Legal Counsel, to do some proposed amendment to it for possible consideration for tomorrow's business. Any other Miscellaneous items that anyone wishes to discuss? If none –

**Delegate Fritz:** Mr. President.

**President Killion:** Yes.

**Delegate Fritz:** Yeah, I don't want to –

**President Killion:** Chairman Fritz.

**Delegate Fritz:** – the challenges raised by Delegate Bossy, because it's been raised before, and all I hear is, "you're working on it, you're working on it." It needs to be resolved soon. I know Cliff has informed them that if they don't pay something soon, they're going to charge them extra for their staying there. They got to eat, and if they get sick, we need to be taken care of. We came from far to do our duties. And we have money to help us stay healthy. So, please, just don't say, "We're considering it," but do some real actions. Thank you.

**Delegate Liwy:** Short recess.

**President Killion:** Okay, I call for a short recess.

President Killion declared the Convention recessed at 11:04 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:24 a.m.

Delegate Saimon has stepped out for Court.

**President Killion:** I now call back our meeting to order. Before we went into recess, we were still on Item No. 14: Miscellaneous Business. Before we move on – when we recessed, we requested the Secretary to officially introduce the staff so that there be their names said initiated for the record, so that they can be part of this historic task that we are undertaking. So – if no objection, Secretary Capelle, can you do the official introduction of the staff, supporting staff for the Committees? Thank you.

**Delegate Liwy:** Recess please.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 11:25 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:25 a.m.

**President Killion:** I now call back our session to order. Under Miscellaneous Business, I hereby request Secretary Kapilly to introduce the support staff of our Convention.

**Secretary Capelle:** Thank you very much, Mr. President. Can you hear me? Is it –

**President Killion:** Yes.

**Delegate Naich:** Yes.

**Secretary Capelle:** Okay. Ahi tingoal wahu pahn kupwuroan Isohko, wahnki Noahs, President, Vice President, Floor Leader, Secretary, Delegation Chairmen and Chairpersons, all the Honorable Delegates, and the staff here this morning. Please allow me to introduce our pages and the support staff that have been helping each and every one of us. And we have assigned each staff to help and support each member or each Delegate accordingly. So when I call a name, maybe the staff can walk up in front so everybody can see her or him.

First, let me introduce Lenjessica Loyola. She will be helping – she's assigned to help Delegate Tandy Liwy, Delegate Berney Martin, and Delegate Akillino Susaia.

**President Killion:** There you go. Applaud.

Applause.

**Secretary Capelle:** Thank you. Second, let me introduce Finolla Pertinant. She will be helping Delegate Salomon Saimon and Delegate Ricky Cantero.

Applause.

**Secretary Capelle:** At third, let me introduce Bertha Joseph. She's not – okay. She will be helping Delegate Chairman Mason Albert, President Redley Killion, and Delegate Iso Nahnken Salvador Iriarte, Vice President.

**President Killion:** Who is that? We missed that.

Applause.

**Secretary Capelle:** Bertha Joseph.

**President Killion:** Where is she? – or he?

**Secretary Capelle:** I think she stepped out. As soon as she gets back in, I will introduce her. Number four, let me introduce Anniesha Fredrick. You have to excuse me because children these days have fancy names so sometimes it's difficult for me to pronounce. She's assigned to Delegate Joannes (Johnny) Risin and Delegate Nickson Bossy.

Applause.

**Secretary Capelle:** Next, let me introduce Liderleen Santos. Ms. Santos here will be assisting, helping Delegate Chairman Jack Fritz, Delegate Marcus Samo, and Delegate Kind Kanto.

Applause.

**Secretary Capelle:** Next one, let me introduce Moneliese Esiel. Ms. Esiel here will be assisting Delegate Asterio Takesy and Delegate Chairman Victor Nabeyan.

Applause.

**Secretary Capelle:** Next, let me introduce Romina Halbert. She was with us last time so she is our – kind of the senior staff helping out. She will be helping Floor Leader Andrew Yatilman, Delegate Andy Choor, and Chief Clerk Jessica Reyes.

Applause.

**Secretary Capelle:** Next, let me introduce Timera Saimon. Ms. Saimon here will be assisting Chairman on Committee of Whole Johnson Asher, Chairman Canney Palsis, and Chairperson Yoslyn Sigrah.

Applause.

**Secretary Capelle:** Did I miss anyone or- ? So let me introduce, Bertha Joseph. This is Bertha Joseph; she will be assisting Chairman Mason Albert, President Redley Killion, and Vice President Chairman Iso Nahnken Salvadore Iriarte.

Applause.

**Secretary Capelle:** Thank you very much, ladies and gentlemen.

**President Killion:** Alright. Are we in recess? Oh, we are in session. Thank you, Secretary Capelle, for the introduction. Now, all of us know our own support staff who were introduced a while ago. So, now we can request assistance – call you by your names for your assistance during the Convention. Any other Miscellaneous Business? If none, Announcements by the various Chairmans and Chairperson –

**Delegate Kanto:** Mr. President?

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** I move that – may I ask that Secretary introduce the other staff behind us, because –

**President Killion:** Oh, sorry –

**Delegate Kanto:** – you introduced the beautiful ladies but not the handsome gentlemen.

**Delegate Liwy:** Second.

**President Killion:** Okay, if no objection, we go back to Miscellaneous Business so that we can have our Secretary introduce the other staff – the male – the young men. Okay, Kapilly?

**Secretary Capelle:** Thank you, Mr. President. Let me start off with our Chief Clerk, Jessica Reyes.

Applause.

**Secretary Capelle:** Our paralegal and also Journal Clerk, Krystal Saimon.

Applause.

**Secretary Capelle:** Our maintenance and jack-of-all-trades helper – ia mwar souleng en Luwep? Alecia [Rex]. She will come.

Applause.

**Secretary Capelle:** And our assistant or support staff for the Secretariat, let me introduce Mr. Belan Yoma, who has been assisting us from the very beginning as Deputy Secretary. He is now the Special Assistant for Legislative Affairs to the President of the FSM.

Applause.

**Secretary Capelle:** And then, let me introduce Mr. Santos Abraham. He is also one of the key administrative support staff.

Applause.

**Secretary Capelle:** Mr. Andrew Falcam , our finance clerk.

Applause.

**Secretary Capelle:** And I'm sorry but there is also one page – I was only introducing women – girls, I'm sorry. But there is a gentleman that is also supporting with the page work and his name is Jesse Donre. He also helps with other administrative work when there is a need.

Applause.

**Secretary Capelle:** And now, support legal staff under direct supervision of our Chief Legal Counsel, Kathleen. It is my pleasure to introduce Rudson Mr. Benedict Robert, who is an employee of MLSC, Pohnpei Office.

Applause.

**Secretary Capelle:** Oh my goodness – Sou, komw ketin kupwureie – , our Sergeant At-arm, Mr. Rosenty Nowell.

Applause.

**Secretary Capelle:** We are fortunate to have a crew of geeks that are providing a very critical support- the IT magic: Daystone Roby, Les Lokopwe, Derrick Iehsi and Morgan Mori.

Applause.

**Secretary Capelle:** I think that's all I have. If I missed someone- please, someone holler, whistle or say something! Thank you very much ladies and gentlemen.

**President Killion:** Alright, thank you very much, Mr. Secretary

**Delegate Choor:** Mr. Secretary. Who's the IT?

**President Killion:** Mr. Roby-Daystone and Mr. Lokopwe-Les. These are our two main IT point men.

**Secretary Capelle:** Without them, virtual meeting in this facility will not be possible.

**President Killion:** Yeah, thank you. So be – treat them well, otherwise we will not be able to conduct business. Alright, thank you again, Kapilly, for the introductions.

### ANNOUNCEMENTS

**President Killion:** Okay, we go back to Item No. 15: Announcements – as I was just saying, any announcements by any of the Chairpersons, Chairmans of the various committees?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you very much. Your Committee on Finance is going to meet here on Wednesday – the appropriate witness notice for this matter should be – I trust that because you signed them, and according to the Secretary, he will call someone to serve them That's on Wednesday. We've also requested our counsel to prepare additional subpoenas for our witnesses this coming Friday. But for today, I request the Honorable members to take note of this new proposal that just got introduced and referred to our Committee. That's Proposal 4-75, introduced by the Honorable Delegate Salmon Saimon. So, take a look at that and when we meet, we can also discuss this. Our time Wednesday is just the allotted time that has been granted to us which is the 1:00 p.m. and then go down the road. Whenever we start, witness don't show up, we just have to cut it short. But if they show up, and we need extension, I believe we want to conclude hearing them if they show up.

**President Killion:** Thank you, Chairman Fritz. Announcements? Members of the Committee of Public Finance and Revenues should note the announcements made by Chairman Fritz. Chairman Albert?

**Delegate Albert:** Sorry, it's not an announcement, but I just want to followup on the announcement made by Chairman Fritz. For the purpose of those who are not members of the committee, what proposal are you subpoenaing for? May I ask?

**President Killion:** Chairman Fritz.

**Delegate Fritz:** You're referring to the Public Hearing? This is a – more or less a information-gathering hearing where we request appropriate agencies that deal with money, revenues that come to this country to come and basically tell us how much money they've been working with going five years back until today. And what their prognosis for tomorrow and in

the future. So that we can decide to allocate the resources, we at least would know how much we have so we do not jeopardize other duties and responsibilities. We're going to take a look at all the potential revenues that will come to this country so that's why we even touch Telecommunication, Petrol Corp – because they are a public corporation and they are making a lot of money. Of course Congress can always inquire them to deposit so much into the general fund to help all of us, so... –

**Delegate Nabeyan:** Mr. President.

**President Killion:** Chairman Albert, does that satisfy your inquiry? Okay, thank you. Chairman Nabeyan?

**Delegate Nabeyan:** Can we have a short recess, please?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:41 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:46 a.m.

**President Killion:** We are now back to session. We are on announcements for various Committee Chair, Chairpersons, Chairmans.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. The Committee of Government Structure and Functions is having a meeting today at 2:30 p.m. – but due to the constraint of time that we have, we will only include Proposal 4-69 for discussion if there is time. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. Chairman Albert?

**Chairman Albert:** None.

**President Killion:** Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. The Committee on General Provisions will be meeting this coming Wednesday at 8:30 a.m. – sorry, that's our slot – and we will be taking two proposals that's been pending. Due to time constraint, we will be looking at Proposals 4-22, 4-50. Those are the proposals relating to land. Thank you very much.

**President Killion:** Thank you very much, Chairperson Sigrah. Any other announcements by any of the Committee Chairpersons?

**Delegate Cantero:** Yes, Mr. President, if I may –

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** I guess – on behalf of Chairman Salomon Saimon, let me make an announcement that the Style and Arrangement Committee is set to meet tomorrow at 10:00 a.m. Thank you.

**President Killion:** Thank you very much, Delegate Cantero, on behalf of Chairman Saimon, on the Committee on Styles and Arrangement who will be meet at this place at 10:00 a.m. tomorrow. Okay, any other announcements? If none – oh, are we in recess? We're in session. If no other announcements – Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that the Convention stands in recess until 1:00 p.m. tomorrow.

**Delegate Liwy:** Second.

**President Killion:** Okay. It has been moved and seconded that we stand in recess until 1:00 p.m. tomorrow rather than 10:00 a.m. So if no objection, all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried. So we stand in recess until tomorrow at 1:00 p.m. Kalahngan. Thank you.

President Killion declared the Convention recessed at 11:49 a.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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**THIRTY-SECOND DAY**

Tuesday, June 7, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 1:57 p.m., Monday, June 07, 2022.

**President Killion:** I now call our Convention to order.

### SILENT PRAYER

**President Killion:** Thank you all for coming and good morning to all. Vice President Iriarte Iso and the rest. At this time, I would like to call for a moment of silent prayer.

### ROLL CALL

**President Killion:** Thank you. Chief Clerk, roll call.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, we have a total of 19 Delegates that are present.

(Absent: Delegate Asher, Delegate Samo, Delegate Susaia, Delegate Hashiguchi; Late Delegate Mori)

**President Killion:** Thank you, Chief Clerk. Therefore, we have quorum to conduct this business for today's session.

### ADOPTION OF JOURNAL

**President Killion:** Item No. 4: Adoption of Journal.

**Floor Leader Yatilman:** Recess.

**President Killion:** Recess declared.

President Killion declared the Convention recessed at 2:00 p.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 2:01 p.m.

**Floor Leader Yatilman:** I make the motion to defer the Journals so that the Delegates may review the e-copies of said Journals.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that we defer action on the adoptions of said journals. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Okay, Item No. 5: Communications. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. For Communications, we have none, Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Thank you. Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No.7: Reports of the Committees.

**Chief Clerk Reyes:** None also, Mr. President.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you. Item No. 8: First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Item No. 9: Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Item No. 10: Final Reading of Proposed Constitutional Amendments?

**Chief Clerk Reyes:** None also, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Item No. 11: Consideration of Resolutions.

**Chief Clerk Reyes:** None also, Mr. President.

**President Killion:** Thank you. Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** We do not have a referral sheet at the moment, Mr. President.

**President Killion:** Okay, thank you –

**Floor Leader Yatilman:** Mr. President. Short recess.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 2:03 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 2:05 p.m.

**President Killion:** I now call our session back to order.

**Floor Leader Yatilman:** Can I ask that we go back to Item No. 11: Consideration of Resolutions?

**President Killion:** Okay. We'll go back to Item No. 11: Consideration of Resolutions.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** I move to suspend Rule 62 pertaining to the suspension of rules.

**President Killion:** Any second?

**Delegate Saimon:** Second.

**President Killion:** It has been moved and seconded that we suspend the rule pertaining to the amendments, corrections. Any – all those in favor, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

**Delegate Saimon:** Short recess.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 2:06 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 2:09 p.m.

**President Killion:** We're back to session. Mr. Floor Leader? We're voting on the motion to suspend Rule 62 pertaining to amending the rules. So, I had called for voting – Mr. Floor Leader, can you –

**Floor Leader Yatilman:** Yes, Mr. President. So, we didn't hear any "Nay" vote when we voted, so I would recommend that you just declare that it was a unanimous vote.

**President Killion:** Thank you, Mr. Floor Leader. Therefore, from that understanding, I hereby declare that the voting on that particular motion is a unanimous voting, therefore it was carried. Okay, moving on, any other matters on how –

**Floor Leader Yatilman:** Mr. President?

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** I move that we adopt the proposed amendment to Rule No. 2, allowing those who are joining the meeting virtually, especially here in Pohnpei who are in quarantine. So – is that clear?

**President Killion:** That's your motion so – any second?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Go ahead.

**Floor Leader Yatilman:** Can I restate?

**President Killion:** Go ahead and restate the motion, Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. So, I move that we adopt the proposed amendment to our Rules of Procedure, especially Rule No. 2 that we see here on the screen.

**President Killion:** Any second?

**Delegate Nabeyan:** Recess.

**President Killion:** Recess.

President Killion declared the Convention recessed at 2:11 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 2:15 p.m.

**President Killion:** We're now back in session. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, for the record, on the motion to suspend Rule No. 62, there was no intention to suspend that portion on the minimum requirements of votes for it to pass. Thank you.

**President Killion:** Therefore, that is your motion. Second? Oh – that was clarification of the motion that we just passed to amend the rules. So, it's already passed, now we can move on. Okay, Floor Leader.

**Floor Leader Yatilman:** I thought there was a motion on the floor for Rule No. 2.

**Delegate Nabeyan:** I second the motion to amend Rule No. 2 to include those in quarantine on Pohnpei to participate virtually.

**Delegate Kanto:** Second.

**President Killion:** You – that's your second.

**Delegate Nabeyan:** Yeah.

**President Killion:** So, you're seconding to his main motion. So, no one can also second to his second. This is out of order because – alright. It's been moved, and it was seconded that we do that. Discussion for the record? Okay, let's stick to the point and move on. Alright, any other discussion on the main motion at hand? If none, let's vote on the main motion as proposed. Show of hands. All those in favor of the motion, raise your right hand. All those opposed, raise your right hand. Chief Clerk?

Chief Clerk Reyes tallies the hand votes.

**Chief Clerk Reyes:** Mr. President, with the actual show of hands in favor of the motion is a total of 16 votes. In opposition, none.

**President Killion:** Thank you. Therefore, the motion carried. Okay, let's move on. Mr. Floor Leader?

**Floor Leader Yatilman:** Short recess.

**President Killion:** Short recess is called for.

President Killion declared the Convention recessed at 2:18 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 2:20 p.m.

**President Killion:** Now we're back to session. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that we adopt the proposed amendments to Rule No. 28a on Committee Quorum.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that the proposed amendment pertaining to Rule No. 28a on Committee Quorum be adopted. Discussion? If none, let's vote. All those in favor, raise your hand. All those opposed, raise your right hand. Okay, Chief Clerk, the tally?

Chief Clerk Reyes tallies the hand votes.

**Chief Clerk Reyes:** Mr. President, with the actual show of hands, we have a total of 16 "Yes," and no opposition.

**President Killion:** Thank you. So, the amendment to our rule has been adopted. Thank you. Alright, moving on. We're back to the order for – yes, Mr. Floor Leader.

**Delegate Nabeyan:** There's one more.

**President Killion:** Oh, sorry – Floor Leader?

**Floor Leader Yatilman:** Oh, there's one more? Alright. Mr. President, I move that we adopt the proposed amendment to Rule No. 50 on Introduction of Proposals.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded to also adopt the amendment of Rule No. 50 of our Rules. Discussion? If no discussion, let's vote. All those in favor of the motion, raise your right hand. All those opposed, raise your right hand. Okay, the tally, Chief Clerk?

Chief Clerk Reyes tallies the hand votes.

**Chief Clerk Reyes:** Thank you, Mr. President. We have 15 affirmative votes and none in opposition, Mr. President.

**President Killion:** Thank you, Chief Clerk. Therefore, the amendment to our rule is hereby adopted. Okay, now our Rules have been amended as discussed.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

Chief Clerk Reyes had already mentioned that there are no matters under this item, therefore it has been disregarded.

### SPECIAL ORDERS

**President Killion:** So, now those are the amendments to our Rules; they have been adopted, so moving on. Item No. 13: Special Orders, Chief Clerk?

**Chief Clerk Reyes:** None, Mr. President.

### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Item No. 14: Miscellaneous Business. Does anyone have any miscellaneous business for discussion for our Convention?

**Delegate Choor:** Mr. President?

**President Killion:** Yes, Vice-Chairman Choor?

**Delegate Choor:** Just to clarify, the actions we took to amend our rules is in line with the intent to allow us to amend those rules, and it does not take away from anything that Delegate Susaia may have said on record or the votes he may have participated in. Just to clarify the intent.

**President Killion:** Thank you very much, Vice-Chairman Choor for that clarification.

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. My respect to all of you, Delegate colleagues. A while ago, the expression “open up a can of worms” was used. I would like to highlight that, because I fear that we may use that as an excuse to not further discuss or deliberate on issues before us just because we are in fear of some uncertain matters that are somewhere out there or are not even out there. What’s wrong with precedence? Why don’t you look back to the last two or three Constitutional Conventions and see if our Rules of Procedures are consistent? -what has been practiced in the past. I say this in reference to the situation where some Delegates may have other government obligations that they have to fulfill. Yes, this is a special gathering, the Constitutional Convention, but we are part of a government that the precedence you have will determine or balance the interest of the whole government. Not just the Constitutional Convention. So, I appeal to everyone that before we use “opening up a can of worms,” that we look further beyond that. Look at precedence. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Naich, for your statement. Thank you. Alright, any other matters under Miscellaneous?

Delegate Albert stepped out.

### ANNOUNCEMENTS

**President Killion:** If none, Item No. 15: Announcements. Do any of the Chairpersons of the various committees have any announcements to make?

**Delegate Fritz:** Mr. President.

**President Killion:** Chairman Fritz.

**Delegate Fritz:** Thank you very much. I just want to remind members of your Committee on Finance and Revenue that we have hearings tomorrow during our allotted time from 1:00 p.m. to 2:30 p.m. and if nobody else is using this place, we continue. Otherwise, we wait for the next session day and we will be meeting with MRA representatives, Petro Corps, and Telecom for tomorrow. These are merely information-gathering regarding the revenue that comes into this nation. Thank you.

**President Killion:** Thank you, Mr. Chairman Fritz for that announcement. Any other announcements? Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. This is to let everyone know that there should also be a notice going out; the Committee on General Provisions will have a meeting tomorrow in our allotted time at 8:30 a.m. in the morning. This is on Proposal PR 4-22 and 4-50. This is relating to land. Thank you.

**President Killion:** Thank you very much, Chairperson Sigrah for that announcement. Your Committee will meet tomorrow here at 8:30 a.m. to 10:00 a.m. Alright. For those of us who have to be here, we try to be here on time. Any other announcements?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Or I can do this tomorrow – but on Thursday, your Committee will continue to hold hearings. First with the Department of Finance, and then Department of Foreign Affairs. And on Friday, Development Bank and the Congress. We've sent out appropriate notice and named the appropriate witnesses. We expect them to come with the necessary information that we requested. Thank you.

**President Killion:** Thank you very much, Chairman Fritz.

**Delegate Nabeyan:** Mr. President?

**President Killion:** Chairman Nabeyan.

**Delegate Nabeyan:** May I inquire what time Thursday you have your hearings?

**President Killion:** Chairman Fritz; your response to that? Thank you.

**Delegate Fritz:** I believe the good Chairman on the Committee on Civil Liberties was generous enough to allow me to use his time in the morning on Thursday. So, that's 8:30 a.m.

**Delegate Nabeyan:** Thank you. Mr. President.

**President Killion:** Go ahead, Chairman Nabeyan.

**Delegate Nabeyan:** Just to announce that the Committee of Government Structure and Functions is having a meeting tomorrow at 1:00 p.m. –sorry, Thursday.

**President Killion:** Yeah, not tomorrow because it would conflict with –

**Delegate Nabeyan:** Yeah, on Thursday at 1:00 p.m.

**President Killion:** Yeah, Committee of Government Structure, 1:00 p.m. on Thursday. Not tomorrow. Alright, thank you very much Chairman Nabeyan. Any, Vice-Chairman of Civil Liberties, announcements? If none – Chairman Saimon? Do you have any announcements?

**Delegate Saimon:** Mr. President, we had a two-hour plus of a meeting this morning on the three proposals that we worked on – I want to thank the committee members. We will be off for most of next week – perhaps all of this week, most of this week and early parts of next week most likely. And I'm hoping that we can perhaps have a meeting at the end of next week with new ones coming up and one that we didn't finish earlier today. But I think that your committee did a great job working on the three that were assigned to us. Two are completed; one is – just a little snag that we met, and we will work on it more. Thank you.

**President Killion:** Thank you very much, Chairman Saimon. I know that your committee was working very hard – as well as the other committees – so continue your work because we have about two weeks to go. Okay, any announcements from other committees? –committee chairmen? –chairpersons? About Delegation meetings or anything. Okay, if none, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that the Convention stand in recess until 10 a.m. tomorrow.

**President Killion:** Thank you, Mr. Floor Leader. Any seconds?

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow at 10:00 a.m. Since that motion is not debatable, I hereby declare – all those in favor, say “Aye.” All those opposed, say “Nay.” So, our meeting is hereby in recess until tomorrow at 10:00 a.m. Thank you.

President Killion declared the Convention recessed at 2:32 p.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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### **THIRTY-THIRD DAY**

Wednesday, June 8, 2022

#### **CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:40 a.m., Wednesday, June 08, 2022.

**President Killion:** I now call our session to order.

#### **SILENT PRAYER**

**President Killion:** Good morning to you all. And I wish to ask for a moment of silent prayer.

#### **ROLL CALL**

**President Killion:** Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 18 Delegates are present.

(Absent: Delegate Asher, Delegate Hashiguchi, Delegate Iriarte, Delegate Samo, Delegate Susaia; Late: Delegate Mori)

**President Killion:** Thank you, Chief Clerk. Therefore, we have a quorum, so we can transact business.

## ADOPTION OF JOURNAL

**President Killion:** Item No. 4: Adoption of Journal. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we defer the Journals of 29<sup>th</sup>, 30<sup>th</sup>, and 31<sup>st</sup> until tomorrow to give Delegates time to review for – address it in completeness.

**Delegate Liwy:** Second.

**President Killion:** Thank you. It's been moved and seconded that we defer actions on the Journals for those days as indicated by Floor Leader. That motion is not debatable, so all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

**Floor Leader Yatilman:** Mr. President. Short recess.

**President Killion:** Short recess is called for.

President Killion declared the Convention recessed at 10:43 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 10:43 a.m.

**President Killion:** We're now back to session. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we skip the rest of the items since there is no business to transact under them and move to Item No. 12.

**Delegate Kanto:** Second.

**President Killion:** Okay, it's been moved and seconded that we move forward, skip all those items since there are no matters under those items from Item No. 5 to Item No. 11, and we will be on Item No. 12. So, if no objection, all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

Motion was carried out to disregard this item since there is nothing under this matter.

## UNFINISHED BUSINESS

Motion was carried out to disregard this item since there is nothing under this matter.

## REPORTS OF COMMITTEES

Motion was carried out to disregard this item since there is nothing under this matter.

## FIRST READING OF COMMITTEE PROPOSALS

Motion was carried out to disregard this item since there is nothing under this matter.

## SECOND READING OF COMMITTEE PROPOSALS

Motion was carried out to disregard this item since there is nothing under this matter.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

Motion was carried out to disregard this item since there is nothing under this matter.

## CONSIDERATION OF RESOLUTIONS

Motion was carried out to disregard this item since there is nothing under this matter.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**Floor Leader Yatilman:** Short recess.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 10:44 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 10:46 a.m.

**President Killion:** I now call back our session to order. We're on Item No. 12. So, Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions, kindly refer to Referral Sheet No. 4-21.

**President Killion:** Okay. Thank you, Chief Clerk. There's a referral sheet pertaining to Resolutions No. CC-Res-4-12 and CC-Res-4-13. So you can review those, and we can dispose of them. Okay, any other matters on that item?

## SPECIAL ORDERS

**President Killion:** If none, then we move on to Item No. 13: Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Thank you, Chief Clerk. Item No. 14: Miscellaneous Business. This time, I'd like to call upon Delegates if they have any matters to bring up for discussion in this session under Miscellaneous Business.

**Delegate Fritz:** Mr. President.

**President Killion:** Chairman Fritz.

**Delegate Fritz:** Thank you. This might not directly relate to our work here, but I think I need to raise it up because it concerns the very people that we represent here, and that is – I understand that the matter that drove us to break session, COVID; there is no presence of that virus in both the states of Chuuk and Pohnpei. So, I would humbly request the appropriate personnel to make sure that they confine this virus to wherever where they are presently located. But, I think there is a need to be transparent, and we should not hide who these people are so we can take appropriate actions to make sure it doesn't spread. There's nothing wrong with knowing whether I got it or you got it. So, you can stay away from me and I can stay away from you for at least ten days or so. But it is present in our two States. So, I would request our two States, since we are in Pohnpei and we go back to Chuuk, make sure that virus has been taken care of. The other matter I wanted to raise on behalf of my colleague and our Senator. Recently I read something about the government of Japan plan or already agreed to provide five patrol boats or four patrol boats to the States, one for each state. And I thank to the people and the government of Japan for that generous contribution. But I want to raise something. When I was with the government, and I had the privilege and opportunity to travel on one of the patrol boats, one of the challenges that I saw was the radar system. We were down at Satawan. Our boat had some engine problem. We requested the Department of Justice to bring us some spare parts so we can fix up the boat. And there were no other boats around, so they had a Japanese fishing boat that was out for auction, and somebody else got it. So when that old boat came down to rescue us, they call us up and say, "Oh, we don't see you on our radar. I look at our radar; we didn't see them." They didn't appear until after ten minutes. So when I got here, I went straight to the Australian Ambassador and I registered my concern that – who provide our radar system? And they say the Japanese government provides the radar system. And if you recall, our patrol boat never caught any Japanese boat at that time, but I think the Japanese boat saw us before we saw them. So I hope that when they provide these boats, it's a little bit more – take care of our concern so that it can be effective, not just against Japanese fishing ports, but for all the other fishing regional waters. Last but not least the remnants of the old shipping wrecks in Southern Namoneas, the oil is now surfacing, and it's polluting our waters, and I understand that at one time Australia and Japan agreed to take care of it. Well, the problem still persists and I hope that our government with the Department of Foreign Affairs may – I don't know – find a way to talk to those responsible to take care of the problem, again. Thank you.

**President Killion:** Thank you, Chairman Fritz.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** I just wanted to maybe provide a little bit of information that I know, that I'm aware of with respect to some of the issues – or at least two of them – that Delegate Fritz raised. One with the COVID cases; I don't think that this is the first time that we may have active cases in Pohnpei or in Chuuk. We had in Kosrae also already. But those cases were kept in quarantine until they were COVID-free, and then they were released into the community. So, same here and in Chuuk, if there are active cases in quarantine, the protocol is that they will be kept in quarantine, isolated until they are free of the virus, and then they will be released into the communities. So we've had cases in quarantine so far. But if you look at the government's meter, there is no case for FSM. And the reason being that it's not a community transmission. They're identified in quarantine and then stayed in quarantine until they are released into the community. So I just want to give that assurance that they won't be released until they are free of the virus. So we should feel safe. And the second one, I don't have answers to that, so I won't address that. But the third one, on the wrecks in Chuuk, Delegate Fritz is correct. JMAS from Japan started removing oil from the wrecks in Chuuk, and then I believe last year, the Foreign Minister of Australia spoke with the President and offered Australia's help. And so we've been working with Japan and Australia to assist with the movement of oil from the wrecks in Chuuk. So, this major foundation, they call it in Australia have raised about 2 million dollars to assist with the project that's going on right now. We're talking, and it's a matter of them being allowed to come in to also assist the JMAS in Chuuk to remove the oils in Chuuk and then also to provide other – I guess – other equipment that Chuuk may need in the event of oil spill. Thank you very much, Mr. President

**President Killion:** Thank you very much, Mr. Floor Leader. Yes, you had eloquently addressed those – at two of the three concerns raised by Chairman Fritz, and thank you for that so we are rest assured that those are taken care of. On issue on the patrol boats, of course that is of a concern and we continue to work with our friends from Japan in ensuring that what they give us will be able to monitor fishing boats and fishing in our waters. Thank you. Any other Miscellaneous Business from anyone?

#### ANNOUNCEMENTS

**President Killion:** Okay. Moving on to Announcements, Item No. 15. The Chairpersons of the various committees; do you have any announcements to make? Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. The Committee on Style and Arrangement had agreed to give Committee on Government Structure tomorrow's afternoon meeting, but upon consultation with the Chairman and committee members of Style and Arrangement – upon consultation with that other committee and members of the Style and Arrangement, we have come up with a hope to – not a hope – we're planning to have about a 20 to 30-minute meeting tomorrow to finish up the only one matter in front of us right now. So, we will meet tomorrow, Style and Arrangement right after Plenary. I can foresee about 10 to 20 minutes to hopefully clear the snag I talked about the other day. So after that, Government Structure can take over our slot. Thank you

**President Killion:** Thank you, Chairman Saimon. Any other announcements from the other committees?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you very much, Mr. President. I just want to remind members of your committee on Finance and Revenue that we do have a scheduled hearing today beginning at 1:00 p.m. with the appropriate witnesses who've been notified. And also tomorrow we will, with the permission of Chairman Albert, use his time schedule for further hearings with other witnesses whom we've also served notices to. And of course Friday also. But I'll take that up tomorrow. Please, all the members who are available, please join us.

**President Killion:** Thank you, Chairman Fritz. And again, non-members of the committee are welcome to attend for information purposes, because given the fact that that committee – the meeting will be getting information from those various agencies, organizations that will be summoned. Thank you. So 1:00 p.m. after lunch this afternoon. Any other announcements? From various Chairmans, Chairpersons? Chairman Nabeyan, do you have any announcements?

**Delegate Nabeyan:** Thank you, Mr. President. I think – Chairman Saimon stated the schedule for tomorrow. Thank you.

**President Killion:** Thank you. Chairperson Sigrah?

**Delegate Sigrah:** The Committee of General Provisions will have a meeting tomorrow right after the meeting of Government Structure, and maybe that's around 2:30 p.m. or 3:00 p.m. And the agenda – the notice will go out. It will be the same proposals that were discussed earlier today, this morning: Proposal No. 4-22 and Proposal No. 4-50. Again, tomorrow, following right after the two committees. Thank you.

**President Killion:** Thank you, Chairperson Sigrah. Any other announcements from anyone? Okay. If none – Floor Leader? Or before we adjourn, are there any other announcements? Okay. If none – Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that the Convention stands in recess until tomorrow at 10:00 a.m.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that the Convention stands in recess until tomorrow at 10:00 a.m. All those in favor, say "Aye." All those opposed, say "Nay." Unanimous. Therefore we are in recess until 10:00 a.m. tomorrow. Thank you.

President Killion declared the Convention recessed at 11:00 a.m. until subject to call of the Chair.

Respectfully submitted

/s/

Krystal S. Saimon  
Journal Clerk

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**THIRTY-FOURTH DAY**

Friday, June 10, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 11:10 a.m., Friday, June 10, 2022.

**President Killion:** I now call our session to order.

**SILENT PRAYER**

**President Killion:** May I request a moment of silent prayer.

**ROLL CALL**

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 21 Delegates are present.

(Absent: Delegate Iriarte and Delegate Susaia; Late: Delegate Arnold)

**President Killion:** Thank you, Chief Clerk. Therefore, we have a quorum to transact business for our order of business today.

**ADOPTION OF JOURNAL**

**President Killion:** Item No. 4: Adoption of Journal. Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that we adopt the Journals of Day 29, 30, and 31.

**Delegate Saimon:** Second.

**President Killion:** It has been moved and seconded that the said Journals be adopted. Any discussion? If none, all those in favor, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Okay, Item No. 5: Communications.

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 5, we have two Delegation Communications, and they are No. 4-6 and No. 4-7.

**President Killion:** Thank you, Chief Clerk. Those two matters, as brought up by Delegate Bossy, are important issues to be noted by this Convention. So, if no objection, it shall be noted and can be viewed again. And also, for the record, there is a communication from Chairperson Mori of the Chuuk Delegation that we just received a while ago regarding the designation of Delegate Kanto to be proxy for Chairperson Mori in case she does not appear on the screen. But she is here, for the record. In case we have problems with connectivity, Delegate Kanto will be the one casting the vote on Second and other Readings for our Chuuk Delegation. So, let that be noted.

### UNFINISHED BUSINESS

**President Killion:** So, moving on. Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None at the moment, Mr. President.

### REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No.7: Reports of the Committees, Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. We have the first report, which is Committee Report No. CC-SCR-4-11 regarding Committee Proposal CC-PR-4-03 from your Committee on Style and Arrangement for adoption.

**President Killion:** Thank you. Chairman Saimon?

**Delegate Saimon:** Thank you,— thank you, Mr. President. Yesterday, we submitted a report to the Convention – that’s Standing Committee Report CC-SCR-4-11 – that’s the proposal to amend Article IX, Section 2(q) of the FSM Constitution and that has passed the, as shown by the attachment of the Committee report I’ve stated has been passed with at least six signatures of the nine Committee members. Any questions, the Committee members can answer at this time. Thank you.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I move that we adopt the report.

**Delegate Liwy:** Second.

**President Killion:** Okay, it has been moved and seconded that said report be adopted, Committee Report No. CC-SCR-4-11. Any discussion? If none, ready to vote on the Committee Report. It's going to be by Delegation voting. Chief Clerk? By the way, the simple majority passage is required for adoption of said report. I declare a short recess.

President Killion declared the Convention recessed at 11:16 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:17 a.m.

**President Killion:** Now we're back to session. There is a motion to adopt the Committee Report No. CC-SCR-4-11. Any other discussion? Delegate Takesy?

**Delegate Takesy:** Mr. President. Thank you very much. Honorable Delegates. Before we went into session, there were questions raised as to what happens if this particular provision is adopted. And, there are pending measures before this Convention addressing membership of Congress. So, if we adopt this and it's passed, then comes another one changing the membership of Congress, we will have a repercussion of this. For that reason – because adoption of the report is tantamount to passing this provision, I would move to defer this until we have resolved the other issues.

**Floor Leader Yatilman:** Mr. President –

**President Killion:** There has been a motion. Any second before we discuss?

**Delegate Cantero:** Second.

**President Killion:** It has been moved and seconded that we defer this. Yes.

**Floor Leader Yatilman:** Short recess.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:18 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:21 a.m.

**President Killion:** I now call our session back to order. I recall there was a motion to defer Committee Report No. CC-SCR-4-11 pertaining Committee Proposal No. CC-PR-4-03. Since that motion is not debatable, let's have a vote. All those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

**Delegate Kanto:** Recess.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 11:21 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:35 a.m.

**President Killion:** We are now back to session. Before we went into recess, I declared that the motion for deferment of said Committee Report No. CC-SCR-4-11 pertaining Committee Proposal CC-PR-4-03 has been deferred had been carried. We can move on. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. The next Committee Report under Reports of Committees is Committee Report No. CC-SCR-4-12 on Committee Proposal No. CC-PR-4-07 from your Committee of Styles and Arrangement for adoption.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** I move that we adopt Committee Report No. CC-SCR-4-12 regarding Committee Proposal No. CC-PR-4-07.

**Delegate Kanto:** Second.

**President Killion:** It has moved and seconded that the Committee Report CC-SCR-4-12 pertaining to Committee Proposal No. CC-PR-4-07 be adopted. Discussion? Chairman Saimon?

**Delegate Saimon:** Yeah, I'm hoping that unlike the – well, I'm pretty sure that unlike the first one we just discussed, this one shouldn't have any fanfare or should go forward without much fanfare because it's something that is with consensus of all the four States and it does not create conflict in Congress or any other thing that might be detrimental to the issue. This is an important thing for, as discussed in Committee, subject to the languages changed. Unlike the first

one, we did change some languages in this one as discussed in the Committee Report. The language change is in conformity with the language of State authorities as found in the 1975 – one of the Committee Reports – Constitutional Convention. Again, the purpose of this is to have – currently in the FSM Constitution Article XI, Section 6(a), it says that the National Court or the FSM Supreme Court – when FSM Government is a party and land is an issue, the Court will not have jurisdiction. Anyways, this second one adds on a second version of that, taking forward the same language from the first one but making it clear that when dealing with land or interest in land, the matter shall be pursuant to the State Court. So, we ask that the – sorry – I move that we adopt the report –

**Delegate Nabeyan:** Recess.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 11:38 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 12:00 p.m.

**President Killion:** I now call our session back to order. Before we went into short recess, we were on Committee Report No. CC-SCR-4-12 pertaining to Committee Proposal No. CC-PR-4-07.

**Delegate Choor:** Mr. President.

**President Killion:** Yes.

**Delegate Choor:** I move to recommit Committee Report No. CC-SCR-4-12 to the Committee of Style and Arrangement.

**Delegate Saimon:** Second.

**President Killion:** Okay, it's been moved and seconded that the said report be committed back to the Committee on Style and Arrangement –

**Delegate Kanto:** Recess, please.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 12:01 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:06 p.m.

**President Killion:** We're now back to session. While we were discussing Committee Report No. CC-SCR-4-12, a motion was made and seconded to pass the adoption of said report. Any other discussion? If none, all those in favor of the motion to adopt the report, say "Aye." All those opposed, say "Nay." So, motion carried. Therefore, the said report has been adopted. Therefore, the said Committee Proposal No. CC-PR-4-07 is now on Item No. 10.

The motion carried by voice vote of Delegates.

### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** So, moving down. Chief Clerk?

**Chief Clerk Reyes:** Item No. 8: First Reading of Committee Proposals. None, Mr. President.

### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you.

**Chief Clerk Reyes:** Item No. 9: Second Reading of Committee Proposals. None also, Mr. President.

### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Item No. 10?

**Chief Clerk Reyes:** Item No. 10: Final Reading of Proposed Constitutional Amendments, we now have one, and that is on Committee Proposal No. CC-PR-4-07, CCD1 which is attached to Committee Report No. CC-SCR-4-12 for Final Reading.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** I move that we defer action on Committee Proposal No. CC-PR-4-07, CCD1.

**President Killion:** Any second?

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that the said Committee Proposal No. CC-PR-4-07 be deferred on Final Reading. Discussion? If no discussion, all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** So, any other matters on Final Reading, Chief Clerk?

**Chief Clerk Reyes:** None, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Okay, Item No. 11: Consideration of Resolutions. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move to place Convention Resolution No. CC-RES-4-12 and Convention Resolution No. CC-RES-4-13 on today’s calendar.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that the two resolutions be placed on today’s calendar. I call for a short recess.

President Killion declared the Convention recessed at 12:08 p.m., subject to call of the Chair.

#### **RECESS**

The Convention reconvened at 12:14 p.m.

**President Killion:** Now, we are back to Plenary Session. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we defer actions on those two respective resolutions that were placed onto today’s calendar.

**Delegate Asher:** Second.

**President Killion:** Okay, it has been moved and seconded that the consideration of those two resolutions be deferred. Discussion? If none, all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried. So, those two resolutions have been deferred.

The motion carried by voice vote of Delegates.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** So, moving down to Item No. 12.

**Chief Clerk Reyes:** Thank you, Mr. President. We have Introduction and Referral of Delegate Proposals and Resolutions. Kindly refer to Referral Sheet No. 4-22.

**President Killion:** I move for a short recess.

President Killion declared the Convention recessed at 12:14 p.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 12:18 p.m.

**President Killion:** We are now back to session. For Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions – as per Referral Sheet No. 4-22 – under the Rules, I reassign Committee Proposal No. CC-PR-4-22, which was originally jointly assigned to the two committees, Committees on Civil Liberties & Traditions and General Provisions. I hereby just make that a single assignment to the Committee of General Provisions. Thank you.

### **SPECIAL ORDERS**

**President Killion:** So, moving down to Item No. 13.

**Chief Clerk Reyes:** Special Orders; none, Mr. President.

### **MISCELLANEOUS BUSINESS**

**President Killion:** Thank you. Item No. 14: Miscellaneous Business. Does any Delegate wish to share or have any miscellaneous business to bring forth to our session this morning?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you very much. On today's calendar, there is a Delegation Communication No. 4-7 by the Honorable Delegate Nickson Bossy that requests our Convention to provide this information. By the power invested in me, I request our staff to seek that information and provide it to us, so that I can provide it to Delegate Bossy.

**President Killion:** Thank you, Chairman Fritz. That is a task to our staff pertaining to the Delegation Communication No. 4-7, as requested to you by Delegate Bossy. So, it shall be done. Any other miscellaneous business?

**Delegate Cantero:** Mr. President.

**President Killion:** Yes.

**Delegate Cantero:** Just an encouragement to the respective Chairs to please expedite the – some proposals there are still...

**President Killion:** Thank you, Delegate Cantero. That is a good reminder for the various Chairpersons of each of the Committees to expedite work on the pending proposals which are worth considering at this Convention. It shall be noted. Any other miscellaneous business?

**Delegate Fritz:** Can we have a short recess, please?

**President Killion:** Yes, short recess declared.

President Killion declared the Convention recessed at 12:21 p.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 12:25 p.m.

### **ANNOUNCEMENTS**

**President Killion:** We are now back to session. A while ago, we disposed of Miscellaneous Business, Item No. 14. We are now on Item No. 15: Announcements. Do any of the Chairpersons have any announcements on your Committee meetings?

**Delegate Fritz:** Thank you very much, Mr. President.

**President Killion:** Chairman Fritz.

**Delegate Fritz:** Thank you again, Mr. President. Your Committee on Finance and Revenue will, of course, conduct its scheduled hearing today from 1:00 p.m. to 2:30 p.m. Subsequently, if we are still okay, we will try to consider at least the draft for proposal in front of us. Of course, tomorrow at 10:00 a.m., we will also try to continue to discuss on that same proposal. Thank you.

**President Killion:** Thank you, Mr. Chairman Fritz. Any other announcements by any of the other Chairpersons? Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. Your Committee on General Provisions gracefully reaccepted the reassignment of Committee Proposal No. CC-PR-4-22. And the Committee of General Provisions will have a meeting tomorrow at 1:00 p.m. or following right after Committee of Finance and Revenue meeting. This is to continue – hopefully to finish up our discussion on Committee Proposals No. CC-PR-4-22 and No. CC-PR-4-50. Thank you very much.

**President Killion:** Thank you very much, Chairperson Sigrah. Chairman Nabeyan?

**Delegate Nabeyan:** Thank you, Mr. President. Your Committee of Government Structure and Functions will have its next meeting on Monday at 1:00 p.m. Then, we need to finalize the recently made – there are recent edits to the Standing Committee Report for the IP Proposal. These are not substantive changes; they are just changes to improve the language and to correct some typos. And then, after that to finish our work, hopefully, on Proposal 4-69. Thank you.

**President Killion:** Thank you very much, Chairman Nabeyan. Chairman Albert?

**Delegate Albert:** None, thank you.

**President Killion:** Thank you, Chairman Albert; no announcements. Chairman Saimon? Do you have any committee meetings?

**Delegate Saimon:** No, there are none. Thank you. None in the foreseeable future.

**President Killion:** Alright. Any announcements from any of the Delegation Chairpersons? Delegations? Okay, if none, Mr. Floor Leader?

**Floor Leader Yatilman:** I move that the Convention stand in recess until 10 a.m. on Monday morning.

**President Killion:** Thank you, Mr. Floor Leader. Any second?

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded. Since that motion is not debatable, all those in favor of the motion that we stand in recess until Monday at 10:00 a.m. – same place – all those in favor, say “Aye.” All those opposed, say “Nay.” Motion carried. I hereby declare recess until Monday at 10:00 a.m. Thank you.

President Killion declared the Convention recessed at 12:28 p.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon  
Journal Clerk

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**THIRTY-FIFTH DAY**

**Monday, June 13, 2022**

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:27 a.m., Monday, June 13, 2022.

**President Killion:** Good morning to you all. I now call our session to order.

SILENT PRAYER

**President Killion:** May we observe a moment of silent prayer and in our prayer, I kindly request that we include praying for our Delegate Ambassador Susaia's brother, Henry Susaia, who had just passed away a week or so ago. So, please include him in our moment of prayer. Thank you.

ROLL CALL

**President Killion:** Chief Clerk, roll call.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 19 Delegates are present.

(Absent: Delegate Sigrah, Delegate Iriarte; Late: Delegate Liwy, Delegate Takesy)

**President Killion:** Thank you, Chief Clerk. Therefore, we have quorum to transact business. And for the record, I have received a call from Delegate Takesy saying that he is going to be a little late coming in, so he is excused. And there is an email that just came in from Madam Chair Yoslyn Sigrah informing me that she will not be able to join us today in this morning's session. And, also for the record, I – on our behalf – I welcome Delegate Ambassador Susaia who just joined us after an absence of at least ten days from our session, and we certainly welcome you, Delegate Ambassador Susaia.

ADOPTION OF JOURNAL

**President Killion:** Thank you. Adoption of Journal, Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that we defer adoption of the Journal.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that we defer adoption of said Journal. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried. So, the adoption for those Journals has been deferred.

The motion carried by voice vote of Delegates.

COMMUNICATIONS

**President Killion:** Item No. 5: Communications?

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 5: Communications, we have a Delegation Communication and that is No. 4-8.

**President Killion:** Thank you. That said Communications pertains to the designation of a proxy as Chairperson of our Chuuk Delegation – Delegate Kanto designated by Chairperson Mori. It shall be noted.

### UNFINISHED BUSINESS

**President Killion:** Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None at the moment, Mr. President.

**Delegate Fritz:** Can we have a short recess, please?

**President Killion:** Short recess is called for.

President Killion declared the Convention recessed at 10:31 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 10:33 a.m.

### REPORTS OF COMMITTEES

**President Killion:** I now call our session back to order. Before we took a short recess, we were on Item No. 6, now we are on Item No. 7: Reports of Committees.

**Chief Clerk Reyes:** Thank you, Mr. President. We have one and that is on Committee Report No. CC-SCR-4-11 regarding Committee Proposal No. CC-PR-4-03 from your Committee on Style and Arrangement for adoption.

**President Killion:** Mr. Floor Leader?

**Floor Leader Yatilman:** I move that we defer action on this until Day 40.

**Delegate Nabeyan:** Second.

**President Killion:** Okay. It has been moved and seconded that we defer action on this Committee Report to Day 40. Any discussion? Can you clarify, Floor Leader?

**Floor Leader Yatilman:** Mr. President, we just need to defer so that all the other committees, especially – the reason that we defer is so that if there are other proposals coming out of the other Committees that will have an impact on this proposal, we will consider them at the same time – so that is why I am saying to defer this Committee Report until Day 40.

**President Killion:** Thank you very much, Floor Leader, for that explanation. Any other discussion before we vote? If none –

**Delegate Fritz:** I move to close discussion.

**Delegate Kanto:** Second.

**President Killion:** It has been moved and seconded that we stop debate. All those in favor, say “Aye.” All those opposed, say “Nay.” So, motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Now, we can vote on the motion to defer. It was not really debatable but – all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Moving on to Item No. 8: First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Okay, Item No. 9: Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Moving on to Item No. 10: Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** Yes, Mr. President. For that said Item No. 10, we have one and that is on Committee Proposal No. 4-07, CCD1 for Final Reading. This is attached to Standing Committee Report No. CC-SCR-4-12 from your Committee of Style and Arrangement.

**President Killion:** Thank you. Mr. Floor Leader?

**Floor Leader Yatilman:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 10:36 a.m., subject to call of the Chair.

#### **RECESS**

The Convention reconvened at 11:03 a.m.

**President Killion:** I now call back our session to order. Before we do that, I wish to – for the record – note that Delegate Takesy is now here at the Plenary; thank you, Delegate Takesy. And, we are now on the proposed Committee Proposal, and Chairman Nabeyan?

**Delegate Nabeyan:** Yes, thank you, Mr. President. I move to amend Committee Proposal No. 4-07, CCD1 so that the words “judicial systems of the States” be replaced with “competent State Courts” as I provided in the written proposed amendment that was filed last night; it’s on the Order of Business. Thank you.

**President Killion:** Thank you very much. Any second to the –

**Delegate Albert:** Second.

**President Killion:** It’s been moved and seconded. Any discussion?

**Delegate Palsis:** Mr. President.

**President Killion:** Chairman Palsis.

**Delegate Palsis:** Thank you, Mr. President. I applaud the Committee for the report as presented, as well as the proposed amendment to this report. But for Kosrae, we have three layers of a judicial system. Back in 2008, Kosrae State had implemented its law to provide for a Land Court to actually hear land matters. And the law gives exclusive jurisdiction over land to the Land Court. And any decisions that are not favorable to a losing party would have to be appealed to the State Court. Just recently, we amended our Constitution to allow a third layer, providing for the Appellate Division. So, given the system that we in place, I think that it is best for the State Land Court to be given the exclusive jurisdiction because they are the best, knowledgeable person in the judicial system, having the competence for at least the judicial procedure. And I think that that is my vote for the report, and I am ready to vote for it. Thank you.

**President Killion:** Thank you, Chairman Palsis. We are on proposed amendment, as completed by Chairman Nabeyan. It was seconded.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes. Chairman Fritz.

**Delegate Fritz:** Thank you very much. As said earlier during the recess, the Committee on Style and Arrangement recommended the language to accommodate all the – part of the judicial system that handles questions of interest in land. And in Chuuk, we have the Chuuk State Court, which consists of the Chuuk State Supreme Court plus all the municipal courts. In addition to that, as a lingering entity from the Trust Territory period, we have a Chuuk State Land Commission. The Land Commission – as noted earlier by the Style and Arrangement Committee – like all the others, which had changed over time until they become Land Court,

they have primary jurisdiction over those matters. If you want to take a piece of that, you go file with the Chuuk Land Commission. You go to the Chuuk State Supreme Court, they would send you back to the Land Commission. Now, because the language here used the words “State Courts,” that going to be our concern. Actually, the Land Commission in Chuuk is an agency, it is not a court. Sometimes, it is treated as one, but it is not a court. So, it would exclude the Land Commission from participating in the execution of ownership when by Chuuk State Law – and this is in the Chuuk State Government – right now, it is vested with the Land Commission right there; the place you have to go to first. Then, as the Convention already knows, if you disagree, you can give it to the Trial Division, which actually serves as an Appellate Court in reviewing the Land Commission’s decisions. So, that’s my concern. To be frank, I would rather – I would argue that our Chuuk State Supreme Court has concluded to seek over an interest of land appellate matters, because our Constitution says that the traditions of the Chuuk State Supreme Court has original jurisdiction; so we can go there. But our Court, at present, they say, “No, you go down to Land Commission and start there, then come up.” We have had to live with this. So, my concern is, because the proposed language here states, as opposed to the one recommended by the Style and Arrangement Committee – “judicial systems” – it may exclude what Chuuk has at present.

**Delegate Nabeyan:** May I, Mr. President?

**President Killion:** Thank you, Chairman Fritz. You have a response to that before I give it to Delegate Susaia?

**Delegate Nabeyan:** I yield.

**President Killion:** Chairman Saimon?

**Delegate Susaia:** President, thank you.

**President Killion:** Or – okay.

**Delegate Susaia:** The way I see it, the amendment to include “competent State Courts” is a guidance to the States. Because, like I had said earlier, some states – like in Pohnpei, our state law judiciary act here literally requires that all land matters should go to the State Land Tenure Court. So, when any matter arises on land matters, all this thing is doing is just referring to that requirement in the state law. Of course, any decisions made by these Land Tenure Courts are like Trial Courts – can be appealed. They can appeal all the way up to the Supreme Court. So, what Delegate Fritz is saying is if the State of Chuuk, according to the Judiciary Act, does not require the land matters to refer to the Land Commission, then they should amend that same law to require it. Yeah, because, like I said, this is only a guidance to the States. It’s a requirement that land matters go to the State Court, but in our case – in Pohnpei – when you go to the State Court, the State Divisionary Law already states that all land matters will begin with – that is the primary jurisdiction – first with the Land Tenure Court.

**President Killion:** Thank you, Delegate Susaia. I think that it is understood that our land matters go to the Land Commission in Chuuk or the State Court in the other States. Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. Ahi tungoal sakaradahh wahu. First of all, in reference to what Delegate Fritz and what Delegate Susaia said, I agree that there are leftover systems from the Trust Territory Government in Chuuk, which creates a little bit of a difference – for Pohnpei for sure. In Pohnpei, Pohnpei Judiciary Act in 1995, did create a Court of Land Tenure. So, when ownership is an issue, it must be filed at the Pohnpei Supreme Court. But leases – you know, nonpayment of leases and all of that that deals with lands but not dealing with ownership, if there is diversity, that can still come to Palikir, otherwise it goes to the Trial Division of the Pohnpei Supreme Court. As far as Chuuk is concerned – I know Chuuk because I have been practicing there since 1997 – but as far as Chuuk is concerned, the leftover system that we have from the Trust Territory, yes there are cases that talk about ownership. If there are ownership issues, it still goes to the Land Commission, which is correctly not a part of the Judiciary; it is a quasi-adjudicatory body, part of the Executive. But, from Chuuk Land Commission to the Chuuk State Supreme Court, you use what is called Administrative Procedure Act to appeal their decisions versus Pohnpei where you use the Judiciary Act to appeal the decisions of the Court of Land Tenure. So, that’s a little bit of the difference, but they still have the same posture but yes, there is a difference. There is actually a difference. So, “competent jurisdiction” might have an issue, but having limited it to Court – if it limits to Court, then Chuuk can strikingly be left out and I can see that point made by Delegate Fritz – Chairman Fritz. But, I just want to bring out that difference. One is definitely in the Executive in Chuuk – Kosrae Land Court, created in 2002, Pohnpei Court of Land Tenure, created in 1995; those ones are different because they are part of the Judiciary and just climb up the ladder in the Appeal procedure to one judge after you leave the Kosrae Land Court or Pohnpei Land Tenure. Again, in Chuuk, it’s the same: one judge but you use what is called the APA, the Administrative Procedure Act, to review the decision down there. It’s not the same because you come from one agency into the Court. Thank you.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes. Thank you, Chairman Saimon. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** We should not want to create a sort of war where a State is excluded; that is surely not the intent. So, if in fact, this will aggressively impact Chuuk then I am willing to withdraw my motion. But I do want to state that we’re talking about diversity cases and cases rising under this Constitution – our National law – which for example would be torts, contract cases. It just so happens that it would have land issue as part of that. Because of that, it would go down to the State. I do not think that a Land Commission entity will have jurisdiction to preside over those kinds of cases. It can go down to the Trial Division of the State Courts or other courts within – rather than the use of this Land Commission agency. For a

land ownership determination case, of course, that would go down to the Land Commission, but those cases do not fall within this section of the Constitution. So, we are talking about cases arising under National law or diversity cases that just so happens to have, as an angle – let’s say a lease is an issue. So, do you think that it would be the Land Commission that will preside over that? -or the Trial Court in Chuuk or in Yap or in Pohnpei or in Kosrae?

**Delegate Fritz:** Mr. President.

**Delegate Nabeyan:** Thank you.

**President Killion:** Thank you, Chairman Nabeyan for the clarification. Yes, Chairman Fritz.

**Delegate Fritz:** I think that a lot of these things are almost similar. When an issue that relates to land is at the FSM Supreme Court – and because out of respect and because they know that they do not understand land matters – they send it down to the Chuuk State Supreme Court, not the Land Commission. So, my only concern is the use of the word “courts.” Because that would definitely exclude our Land Commission. So, I appreciate what you said about taking it out to allow us – in due course, that is what we want to do: to create our own Land Court like Pohnpei, Kosrae and Yap States. But for the time being, we are stuck with that. It is not up to us; it is up to the Legislature.

**Delegate Nabeyan:** Yeah. If, like I said, I – may I?

**President Killion:** Go ahead, Chairman Nabeyan.

**Delegate Nabeyan:** Yeah, like I said, if this will have an aggressive impact on the land adjudication system in Chuuk, then, of course, I will be willing to withdraw it. I am not sure that that is the actual legal conclusion of this, but if that is the thing that will actually resolve this then I am okay with it.

**President Killion:** Yes, I understand that there is an effort to create the Land Court in Chuuk. So, then –

**Delegate Susaia:** By that time – when this thing passes, by that time, Land Tenure –

**Delegate Kanto:** Mr. President.

**President Killion:** Yes. Thank you, Chairman Kanto.

**Delegate Kanto:** Although I am not a lawyer, I think I can understand what Chairman Nabeyan was saying, because there is “interest in land” and “determination of land ownership.” Those are two different things. Just interest in land, if there is a loan with Development Bank or a lease agreement; those cannot go to the Land Commission. So, I totally agree with – I think

we need to – and this is only on the interest in land, not land ownership determination. Thank you.

**President Killion:** Therefore, you support the amendment.

**Delegate Kanto:** Yes.

**President Killion:** Okay, thank you. Any other discussion on the proposed amendment by Chairman Nabeyan? If none, we vote on the proposed amendment. So, in this case, we vote by show of hands. Let us vote on it.

**Delegate Liwy:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:17 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:20 a.m.

**President Killion:** Our session is now back to order. We are going to vote on the proposed amendment to the proposal as offered by Chairman Nabeyan and seconded by Chairman Albert. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” So, motion carried.

**Delegate Fritz:** Division.

**President Killion:** Okay. Division is called for. All those in favor – we will raise hands – all those in favor of the motion, raise your right hand. Chief Clerk? Thank you. All those opposed, raise your right hand. Chief Clerk? Read the tally. What are the results of the voting?

Chief Clerk Reyes tallies the hand votes.

**Chief Clerk Reyes:** Mr. President, with the actual show of hands, we have nine affirmative votes and five against.

**President Killion:** Thank you. Therefore, the motion to adopt the proposed amendment –

**Delegate Fritz:** Mr. President. Point of information.

**President Killion:** Recess.

President Killion declared the Convention recessed at 11:21 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:23 a.m.

**President Killion:** I now call our session back to order. A while ago, we were taking the tally of the vote for the proposed amendment by Chairman Nabeyan. And the tally again, Chief Clerk? Please reiterate the tally of the vote.

**Chief Clerk Reyes:** Thank you, Mr. President. With the actual show of hands, we have a total of nine affirmative votes and five against.

**President Killion:** Thank you. Therefore, the motion on the amendment is carried; it is now CC-?

**Chief Clerk Reyes:** CCD2.

**President Killion:** Thank you. Okay, now the proposed amendment to the main motion at hand is adopted, so we have the main motion to vote on as amended: Committee Proposal No. CC-PR-4-07, CCD2. Any more discussion on that? If we are ready to vote – okay. On the –

**Delegate Fritz:** Point of information.

**President Killion:** Yes. I declare a short recess.

President Killion declared the Convention recessed at 11:24 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:31 a.m.

**President Killion:** Now, we are back to session. We were – we need to take a vote on Final Reading on the said proposal, Committee Proposal No. CC-PR-4-07, CCD2. Are you ready to vote by Delegation?

**Delegate Bossy:** Point of privilege, Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** I move to defer voting for Final Reading of the proposed amendment, CCD2.

**President Killion:** Okay. It has been moved. Any second?

**Delegate Susaia:** Second.

**President Killion:** Okay, it has been moved and seconded that we defer action on said proposed Constitution Amendment –

**Delegate Susaia:** Oh! President, I did not really hear the motion, so I withdraw my second.

**President Killion:** Okay, you withdraw your second. So, any second –

**Delegate Fritz:** I second Bossy.

**President Killion:** Okay, Chairman Fritz seconded the motion by Delegate Bossy to defer action on the said amendment, as amended, Committee Proposal No. CC-PR-4-07, CCD2. All those in favor of the motion, say “Aye.” All those opposed say, “Nay.” The “Nay” has it. Therefore, we proceed to vote. Chief Clerk, please take the votes by Delegations.

Chief Clerk Reyes takes the Delegations’ votes. <sup>1</sup>

**Chief Clerk Reyes:** Mr. President, all four States voted for the said proposal in its CCD2 version.

**President Killion:** Thank you. So, the said version of the proposal has been passed on Final Reading. Thank you.

**Delegate Saimon:** Short recess.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 11:34 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:38 a.m.

**President Killion:** We are now back to session. A while ago, we were taking votes on the Committee Proposal CC-PR-4-07, CCD2, and it was voted on by Delegation. The tally came out that all the four States’ Delegations voted for it, therefore such measure passed on Final Reading.

## **CONSIDERATION OF RESOLUTIONS**

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<sup>1</sup> Delegate Mori’s camera was off and there was no response from her end – a requirement to be deemed present to vote in accordance to the Rules of Procedure. Therefore, Delegate Kanto acted as her Proxy and voted on behalf of the Chuuk Delegation.

**President Killion:** Moving on. Chief Clerk?

**Chief Clerk Reyes:** For Item No. 11: Consideration of Resolutions, we have two of them. And the first one is on Convention Resolution No. CC-RES-4-12 for adoption. Convention Resolution No. CC-RES-4-12 is a resolution expressing the sincere condolences and sadness of the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia to the family of the late Honorable Camillo Noket, Delegate to the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia representing Northern Namoneas Region, Election District No. 2 of the State of Chuuk and Chief Justice of Chuuk State Supreme Court.

**President Killion:** Thank you. Floor Leader?

**Floor Leader Yatilman:** I move for adoption of said Resolution.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that the said Resolution be adopted. Any discussion? If none, let us vote on the –

**Delegate Bossy:** Mr. President.

**President Killion:** Yes; before we vote, Delegate Bossy?

**Delegate Bossy:** On the Resolution, page two, line one, it says he “was promoted to became.”

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:40 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:41 a.m.

**President Killion:** I now call back our session to order. A while ago, we were discussing adoption of the Convention Resolution No. CC-RES-4-12. Any more discussion? If none, then we vote on said Resolution pertaining to our late Delegate Chief Noket. All those in favor, say “Aye.” All those opposed, say “Nay.” Thank you. The said Resolution is hereby adopted.

The motion carried by voice vote of Delegates.

**President Killion:** Moving on. Any other resolutions, Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. Yes, we have another one, and that is on Convention Resolution No. CC-RES-4-13. The Convention Resolution No. CC-RES-4-13 is a

resolution expressing the sincere condolences and sadness of the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia to the family of the late Honorable Peter Sitan, Delegate to the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia representing the Mortlocks Region, Election District No. 1 of the State of Chuuk.

**President Killion:** Thank you. Floor Leader?

**Floor Leader Killion:** I so move for adoption of said Resolution.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that the said Convention Resolution No. CC-RES-4-13 be adopted. Discussion? If none, let us vote on the motion. All those in favor of the said Resolution, say “Aye.” All those opposed, say “Nay.” Therefore, said Resolution is hereby adopted. Thank you very much.

The motion carried by voice vote of Delegates.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Moving on. Chief Clerk? Item No. 12

**Chief Clerk Reyes:** Thank you, Mr. President. For Introduction and Referral of Delegate Proposals and Resolutions, kindly note that we do not have a referral sheet.

**President Killion:** Okay thank you. Referral sheet is going to be issued tomorrow.

#### SPECIAL ORDERS

**President Killion:** Moving on to Item No. 13: Special Orders.

**Chief Clerk Reyes:** None at the moment, Mr. President.

#### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Then Miscellaneous Business for Item No. 14. Does any Delegate have any matters to discuss under Miscellaneous Business?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** For the record, I wish to say that Delegate Liwy – he wants his allowance, so –

**President Killion:** Thank you very much, Floor Leader. I thought that was already – he was noted absent because he came after – but in all due respect to the law, yes, it shall be noted.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Sorry that I did not raise it at the appropriate place, but it is more of a point of information. I just want to know for sure. Having passed that on Second and Final Reading – or Final Reading from the start, so that is it? It does not go back to the start for additional -? We are just now authorizing our Counsel to do whatever enforcement necessary to transmit it?

**President Killion:** That is a pertinent issue raised by Chairman Fritz. I declare a short recess.

President Killion declared the Convention recessed at 11:45 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:47 a.m.

**President Killion:** Okay, we are back to session. We were under Item No. 14: Miscellaneous Business. The issue that was raised by Chairman Fritz clarified that what we acted on – the Constitutional Amendment 4-07 – is now final and it is now to be moved along in its procedure. Any other miscellaneous business by anyone?

## ANNOUNCEMENTS

**President Killion:** Okay, thank you. Announcements. Do any Chairpersons of the various Committees have announcements? This is the time.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you. Your Committee on Finance and Revenue will hold its probably last public hearing today with NFC at 1:00 p.m. Thank you.

**President Killion:** Thank you, Chairman Fritz. The Finance Committee will have a hearing with NFC – not hearing, more information gathering from our NFC, National Fisheries Corporation, today at 1:00 p.m. Thank you.

**Chairman Nabeyan:** Mr. President.

**President Killion:** Chairman Nabeyan.

**Chairman Nabeyan:** Your Committee of Government Structure and Functions will have its meeting today at 2:30 p.m. Thank you.

**President Killion:** Alright, thank you, Chairman Nabeyan. Committee on Government Structure will have a meeting at 2:30 p.m. Just immediately after the Committee on Finance and Revenue. Any other announcements by any of the committee members? Chairman Albert, do you have any?

**Delegate Albert:** None.

**President Killion:** Okay, Vice Chairman Choor.

**Delegate Choor:** Thank you, Mr. President. Your Committee on General Provisions will be meeting tomorrow at 1:00 p.m. Please look out for the notice on the proposals that will be discussed. Thank you.

**Delegate Saimon:** No, we're good.

**President Killion:** Alright. Any other announcements from any of the Delegation Chairpersons? - or any announcements – miscellaneous announcements by anyone? Okay, if none, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that the Convention stands in recess until tomorrow morning at 10:00 a.m.

**Delegate Choor:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow, Tuesday at 10:00 a.m. Any discussion? If none, let us vote. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried. So, we will stand in recess until tomorrow at 10:00 a.m., same place. Thank you.

President Killion declared the Convention recessed at 11:50 a.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

## THIRTY-SIXTH DAY

Tuesday, June 14, 2022

### CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:19 a.m., Tuesday, June 14, 2022.

**President Killion:** I now call our session to order.

### SILENT PRAYER

**President Killion:** I ask that we observe a moment of silent prayer.

### ROLL CALL

**President Killion:** Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, we have a total of 21 Delegates that are present.

(Late: Delegate Naich, Delegate Arnold, Delegate Liwy)

**President Killion:** Thank you, Chief Clerk. We are almost a full house, but we still have quorum, therefore we can transact business.

### ADOPTION OF JOURNAL

**President Killion:** Item No. 4: Adoption of Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader Yatilman.

**Floor Leader Yatilman:** I move to suspend the Items with no matters to discuss on the Order of the Day, moving us to Item No. 14.

**Delegate Choor:** Second.

**President Killion:** It has been moved and seconded that we suspend and skip to Item No. 14 of the Order of the Day. All those in favors of the motion, say "Aye." All those opposed, say "Nay." Motion carried. Therefore, we move to Item No. 14.

The motion carried by voice vote of Delegates.

JOURNAL

A motion was made to suspend this Item No. 4.

COMMUNICATIONS

A motion was made to suspend this Item No. 5.

UNFINISHED BUSINESS

A motion was made to suspend this Item No. 6.

REPORTS OF COMMITTEES

A motion was made to suspend this Item No. 7.

FIRST READING OF COMMITTEE PROPOSALS

A motion was made to suspend this Item No. 8.

SECOND READING OF COMMITTEE PROPOSALS

A motion was made to suspend this Item No. 9.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

A motion was made to suspend this Item No. 10.

CONSIDERATION OF RESOLUTIONS

A motion was made to suspend this Item No. 11.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

A motion was made to suspend this Item No. 12.

SPECIAL ORDERS

A motion was made to suspend this Item No. 13.

MISCELLANEOUS BUSINESS

**President Killion:** Okay. Miscellaneous Business for Item No. 14. We have an Executive Order from the FSM President. It was given out to you yesterday. It pertains to the establishment and organization of a public education task force on the proposed constitutional amendment to lower the threshold vote needed to amend the Constitution from 3/4 to 2/3 vote and to provide for dual citizenship.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Floor Leader Yatilman.

**Floor Leader Yatilman:** This is about the public education task force. In order for that to run smoothly for the sake of passage as well as the Constitution itself, it would help that the public education money be available for it.

**President Killion:** Thank you, Floor Leader. I declare a short recess.

President Killion declared the Convention recessed at 10:24 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 10:41 a.m.

**President Killion:** I now call our session back to order. A while ago, we were discussing the Executive Order released by the FSM President. Floor Leader Yatilman brought up a pertinent note, which has been discussed and noted. Any other matters that Delegates wish to raise under Miscellaneous Business?

**Delegate Liwy:** Mr. President.

**President Killion:** Yes, Delegate Liwy.

**Delegate Liwy:** Thank you, Mr. President. For the record, I wish to say that I am here. Ahi tungoal sakaradahn wahu pahn kupwuroan Isohko, wahuniki Noahs. My greetings to Honorable Delegates and thanks to the staff. I apologize for being late; today is my mother's birthday, Kedinlik of Roie, Sunia I. Inek. So, for the record, I wanted to say happy birthday, Mom.

**President Killion:** Thank you, Delegate Liwy. Your presence has been noted. And a happy birthday to your mother. Any other matters to bring under Miscellaneous?

### **ANNOUNCEMENTS**

**President Killion:** If none, moving on to Announcements. Announcements from the various Committee Chairperson, Chairman?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Yes, thank you. Your Committee on Finance and Revenue will be meeting tomorrow at 1:00 p.m. until whenever we are done. This will be about sharing resources. Thank you.

**President Killion:** Thank you, Chairman Fritz. Finance and Revenue's meeting tomorrow starting at 1:00 p.m. Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. Ahi tungoal sakaradahh wahu pahn kupwuroan Isohko, wahuniki Noahs. Your Committee on Style and Arrangement will be having a meeting this Thursday, or after Plenary. Delegate Naich, please have the portion of the Standing Committee Report that was assigned to you sent in once you are done. Thank you.

**President Killion:** Thank you, Chairman Saimon. Any other announcements from the various Chairpersons? Chairperson Sigrah.

**Delegate Sigrah:** Thank you. Your Committee on General Provision will be having our meeting today at 1:00 p.m. There has been a notice sent out regarding the proposal we will be discussing. Thank you.

**President Killion:** Thank you, Chairperson Sigrah. Any other –

**Delegate Nabeyan:** Yes, Mr. President.

**President Killion:** Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. The Committee of Government Structure and Functions will be having a committee meeting tomorrow after Finance – whenever Finance is done with their meeting. It may be 2:30 p.m. Thank you.

**President Killion:** Thank you very much, Chairperson Nabeyan. Any other announcements from other Committee Chairpersons? -Delegation Chairpersons?

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Chairperson Mori.

**Delegate Mori:** Thank you, Mr. President. This is to the Chuuk Delegation. If we could schedule a meeting for our delegation today. Maybe 3:00 p.m. Chuuk time, which would be 4:00 p.m. Pohnpei time?

**Delegate Fritz:** Madam Chair, we could have a meeting right after Plenary session since we are ending earlier than anticipated.

**Delegate Mori:** Yes, that would work. If that is the case, never mind; Chuuk Delegation, let us meet immediately after this Plenary session. Thank you.

**President Killion:** Thank you, Chairwoman Mori. Chuuk Delegation will be having a meeting as soon as we are done with today’s Plenary. Any other announcements? Chairman Albert?

**Delegate Albert:** None, Mr. President. Your Committee on Civil Liberties is finished with its work, Mr. President.

**President Killion:** Thank you very much, Chairman Albert. Congratulations to your committee for being the first committee finished with all its work. Thank you. Any other announcements?

**Delegate Susaia:** Floor Leader. Do Item No. 16.

**President Killion:** Okay, if there are no other announcements – yes, Floor Leader Yatilman?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that the Convention stands in recess until 10:00 a.m. tomorrow morning.

**Delegate Susaia:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow at 10:00 a.m. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” We now stand in recess until tomorrow, Wednesday, at 10:00 a.m. Thank you.

President Killion declared the Convention recessed at 10:50 a.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon  
Journal Clerk

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**THIRTY-SEVENTH DAY**

Wednesday, June 15, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:25 a.m., Wednesday, June 14, 2022.

**President Killion:** I now call our Convention to order.

SILENT PRAYER

**President Killion:** May we observe a moment of silent prayer.

ROLL CALL

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 21 Delegates are present.

(Late: Delegate Arnold, Delegate Samo, Delegate Takesy)

**President Killion:** Thank you, Chief Clerk. So, we can transact business; we have quorum. And for the record, Delegate Takesy had informed me that he is going to be a late. He has an urgent matter this morning; he will join us later today.

ADOPTION OF JOURNAL

**President Killion:** Okay, moving on. Adoption of Journal.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader?

**Floor Leader Yatilman:** I move to defer adoption of the Journals until tomorrow.

**Delegate Saimon:** Second.

**President Killion:** It has been moved and seconded that adoption of said Journals be deferred until tomorrow. If no discussion – all those in favor, say “Aye.” All those opposed, say “Nay.” Motion carried. So, the said Journals have been deferred to tomorrow’s Order of Business.

The motion carried by voice vote of Delegates.

COMMUNICATIONS

**President Killion:** Item No. 5: Communications. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 5: Communications, we have a Committee Communication and that is No. 4-1.

**President Killion:** Thank you. That is for information purposes, and we give thanks to Chairman Fritz for sharing such pertinent and useful information regarding revenues from the various agencies of our National Government; so that's attached to today's Order. Thank you,

Chairman Fritz. Okay, moving on – unless anyone has any questions to be raised. Though, this is straightforward, perhaps you can raise that later on, or – thank you.

### UNFINISHED BUSINESS

**President Killion:** Moving on to Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None, Mr. President.

### REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No. 7.

**Chief Clerk Reyes:** Mr. President, for Item No. 7: Reports of Committees, we have two and the first one is on Committee Report No. CC-SCR-4-13 regarding Committee Proposal No. CC-PR-4-09 from your Committee on Government Structure and Functions for adoption.

**President Killion:** Thank you. Mr. Floor Leader?

**Floor Leader Yatilman:** I move that we adopt Committee Report No. CC-SCR-4-13.

**President Killion:** Any second?

**Delegate Liwy:** Second.

**President Killion:** Okay. It has been moved and seconded that the said report, Committee Report No. CC-SCR-4-13 pertaining to Committee Proposal No. CC-PR-4-09, be adopted. Any discussion? Straightforward report. Okay. If no discussion, all those in favor of the motion to adopt said report, say “Aye.” All those opposed, say “Nay.” This report is hereby adopted. Thank you.

The motion carried by voice vote of Delegates.

**President Killion:** Moving on. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. The second report under Item No. 7 is Committee Report No. CC-SCR-4-14 on Committee Proposal No. CC-PR-4-10 from your Committee on General Provisions for adoption.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes.

**Floor Leader Yatilman:** I move that we adopt Committee Report No. CC-SCR-4-14 pertaining to Committee Proposal No. CC-PR-4-10.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that the said report, Committee Report No. CC-SCR-4-14 regarding Committee Proposal No. CC-PR-4-10 be adopted. Discussion?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you. This is not to amend the report, but I need to raise some concerns, so that it is clear to me what the real purpose and intent of this proposed amendment will entail, and also what is not included. First, I think I will go – it is about the definition of ownership of land. If you go to page two, third paragraph, it reads

“[y]our Committee’s Proposal would have prospective application from the date of ratification. Interests in land and water that exist prior to the effective date of the amendment will not be impacted.”

I just want to make sure, for the record, that the application in the existing Constitution that ownership of land is limited to citizenship only is still prevailed here. That any subsequent application, even if you transfer, but are not an FSM citizen, you cannot own land regardless. Okay, second matter I want to raise – maybe this a little bit substantive and may need change – going further down, in the fifth paragraph where it makes reference to all those reports of the FSM Court. Beginning where it says,

“[w]hen a party seeks to enforce a judgment in the FSM Supreme Court by executing on the judgment debtor’s interest in land, the FSM statutes on enforcement of judgments, 6 FSMC § 1401 *et seq.*, must be interpreted consistent with the law of the state where the land being executed on is located.”

My concern here is at the line where it says, “must be interpreted.” What we seem to be suggesting here is that – the Court will interpret the FSM statutes relating to an interest in land. I thought that our earlier concern was that we want to make sure that where there is a question in interest in land, that should be an exclusive matter to the State Courts. So, instead of saying it “must be interpreted consistent with the law,” I think that it should say something like, “it must apply the State law.” Because the way it should work is either the Supreme Court applies the State Laws to the situation, or send it down to the State Courts to make a determination on applicability of that State law, and then send it back to the FSM Court to incorporate it into its decisions. But if you say the Court can interpret State law then I do not think that it is for the National Court to interpret the State law. It should be the State Courts that do their own interpretation. So, I was wondering perhaps it could be reworded so that it says something like the FSM Supreme Court shall apply State law to those particular disputes.

**Delegate Saimon:** Mr. President.

**President Killion:** Thank you, Chairman Fritz. Yes, Chairman Saimon, for your committee?

**Delegate Saimon:** Yes, thank you. Ahi tungoal sakaradahn wahu pahn kupwuroan Isohko, Noahs, Mr. President, and everybody. Good morning. Yes, I am part of the Committee that worked on this. The FSM Supreme Court has adopted what is called the Erie Doctrine. The Erie Doctrine basically says that in diversity cases, cases that are in Palikir or in Chuuk FSM Supreme Court – or any of the Supreme Courts – because of diversity, we use substantive State law in matters that are State matters. So, we do not want to repeat that here. I think the Committee would probably, at this point, having just spoken – well, motioned – to our Chairperson, would probably like to take the report back to Committee to amend that some more because the application of the Erie Doctrine cannot be used here – because we would like to use what Delegate Chairperson Fritz mentioned, which is certification. Certification is when you send a certain issue to a State Court, let them do that, and then send it back. It is different from the usage of the Erie Doctrine, and we do not want that. Again, the FSM Supreme Court has adopted the Erie Doctrine in many cases, and we do not want them to start interpreting the State laws on land. On torts – we get that; we will continue that. Torts, dealing with contracts, dealing with somebody punching somebody’s face and you sue them in the FSM Supreme Court on diversity. Yes, we can still do that in FSM, and FSM will apply State law when they do that, but this has to be an exception in order to make sure that the purpose of the amendment remains. So, certification will be the answer to that, not application of State laws. Therefore, for that reason, I think – I am motioning to members of the Committee, and I will let our Chairperson make that motion to take it back. But, on the first question, regarding the passing of land to persons – so, the prospective provisions of the amendments says that the persons that are not pwilidak – for example of Pohnpei – persons who are not pwilidak who currently have land, they cannot pass it to whomever they want. They will have to pass it to one who is pwilidak, but in heritage situations where a non-pwilidak person dies, and they only have non-pwilidak children – that is the discussion that we can also smoothen out when we take that Report back to Committee. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Saimon. Therefore, Madam Sigrah.

**Delegate Sigrah:** Yes, thank you very much, Mr. President. Good morning, all. I understand the issues raised before us right now. And I do not know what is the fastest way of resolving this, because I agree with Chairman Fritz and also Chairman Saimon here. The paragraph where it starts the sentence – the last two sentences: “when a party seeks to enforce a judgment in the FSM Supreme Court by executing on the judgment debtor’s interest in land” and then onward, there is another sentence afterward. I think this would possibly post dual interpretations or does it go back to engaging upon that proposal that was passed, giving exclusive jurisdiction to the States when it comes to an interest in land. So, my thoughts on this is just to take out the last two sentences, and this would be ready to go.

**President Killion:** Thank you, Chairperson Sigrah. So, we do not need to refer this said Report back to Committee. But, you may need to amend the report, or would you rather have this report referred back to Committee, and then if you make changes...? I declare a short recess.

President Killion declared the Convention recessed at 10:39 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 10:40 a.m.

**President Killion:** Now we are back to session. Madam Chair Sigrah?

**Delegate Saimon:** Mr. President.

**President Killion:** Or Chairman Saimon. Yes.

**Delegate Saimon:** Yes, thank you. For reasons that we have discussed regarding the pending matter, I would like to make the motion to recommit the Report back to the appropriate committee for action. Thank you.

**Delegate Choor:** Second.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes.

**Floor Leader Yatilman:** There was a motion, so we need to do that motion first or kill it before we move to...

**President Killion:** The motion to recommit that Report is in order. Oh, you need to –

**Delegate Saimon:** Defeat the adoption. Or...?

**President Killion:** Oh, the adoption.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes.

**Delegate Fritz:** This particular motion takes precedence over the first one.

**President Killion:** Yes.

**Delegate Fritz:** So, we are...

**President Killion:** Yes. So, your motion to recommit the report to your Committee is in order. It takes precedence over the previous motion for adoption. So, since that is the case, let us vote on the motion for the recommitment of the said Report to the Committee on General Provisions. If no other discussions, let us vote on the motion. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried. Therefore, the said Report has been recommitted back to the Committee on General Provisions. Thank you.

The motion carried by voice vote of Delegates.

FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Moving on to Item No. 8: First Reading of Committee Proposals.  
Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. Under First Reading, we now have Committee Proposal No. CC-PR-4-09 for First Reading. This is attached to Standing Committee Report No. CC-SCR-4-13 which was just adopted a while ago.

**President Killion:** Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move to adopt Committee Proposal No. CC-PR-4-09.

**President Killion:** Any second?

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that the said Committee Proposal No. CC-PR-4-09 be adopted on First Reading. Now we have discussion on that motion for passage of said proposal. Any discussion?

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich. Go ahead.

**Delegate Naich:** Thank you, Mr. President. Can I ask that the Clerk read the title of that proposal? Thank you.

**President Killion:** Thank you, Delegate Naich. Therefore, I hereby request Chief Clerk to read Committee Proposal No. CC-PR-4-09. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. Committee Proposal No. CC-PR-4-09 is a proposal for First Reading. It reads, “[t]o amend Article XII to add a new Section 4 to the FSM Constitution of the Federated States of Micronesia to create an office of Independent Prosecutor.”

**President Killion:** Okay. Delegate Naich, you heard the explanation on the said Committee Proposal No. CC-PR-4-09, as read out by our Chief Clerk?

**Delegate Naich:** Yes, thank you, Mr. President. I thank the Chief Clerk. It is not my intention to make any substantive changes to this proposal. However, I just want to remind us that, as I said yesterday, we are men and women born with original sin, which means that we also have to remind ourselves about our original intent. By this, I refer to the original intent of

the framers of the Constitution. When they created a government of three branches, they meant to create mutual jealousies between the two political branches. Now, what are we doing here by creating an Independent Prosecutor office? I see the justifications for the office of an Independent Prosecutor. I am very aware of the justifications. I also see the merits of independence. But how far are we pushing independence now? We're talking about just cause, whatever the other costs. Those remind me of the definitions created by Saint Augustine in his holy book about just war. Are we in effect suggesting that there ought to be just war in the government, among the two political branches of government? We do want independence or autonomy, but at what expense of the three branches created by the framers of the Constitution. Those are the only comments I would like to share with you, Honorable Delegates. Thank you so much.

**President Killion:** Thank you very much, Delegate Naich. First of all, I do not know what original sins you are referring to; we are clean when we are born. Thank you. But, anyways, what you are talking about, perhaps are subject for the discussion. You had raised those issues as you have, and you are entitled to your argument – of course, subject to arguments otherwise – but what you are talking about is pertinent to the issue. Yes, Chairman Albert.

**Delegate Albert:** Thank you very much, Mr. President. Foremost, my respect to Iso, and I give my respect to everyone. I want the record to reflect my full support for this proposal, and I want to extend my appreciation to the Committee for a very thorough analysis and breakdown of what this new amendment entails. In my opinion, this is something that we really need. I know that FSM has been criticized a lot – I have heard a lot of papers online and also that FSM is ranked among the most corrupt in the world. And I think that it is one way to show or prove to ourselves that we are better than that. In my opinion, it is also a position that every country of democracy in the world that – a position like this is needed to make the government better. I can only see benefits from this, so I want to state for the record my full support. Thank you.

**President Killion:** Thank you very much, Chairman Albert for those points. Any other discussions for the proposed Constitutional Amendment?

**Delegate Kanto:** Mr. President?

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** Thank you, and my respect to you and all Delegates. I support the intent of this proposal, but I have reservation on the implementation part because we have the Department of Justice, and we claim it does not work. Why? Because of being appointed by the President, confirmed by the Congress, receiving annual budget from the Congress. Now, we are going to create this, which will be appointed by the President, confirmed by the Congress. Which budget – yearly budget approved by the Congress. We claim that those were the reasons why the Department of Justice cannot clean the government, yet we are creating the same thing. I wish we can have a better – I do not know what way, but a better way to have this office created. But to go through the same process, I want to register my reservations that I do not think that it will work, and we are just creating another office, another expense to our National Government. I also agree with Chairman Albert where he said that he has seen in reports that our country is one

of the most corrupt; I have seen that, too. My response to that is that you cannot use metric system and English system at the same time to say the same thing. We are of different mentality. We value people more than laws. I know that it violates the law, but that is what we are. That is what makes us Chuukese, Pohnpeian, Micronesian. Thank you.

**President Killion:** Thank you, Delegate Kanto, for those comments, which are pertinent to the issue.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. If I may, the comments of Delegate Kanto are important, and they are some of the very issues that we try to address when drafting the proposal. The proposal creates a legal framework that is designed to ensure independence of the office of the Independent Prosecutor so that it is insulated from political and administrative pressure from other entities of the National Government, which otherwise would influence discretion, decisions, and activities. There are four key elements of the proposal that aim to achieve this. First, the Independent Prosecutor will not serve at the pleasure of any single government official, nor can they be removed from office by a single official. He can only be removed from office for good cause by the President, subject to the approval of 2/3 of members of Congress. Second, the Independent Prosecutor is to be appointed by the President, with the advice and consent of 2/3 of the members of Congress, for a term of six (6) years, and he cannot be reappointed to a consecutive term. So, the manner of his appointment, the mechanism for his removal, and the limitation on his term ensure that the Independent Prosecutor, during his term, will be free of any condition or factor that may hold him to one branch of government or any single supreme entity. Third, an express provision of the proposal will render unconstitutional any legislation, regulation or directive enacted or applied in a way that has the effect of reducing or eliminating the independence, the power, or the capability of the Independent Prosecutor or his office. Similarly, the compensation of the Independent Prosecutor and his staff cannot be reduced during the Independent Prosecutor's term in office. Finally, since – in theory – Congress can exercise its power of the purse to control the budget of the Independent Prosecutor, and thus, potentiality, the proposal expressly obligates Congress to “adequately fund the office of the Independent Prosecutor.” Adequate funding, based off an objective standard, requiring the minimal level of funding presumably necessary for the office of the Independent Prosecutor to make use of the duty he is taking. It will be up to the Independent Prosecutor to justify to Congress what the level of the funding will presumably be necessary and should the Independent Prosecutor be given inadequate funding, based on his bona fide assessment, the objective standard for adequate funding laid out in the proposal will give the Independent Prosecutor, should he need it as a last resort, a recourse through which they can apply to a court of competent jurisdiction for a declaratory judgment on whether or not his office has been given adequate funding within the context of the proposal. So, I think that there are sufficient safe words in the proposal intended to protect the independence of this office which the DOJ does not currently have. And so, this is the best way we can think of at this point in time to fix the deficiencies we find in the current setup with the DOJ. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. That was well-presented information regarding the Committee Proposal No. CC-PR-4-09. Any other comments?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you very much. Listening to all the consideration – all of them are important and valid. The difficulty that I have with this current proposal is the Proposal’s intent to bring the judiciary branch into the political process, as pointed out by Delegate James Naich. The two branches, Congress and the Executive branch, are supposed to be independent in dealing with the political situation of this Nation, but the Court is supposed to just stay neutral. And I find it difficult when Delegate Kanto pointed out, in practicality, even if all these safe measures are in here, the Court cannot order the Congress to pass a budget. Because that, again, is the separation of power. The Court cannot order my Senator to vote “Yes” or “No” on a particular measure for that office. So, again, you run into those human nature kinds of problems. We are all humans, and when it comes to decisions that may affect us individually, we will act like humans – right or wrong – but that is the way – it is as is. And that is why, for example, the Department of Justice is unable to do what it is supposed to do because, again, of the human nature that Delegate Kanto was speaking of. So, that is my main problem: inserting the judiciary branch into the political process because Congress can get mad and decrease the judiciary budget. Who is going to stop them from doing that? It is just natural.

**President Killion:** Thank you, Chairman Fritz. Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. I personally support the proposed amendment. Also, the insertion of the judiciary in there is not new. That is actually a copy – copied from the current statutory provision from the Public Auditor’s law. And I say law because the Public Auditor – and going back to my colleague, Mr. Kind Kanto – the Public Auditor is a statutory office, not a constitutional office. But it is armed and is working in a way that it flips its nose, so to speak, to the President and to Congress all the time, but it is toothless in the sense that it cannot go further and file a criminal case. So, this office – this constitutional office will be in the same stature of independence, perhaps even higher because of the fact that it will be a constitutional office and not a statutory office. Furthermore, the independence of this office is mirrored from that independence that we actually viewed today that the Auditor's office has but without the teeth. As far as the strapping or giving Congress – pissing them off or making them not happy – yes, Chairman Fritz did mention the separation of powers, but there is another nuclear weapon that deals with separation of powers. The FSM Supreme Court, once again, adopted Marbury v. Madison, which deals with what is called judicial review. Judicial review is a doctrine that lets the Courts can tell the other branches what to do. That is the entire fabric of the separation of powers that the Court has. That doctrine from the United States that the FSM Supreme Court adopted. So, with the adoption of judicial review, the discretionary act of budgeting can be told in a declaratory judgment complaint that the Independent Prosecutor, taxpayer or somebody withstanding – they can file a case for a declaratory judgment saying that the budgeting needs to be done. And because the budgeting is not discretionary but is more of a ministerial task, I think – I know that the Court under the doctrine of judicial review should be

able to order Congress to make budget for that language that we put in the Committee Report, which is sufficient – “adequate funding.” Thank you, Mr. President.

**President Killion:** Thank you, Chairman Saimon. Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. I will be brief. It seems like we were working on this – I was part of the Committee – a member that worked on his proposal for what seems like 30 days or so. We did spend a lot of time – the Committee worked on it. So, my position is also reflected in all of the good points that the report expressed. And I know that in one of the paragraphs there, “[o]fficial of the national government means...” and it goes on to including the “FSM Justices, heads and deputy heads.” You know – separation of powers is not – we are all human. Whether in the form of Justices or division heads, we are all human. And we are capable of human missteps. And like our good Delegate Naich said, we were born with something, but I would say that we grew up listening to the same things, and it's been – how long? – 40 years of constitutional government, and it's not only the same things, it's more and more of the same things. So, I see this independent office of the Prosecutor as bringing some hope, bringing relief to the people who have been aggrieved, and the system is not helping them. I have personal experience of those where it seems to be that we are banging our heads everywhere we go. This is one framework – a mechanism that would help, if not prosecute, at least deter those wrongdoings from happening. So, I fully support this proposal, and I hope that it can pass First Reading and move on. Thank you.

**Delegate Nabeyan:** Mr. President.

**Delegate Kanto:** Mr. President.

**President Killion:** Thank you very much, Chairperson Sigrah. Chairman Nabeyan.

**Delegate Nabeyan:** I just want to address the separation of powers. The doctrine is not a veil under which a branch of government can hunker under and avoid its constitutional duties. So, that is why the Court has – as part of its check and balance – the authority to, if the case arises under which the issues with a branch of government is not meeting its constitutional obligation – constitutional mandate, the Court has the authority to move on that. So, if there is a petition for declaratory judgment on whether or not the funding of the Independent Prosecutor actually meets the requirements in the Constitution – if this proposal passes – the Court has the authority to make a ruling on that. So, I do not think that we are intruding or undoing the doctrine of the separation of powers. Thank you.

**Delegate Naich:** Mr. President.

**President Killion:** Thank you, Chairman Nabeyan. Delegate Kanto first.

**Delegate Kanto:** Thank you, Mr. President. As I had said earlier, I support the intent of this proposal, but I am afraid of some things and I hope that you Delegates will be in there somewhere in the future if this office is established, so that you also address this one fear that I have. I hope, because this office is going to be manned by a person – a human being – that has

feelings and can be influenced. I hope that there is no selective prosecution or investigation in this office. I hope that there is a mechanism there that can – because if we have ten violations, which one do we persecute in that six years term, and which do we not? Thank you.

**President Killion:** Thank you, Delegate Kanto. I am sure that the Independent Prosecutor would prosecute all those offenses. Yes, Delegate Naich.

**Delegate Naich:** Thank you again, Mr. President, and my tirow to all of you. I am in support of the intent of this proposal. I am very aware of the justifications; I am persuaded by them. However, let me ask a basic question. While I am aware that there are several agencies of the national government a little bit removed from the cabinet, can you tell me – or the proponents of this proposal – can you tell me how many of them are called “independent office?” This is the first one. If it is, what we are dealing with here is what is often called the anatomy of Democratic governance. Anatomy of Democratic governance. It is not easy.

**Delegate Nabeyan:** May I, Mr. President –

**Delegate Naich:** We cannot just – in a few days – put a final mark on what is the very central issue of Democratic governance. We will have problems. Like my colleague from Faichuuk would say, I am concerned. Thank you so much.

**President Killion:** Thank you, Delegate Naich. But again, there are national government agencies that are supposed to be independent, like Public Auditor, so I guess that is a response to your question. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Yeah, because I think that Delegate Naich requested that a proponent speak to question that he posed, I would point out that the Yap Delegation did not introduce the proposal for Independent Prosecutor. It was the other three Delegations. Because there is a multitude of proposals that came into my Committee for the creation of the Independent Prosecutor office. All the other Delegations put in a proposal, including – I would say – Mr. Naich. So, maybe you can answer the question that you raised, because I cannot. Thank you.

**President Killion:** Well – now it is a Committee Proposal –

**Delegate Albert:** Mr. President.

**President Killion:** – so it is a Committee Proposal – yes, Chairman Albert.

**Delegate Albert:** Yes, thank you. I think we need to keep in mind we are here as representatives of the people. I am pretty sure that each State, when they elected you – all those citizens wanted this position. And, I can speak for Pohnpei at least, that this is one of the positions that we really want. It is not to be put in there to look for crimes; it is to deter it. And if a crime does happen, they will have the means to take care of it. So, I think that it is compelled upon us to think of our people when we vote on this proposal.

**President Killion:** Thank you, Chairman Albert.

**Delegate Palsis:** Mr. President.

**President Killion:** Chairman Palsis.

**Delegate Palsis:** Thank you, Mr. President and esteemed Delegates. I am one of the Committee members, and I support and will continue to support the Committee Proposal. This is one of the five top proposals that Kosrae Delegation was asked to advocate for. I can understand the concerns as are raised with respect to the report, and I understand why. I know that this report does not capture all of the concerns that each Delegate could have, but this being the case, Kosrae is still waiting to vote for the passage of the proposal. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Palsis.

**Delegate Liwy:** Mr. President.

**President Killion:** Yes, Vice Chairman Liwy.

**Delegate Liwy:** I move to stop discussion and vote.

**Delegate Fritz:** Mr. President. Sorry, I have one –

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** It is not that part of our Chuuk Delegation does not support the position, but as pointed out by my colleague, we have some concerns. So, with respect to the separation of power, I understand and agree with your interpretation and conclusion that are, of course, definitely under our system as the interpretation of the laws. My question that I had raised today to the separation of power is the actual applicability of that power. When the Court orders the Congress that they have to put up funding, the Court cannot go ahead and say, “Senator so-and-so, vote yes” or “vote no.” If they refuse, are they not going to be put in count of the vote? So, I am pointing this out so that we all understand the real challenges that may be down the road.

**Delegate Nabeyan:** If I may, Mr. President, address that point because I think it is vital.

**President Killion:** Go ahead, Chairman Nabeyan.

**Delegate Nabeyan:** I agree. I agree with what you are saying, but my position is that Congressmen are constitutional officers. So, part of what they do is to actually execute their mandates under the Constitution. So, if they do what Delegate Fritz is proposing, they are accountable to the people. That is part of the mechanism by which we can – hopefully in the long run – this office can be effective. But it is really hard to create the perfect system – you cannot. There is always – whatever system you come up with – there are always defects and deficiencies, but we are trying to achieve the best that we can given the environment that we are in. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. Any further discussion on the matter? There was a motion for –

**Delegate Nabeyan:** I second the motion for voting on passage.

**President Killion:** Okay, there was a motion for voting on the matter, and it was seconded. Any – yes, Delegate Bossy.

**Delegate Bossy:** Thank you, Mr. President. My people of the Northern Namwoneas voted me in to represent, and they want me to represent them on the revenue sharing. And, I think that they also want me to represent them on dealing with corruption. So, if this involves financial ramification, then I cannot really help them in the revenue sharing. They raise the national government screening – cutting of national budget if this office is created. How would you help the people of Northern Namwoneas? They want this; they want that. There is conflict in between. Thank you, Mr. President.

**President Killion:** Thank you, Delegate Bossy. Again, there was a motion to vote on the matter, and we need to vote on that motion first. All those in favor of the motion to stop debate, say “Aye.” All those opposed, say “Nay.” Therefore, we stop debate.

The motion carried by voice vote of Delegates.

**President Killion:** Now, we are ready to vote on the passage of First Reading for Committee Proposal CC-PR-4-09. So, it is going to be by roll call, and the required votes will be the simple majority of 16 votes for passage. Chief Clerk?

Chief Clerk Reyes tallies Delegates’ votes through roll call.

**Chief Clerk Reyes:** Mr. President, we have 22 affirmative votes and 1 against.

**President Killion:** Thank you, Chief Clerk. Therefore, the said Committee Proposal No. CC-PR-4-09 has been passed on First Reading. Thank you. Okay, moving on. Any other matters under First Reading of Committee Proposals?

**Chief Clerk Reyes:** None, Mr. President.

#### SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you. Item No. 9: Second Reading of Committee Proposals.

**Chief Clerk Reyes:** None also, Mr. President.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Item No. 10: Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None at the moment, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Item No. 11: Consideration of Resolutions.

**Chief Clerk Reyes:** Mr. President, we do not have any resolutions at the moment.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** We do not have a referral sheet, Mr. President.

#### SPECIAL ORDERS

**President Killion:** Thank you. Item No. 13: Special Orders.

**Chief Clerk Reyes:** None also, Mr. President.

#### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Now, Item No. 14: Miscellaneous Business.

**Delegate Naich:** Mr. President.

**President Killion:** Does any Delegate have any matters to discuss under Miscellaneous Business? Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. I just want to refer to the statement made by my colleague, Delegate Cantero, yesterday where he made reference to the number of amendments adopted by the Constitution. I believe for Second Reading, I believe we have six of them right now. And how many more days do we have left? How many days do we still have to go? I raised this question because I am just wondering whether there are still amendments being held up in the committees, because if there are, then may I join my good Delegate from Pohnpei in encouraging the Chairmen of those committees to work extra hard in turning out those proposals. Thank you, Mr. President.

**President Killion:** Thank you, Delegate Naich. As noted on today's Order, today is Day 37, therefore 37 minus 45 is 8. So, we have 8 days left, so that answers your question. But as for your comments, yes, it is true that we encourage all the committees to complete their work so that we can diligently discuss or dispose of those pending matters. Any other miscellaneous business? Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. I just want to express my thank you to Chairman of Finance, Delegate Fritz, for the very informative document that he provided with

regards to the public hearings on revenue sharing, and I look forward to voting on that proposal. Thank you.

**President Killion:** Thank you very much, Chairman Albert. Yes, again, that information as provided by Chairman Fritz are very useful and pertinent to our work, especially on the understanding of revenue stream that we have in the Nation. Any other miscellaneous business?

**Delegate Asher:** Mr. President.

**President Killion:** Yes, COW Chair.

**Delegate Asher:** Thank you very much, and my respect to you and all the officers, Delegates and staff. I join Chairman Albert in thanking Chairman Fritz for gathering the documents that we require for the proposal for revenue sharing, and I humbly request that – well, before that, personally this is probably, for me, the main proposal so for this Convention. It is revenue sharing. And I humbly request that our Committee on Finance, we expedite our work on that so we can properly dispose it. We are coming to the end very soon. Thank you.

**President Killion:** Thank you very much, Chairman Asher. Yes, Chairman Fritz is moving forward on those pending measures in the Committee. So, thank you for that compliment. Alright –

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** Thank you very much, Mr. President. Our pages passed out the amended version to the emergency Public Health regulations for our quarantine next month and also for August.

**Delegate Fritz:** Point of information.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Since the good Floor Leader raised this amended emergency regulation, it seems to me that it only talks about the number of days in the FSM. Does that mean that we are no longer required to spend some days in Guam?

**President Killion:** I guess that is in August, and then next month, it is three days. Is it clear that when our names are approved for quarantine in Guam, we stay for the same number of days – three days – during the month of July? Floor Leader, do you have that information?

**Floor Leader Yatilman:** Yeah, I think that starting next month, the days required here for quarantine will be three days only. And then in August, no more quarantine.

**President Killion:** So, in August, our borders will be duly open. At the same time, I encourage our citizens to continue the vaccinations. Thank you. That is important information as provided by the amended emergency regulation signed by the FSM President yesterday. Okay, any other miscellaneous – for the record, I wish to acknowledge that Delegate Takesy is here. He has joined us; thank you for coming, and you are noted as present to this session.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes.

**Delegate Fritz:** I am just trying to fully understand what this emergency covers. It talks about five days in quarantine for the FSM, three days in July, then zero in August. What I heard from the good Floor Leader is that there is no more quarantine in Guam. So, basically you fly in June from Honolulu to Chuuk, you stay in quarantine for five days. If you travel in July, three days. Is that right?

**Floor Leader Yatilman:** Mr. President. I can find out more. I believe that was the intent that in July, if there is any quarantine in Guam, then it may be shortened also to three days. But starting in August, there will be none at all.

**President Killion:** Okay. That this essential information. In July, it is three days in Guam and then three days in these State's quarantine.

**Floor Leader Yatilman:** We can find out more on that.

**President Killion:** Yes, please find out more on that and share with the members tomorrow. Okay, we are still on Miscellaneous now. Any other matters under Miscellaneous Business?

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** My respect to all. <sup>2</sup>

[Applause].

**President Killion:** Thank you, Delegate Bossy, for those messages. Can you sing it and translate it into English?

**Delegate Nabeyan:** Yes, translation.

**President Killion:** Yes, Delegate Takesy.

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<sup>2</sup> Delegate Bossy sings two Chuukese songs welcoming and encouraging unity, service, and love with open hearts.

**Delegate Takesy:** Thank you, Mr. President. My respect to all of you. Thank you for acknowledging me as being present. I was held up in a budget hearing before Congress testifying on the budget for the Joint Committee on Compact Renegotiation for review and planning. Thank you.

**President Killion:** Thank you very much, Delegate Takesy, for that information. That is very important for our Nation.

**Delegate Samo:** Mr. President.

**President Killion:** Yes, Vice Chairman Samo.

**Delegate Samo:** I missed roll call as well. I was wondering if I was checked as present.

**President Killion:** Chief Clerk, was Vice Chairman Samo noted as -? Yes. Although you are there, you are noted as present for the session.

**Delegate Samo:** Thank you.

**President Killion:** Thank you. Alright, and the others shall be noted. Okay, moving on. Any other matters? Yes, Delegate –

**Delegate Susaia:** Mr. President, thank you, and my respects to you all. I just wanted to address, in short, the Communication provided by Chairman Fritz. This is an important issue, and I see the need to present the other side of the issue, because we are only looking at the revenues. We need to see the operational side of it. What are these – the functions that the National Government uses these funds for. For instance, the COM system, Foreign Affairs, our missions overseas controlling our EEZ and other national functions that will be affected by this distribution if we have to redistribute the funds. So, I hope that the Committee can provide – before the actual proposal is presented to the Convention – that such information is also provided. The information here is good, but we are only looking at one side of it. It presumes – to me when I go through it – it presumes that most of it is going into public projects. To me, this is the basis of concerns for the States. It has become very political, because – as you know, Mr. President – when a politician is funding a public project, he gains more votes than those that are not helping or providing funds for public projects. So, we shouldn't be concerned about – we need to look at the total picture so that we can hopefully make an informed decision and also help our people. Let them know and justify that this redistribution of revenues is needed to address concerns that have been raised or floating around that the National Government is in abundance of revenues and spending for political projects. We need to look at how these funds – redistribution of funds will affect functions also. Whether there is also need to cut down on all the government levels and operations. Not just the National Government, but also the States and Municipals. We need to decide if there really is a need if there is really a need for a municipal-level government. Some countries in the region have done away with provisional governments. Just the National and State. As we all know, this three-levels of government system was developed by the Americans during the Trust Territory days, because the National Government and Municipal Government were needed because of the constrains to reach people out in the

municipalities. But now, for example in Pohnpei, we have this conventional road, we have ships that go out to the outer islands, airplanes that go out to the other islands. We need to look at the total picture. Thank you. I will reserve my comments for when the proposal comes out.

**President Killion:** Thank you, Delegate Susaia. That is a very true statement. Again, to remind not only us but all leaders throughout the States, just know that the motion for that thing is to use our limited national resources to address our needs so that we can advance together and not only the few. The term “public projects” in and of itself is not a bad term but it is the uses that sometimes deviate from the term “public goods” to “individual needs.” Thank you. Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much, Mr. President. I would like to thank Delegate Bossy for those beautiful songs. We Kosraeans live for our singing – we are not ready yet to sing. Do not ask us to sing yet. But what we are ready for, given our marching orders from our leadership in Kosrae, is to come here and get as much revenue sharing as we can. And we are thinking of checking in excess on the plane when we go back with all this revenue sharing, but we are ready to vote for it because for Kosrae, we believe a lot of those fish are from Kosrae. They look like Kosraean fish to me. So, for the Kosrae Delegation we are ready – at least to me – to vote for as much revenue sharing for the State of Kosrae, which includes the other States of Chuuk, Yap, and Pohnpei. Thank you very much.

**President Killion:** Thank you very much, Chairperson Sigrah. Of course, the fish are not really Kosraean but FSM fish.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** I would like to go back to a statement made by my fellow Delegate of Pohnpei. I am just hoping that the Finance Committee, when we report out – because to me, the local governments are there for a reason that we do not go into – I think their budgets are addressed by the State Governments, so if we are to address the local governments then I hope that you are not thinking of taking away money from them because I do not think that we have any good reason to do that in this proposal. If we add money to it, I do not mind, but the proposal that we have – the local governments are a representation of our traditional leadership. So, that will be a big taboo on our part if we do that. Thank you.

**Delegate Cantero:** Mr. President.

**President Killion:** Thank you very much, Chairman Albert. Delegate Cantero.

**Delegate Cantero:** Thank you. I think that when we go to the next item on our agenda, Announcements, there will be an announcement put in place for the Committee to meet and that is exactly what we are looking for, Mr. Chairman – the chance to meet where all these things will be discussed collectively and out of the Committee. So, we are just waiting for that.

**President Killion:** Thank you, Delegate Cantero. And to our friends in Chuuk – Delegate Naich. Did you ask for the floor? We are still on Miscellaneous Business.

**Delegate Naich:** Thank you, Mr. President. I did not ask for the floor, but while you're asking, I would like to seize the opportunity to follow up on the statement again made by my good Delegate from Pohnpei about some sort of communication that was circulated about what will happen or may happen after the convention. This is referring to the public education program. Thank you.

**President Killion:** Thank you, Delegate Naich. Any other comments?

**Delegate Hashiguchi:** Mr. President.

**President Killion:** Yes, Delegate Hashiguchi? Is that you that asked for the floor? Go ahead.

**Delegate Hashiguchi:** Yes, thank you, Mr. President; my respects. I just want to personally express how much I agree with Delegate Susaia on how much we need to fully support also – you know, the bigger picture – the need for other functions to continue. I think that is more reason why we need to work hard on our Finance Committee to conduct more hearings as we remember our late Chairman Sitan conducted quite a bit of hearings to the affected agencies or offices so we can gather as much information as we [inaudible].

**Delegate Choor:** Mr. President.

**President Killion:** Delegate Hashiguchi, are you still on? You're breaking up. I think we are having technical problems. Delegate Hashiguchi, are you still on? Continue if you still have more – perhaps...

**Delegate Choor:** Recess.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:38 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:47 a.m.

## **ANNOUNCEMENTS**

**President Killion:** We are now back to session. Before we went into recess, we were wrapping up on Miscellaneous, and now we are on Announcements. Chairman Fritz, you had announced that the Committee on Finance and Revenue will have its meeting to review its information at 1:00 p.m. to 2:30 p.m. after which the Committee on Government Structure and

Functions will have its meeting on pending measures. That was what was said during the recess off the record. So, continuing on. Any other announcements by the other Committees' Chairpersons? Yes, Chairman Saimon?

**Delegate Saimon:** Thank you, Mr. President. Your Committee on Style and Arrangement will be meeting tomorrow at 1:00 p.m. or right after the Plenary session. But, we cannot go forward on that if – I think I had given Vice Chairman Naich a role to add on to the Committee Report – this is on the seabed matters – the language that you were to send to the Legal Counsel. Delegate Naich, if you have not done that, please do that today. Thank you.

**Delegate Naich:** Yes, thank you, Chairman Saimon. I have received the report. I have reported to the Chief Legal Counsel, but I have technical difficulties with my scan machine. I will send it in as soon as I can. Probably tomorrow. Thank you.

**President Killion:** Thank you, Vice Chairman Naich.

**Delegate Nabeyan:** May I?

**President Killion:** Again, to reiterate, the Committee on Style and Arrangement will have its meeting tomorrow at 1:00 p.m. and also to get the information from your Vice Chairman Naich which are pertinent to the issue discussed. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. As I understand it, what Chairman Saimon is talking about in respect to the contribution from Delegate Naich, is a historical narrative to the provision that is involved. I think that these days – because we are talking about a report out of Style and Arrangement, maybe that will not be the proper place for it. Maybe the Delegate can submit his contribution in written form to the Plenary tomorrow to be part of the record? Thank you.

**President Killion:** Thank you very much, Chairman Nabeyan. I guess that is the prerogative of the Style and Arrangement Committee, but they are just finalizing the proposals. Yes, I agree, Chairman Nabeyan. Point is well taken. That kind of information should be shared, especially with the appropriate Committees. Okay, we are still on Item No. 15: Announcements. Chairman Albert, do you have any? Chairperson Sigrah?

**Delegate Sigrah:** Thank you, Mr. President. Your Committee on General Provisions will meet tomorrow at 2:00 p.m. or shortly after the meeting ends for the Committee on Style and Arrangement. And we will be deliberating on all pending proposals. We want to finish up by this week. Thank you.

**President Killion:** Thank you, Chairperson Sigrah. So, tomorrow at 2:00 p.m., Committee on General Provisions will be meeting after the Committee on Style and Arrangement. Okay, any other announcements by the other Committee or Delegation Chairpersons?

**Delegate Cantero:** Can I please?

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Yes, the Style and Arrangement meeting tomorrow. That is only for the seabed?

**President Killion:** Chairman Saimon?

**Delegate Saimon:** That is correct. That is the only one that we have right now.

**President Killion:** Okay, the response is affirmative. Any other announcements? Okay, if none, Floor Leader?

**Floor Leader Yatilman:** I move that we stand in recess until 10:30 a.m. tomorrow to allow Delegate Liwy to finish class and be here.

**President Killion:** Any second?

**Delegate Susaia:** Second.

**President Killion:** Okay, under our rules, it is supposed to be 10:00 a.m. but you can come in late, so that is the motion. We will recess until tomorrow at 10:30 a.m. Okay, there are no discussion, all those in favor of the motion that we stand in recess until tomorrow at 10:30 a.m., say "Aye." All those opposed, say "Nay." Motion carried. So, tomorrow at 10:30 a.m. or 10:30 a.m. Thank you.

President Killion declared the Convention recessed at 11:53 a.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon  
Journal Clerk

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**THIRTY-EIGHTH DAY**

Thursday, June 16, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:40 a.m., Thursday, June 16, 2022.

**President Killion:** Our session has now come to order.

### SILENT PRAYER

**President Killion:** May we observe a moment of silent prayer and in our prayers, please pray for those of our people who are in need – who are right now experiencing problems throughout our Nation, as well as outside. So, I hereby call for moment of silent prayer. Thank you.

### ROLL CALL

**President Killion:** Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 22 Delegates are present.

(Absent: Delegate Hashiguchi; Late: Delegate Takesy)

**President Killion:** Thank you, Chief Clerk. So, we have almost full house, therefore we have a quorum so that we can conduct business.

### ADOPTION OF JOURNAL

**President Killion:** Adoption of Journal, Mr. Floor Leader.

**Floor Leader Yatilman:** Short recess, Mr. President.

**President Killion:** Short recess called for.

President Killion declared the Convention recessed at 10:43 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 10:43 a.m.

**President Killion:** I now call our session back to order. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adopt the Journals of the 32th Day, 33rd Day, and 34th Day.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that the said Journals for those days as noted by Floor Leader shall be adopted. Discussion? If no discussion – for the record those copies of the Journals for those days as noted have been provided to each and every one of us. If no discussion on the matter, let us vote. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Continuing down to Item No. 5: Communications.

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 5: Communications, we have none.

### UNFINISHED BUSINESS

**President Killion:** Thank you. Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None also, Mr. President.

### REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No. 7: Reports of Committees.

**Chief Clerk Reyes:** Mr. President, none at the moment; no reports.

### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you, Chief Clerk. Item No. 8: First Reading of Committee Proposals.

**Chief Clerk Reyes:** None also, Mr. President.

**President Killion:** Thank you.

**Delegate Bossy:** Point of privilege.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** I call for a recess, please.

**President Killion:** Recess is hereby called for.

President Killion declared the Convention recessed at 10:45 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 10:59 a.m.

**President Killion:** Our session is now back to order. Before we went into short recess, we were on Item No. 8: First Reading of Committee Proposals. Any other discussion on that matter?

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** If none, moving on to Item No. 9: Second Reading of Committee Proposals, Chief Clerk.

**Chief Clerk Reyes:** Yes. Mr. President we have one that is on Committee Proposal No. CC-PR-4-09 for Second Reading from your Committee on Government Structure and Functions, but first subject to review from Committee of the Whole or COW.

**President Killion:** Okay. I declare a short recess.

President Killion declared the Convention recessed at 11:00 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:01 a.m.

**President Killion:** I now call our session back to order. Before we went into short recess, we were on Item No. 9: Second Reading of Committee Proposals. As it was noted by Chief Clerk, the committee proposal for consideration for Second Reading is Committee Proposal No. CC-PR-4-09. Under our rules for Second Reading, I hereby resolve our Plenary into the Committee of the Whole. Therefore, Chairman of the Committee, Chairman Asher, shall take over the discussion. Chairman Asher? Thank you.

COW Chairman Asher called the Committee of the Whole to order at 11:02 a.m., Thursday, June 16, 2022.

There is a rise to Plenary at 11:09 a.m., Thursday, June 16, 2022.

**President Killion:** I hereby call for a short recess.

President Killion declared the Convention recessed at 11:09 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:14 a.m.

**President Killion:** We are now back to session. May I request the Chairman of COW, Chairman Asher, to make the report of the Committee of the Whole.

**Delegate Asher:** Thank you, Mr. President. Your Committee of the Whole has considered Committee Proposal No. CC-PR-4-09, and I am pleased to report that your

Committee recommends that the proposal be referred to the Convention Plenary for Second Reading voting. Thank you, Mr. President.

**President Killion:** Thank you, Chairman Asher. So, we are on that motion for Second Reading. Do I hear a motion? Mr. Floor Leader, we are ready for Second Reading. So, Second Reading will be voting by Delegation. Majority of the four votes. If no objection, I hereby call the votes. Chief Clerk?

Chief Clerk Reyes takes the Delegations' votes.

**Chief Clerk Reyes:** Mr. President, all four States voted for the said proposal under Second Reading.

**President Killion:** Thank you, Chief Clerk. Therefore, that particular Committee Proposal No. CC-PR-4-09 has passed on Second Reading. Thank you. Let's give a round of applause. Thank you very much for that accomplishment.

[Applause]

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Okay, moving on to Item No. 10: Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None, Mr. President.

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Thank you. Item No. 11: Consideration of Resolutions.

**Chief Clerk Reyes:** We do not have any resolutions, Mr. President.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** We have, Mr. President a Referral Sheet No. 4-23.

**President Killion:** Thank you. That particular Referral Sheet No. 4-23 – it is attached to the Order.

#### SPECIAL ORDERS

**President Killion:** If no other discussion, moving on to Item No. 13: Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Item No. 14: Miscellaneous Business. Does any Delegate have any miscellaneous business for discussion for today's session?

**Delegate Susaia:** Mr. President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** I am not sure if this is the appropriate part of the calendar to make a motion on behalf of my colleague, Delegate Bossy – to make a motion that the Plenary approve the withdrawal of Committee Proposal No. CC-PR-4-05 without the Committee Report from the Committee of Civil Liberties and Traditions.

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:18 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:26 a.m.

**President Killion:** We are now back to Plenary session. We are on Item No. 14: Miscellaneous Business. Does any other Delegate wish to – yes, there is that particular issue relating to the Amended Emergency Regulation Declaration for the quarantine in the FSM.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Upon reading the Emergency Regulation, it is not clear whether or not now we can fly from Honolulu to Guam and then straight to Chuuk or Pohnpei without going into the – what Delegate Susaia said – pre-quarantine in Guam. What is the intent from our good President? Does he mean that now we can directly just go straight to the States subject to the quarantine requirements?

**President Killion:** Thank you, Chairman Fritz. Perhaps –

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader can answer that as member of the Task Force.

**Floor Leader Yatilman:** Yesterday, I had said that I would get more information, and I am still looking at my phone because Health said that they would call me this morning, and they have not called yet. So, we do not have an answer for you yet. Maybe if not now, then tomorrow. Thank you, Mr. President.

**President Killion:** Thank you, Mr. Floor Leader. We need that information so that it is clear so that when we fly in, we don't run into any problems. Alright. Chairman Fritz, is that okay?

**Chairman Fritz:** I thank the good Floor Leader, but hopefully that answer is forthcoming. But my concern relating to this is that this morning I read in the news that Dr. Fauci is infected with the virus. Dr. Fauci had two or four shots, so it means this COVID-19 and its variants are very strong, and my request is to make sure that our National and State appropriate Task Forces work together to ensure that this terrible disease actually does not reach our shore, and if it does reach our shore, protective activities are there to make sure that it does not spread and kill our poor citizens. But Dr. Fauci, who is an expert on this – he got infected despite four shots.

**President Killion:** Thank you, Chairman Fritz. What you had said is very valid. Of course, we have to protect ourselves, but I know that Dr. Fauci will not die from the disease; he may die from other things. Thank you. Alright, Floor Leader, do you have any other clarification on that matter?

**Floor Leader Yatilman:** No, actually I was just going to say that opening up the border on August 1, 2022 is really us saying that we are ready to allow the virus to come into the country.

**President Killion:** Well, sometimes you have to be bold to accept whatever comes but opening up does not mean we are going to die of the virus. We have plenty viruses all over the FSM, but we are okay. Thank you. Anyways – but I know our governments, National and State, are taking precautions and advising our citizens. Especially the vaccination needs to continue. Okay. So, Floor Leader you seem to be disagreeing with the President on the opening up of the –

**Floor Leader Yatilman:** Mr. President, do not put words in my mouth.

**President Killion:** Well, there is nothing wrong with disagreeing because this is a democratic country, so I –

**Floor Leader Yatilman:** No, I am part of the team that recommends to the President to –

**Delegate Susaia:** Mr. President, are we in recess?

**President Killion:** No, we are not in recess.

**Delegate Susaia:** Oh, so his statement is recorded?

**President Killion:** Yes, anyone can say anything. Alright, Floor Leader? You are clarifying the matter, right? As a cabinet and also—

**Floor Leader Yatilman:** Well, I know that that is the truth. That is what it is —

**President Killion:** What's the truth again?

**Floor Leader Yatilman:** We have to open up. So, when we open up on August 1, 2022, we are ready to —

**President Killion:** We are ready.

**Floor Leader Yatilman:** — accept the virus to enter the country. That's exactly what it is.

**President Killion:** Well, it's already here, so what's new?

**Floor Leader Yatilman:** Thank you.

**President Killion:** We just have to be protective. Thank you very much for the information. Thank you, Mr. Floor Leader. Alright, any other miscellaneous business?

**Delegate Cantero:** Yeah, Mr. President.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** On a more positive note, I thought it's relevant for me to just express my deep appreciation to Chairman Nabeyan for leading the committee that was designed to review the proposal that we just adopted. From me as a delegate, personally, I just wanted to say thank you to him as well as the members of the committee. I think the work that was done was excellent. And it's good to see that the vote reflects four out of four. To me that confirms ownership of it and that confirms our commitment when it comes to the ballot for us to take it forward for advocacy and hopefully success. But thank you so much to Chairman. I really appreciate it. Thank you.

**President Killion:** Thank you very much for that point. Okay, any other miscellaneous business that anyone wishes to share before we move on? If none —

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Delegate Kanto.

**Delegate Kanto:** I'm sorry to delay our meeting further, but I'm a curious person and I have not been secured totally while on this island. So, I would like to know, if possible, I had learned yesterday the leadership — you had an Executive meeting. Is it possible that you guys share with us outcomes of your meetings? Thank you.

**President Killion:** What meetings are you talking you about? We have a lot of issues we discuss. I just want to ensure that our business moves on. Yes, so do not worry; nothing secret. We are just – we are dealing with a lot of issues. Unless, maybe Floor Leader, you want to just –

**Delegate Kanto:** Well, Mr. President, I am asking because until now, I do not have a car rental. I am running around in somebody else’s car, and I do not know if there will be payment or not. You guys told me, but I am not sure anymore.

**President Killion:** Okay, I declare a short recess.

President Killion declared the Convention recessed at 11:33 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:42 a.m.

**President Killion:** We are now back to session. Before we went into recess, we were on Item No. 14: Miscellaneous Business. Any other matters from anyone?

### **ANNOUNCEMENTS**

**President Killion:** If none, announcements from the various Chairpersons.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** I think that as we are discussing it during the recess, it seems to me that this Plenary session for tomorrow will be delayed to 1:00 p.m., and if that is the case, then the Committee on Finance and Revenue will move up its markup session to continue on what we did yesterday to 10:00 a.m. until we, hopefully, wrap up the pending issues in that particular proposal. So, tomorrow at 10:00 a.m., the Committee on Finance and Revenue will begin its meeting here. And I request our colleagues from Chuuk who are members of the Committee to please attend so that we can have a quorum to transact business.

**President Killion:** Thank you, Chairman Fritz. So, the Committee on Finance and Revenue tomorrow morning at 10:00 a.m. since we are not going to have session.

**Chairman Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Chairman Nabeyan:** Thank you. Your Committee of Government Structure and Functions will have its meeting tomorrow after Plenary. Thank you.

**President Killion:** Alright, thank you, Chairman Nabeyan. Committee on Government Structure and Functions will have a meeting tomorrow after Plenary tomorrow afternoon. Thank you. Yes, Chairman Albert.

**Delegate Albert:** Thank you. This is for the Pohnpei Delegation, so I will just speak our language. Isohko, ma e konehng, kitaihl ketin ehupene ma mwurin meeting rahnwet.

**Delegate Iriarte:** Iahd?

**Delegate Albert:** Mwein mwurin te a imwsekla.

**Delegate Iriarte:** Okay, mwahu.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Chairman Nabeyan. Thank you, Chairman Albert. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I just – it was mentioned in Miscellaneous – I wanted to express the Committee’s appreciation to Delegate Cantero’s kind statement earlier. But as Chairman of the Committee, I would like to point out that actually the real praise should really go to the proponents who introduced the various proposals – the subject matter of the Independent Prosecutor measure. Because it was the wisdom in their proposals that actually guided the work that we did and also the wisdom, intellect, and decisions from the members of the Committee really helped, so, thank you.

**President Killion:** Thank you very much. We are still on Announcements but – yes, Chairman Saimon.

**Delegate Saimon:** Ahi tungoal sakaradahn wahu maing Isohko. The Committee on Style and Arrangement will meet right after the Pohnpei meeting. The notice is for 1:00 p.m., but if the Pohnpei meeting finishes before that, if we could make it earlier that would be good. So, members please do not leave. Today, I mean. Thank you.

**President Killion:** Thank you, Chairman Saimon. So, your Committee on Style and Arrangement is –

**Delegate Saimon:** I’m sorry, the meeting for Pohnpei – the Pohnpeian statement made by Noahs, Delegate Albert, is for the Pohnpei group to meet immediately after this meeting. Iso approved it, so we will be meeting immediately after this meeting. After that – if would could start convening on the Style and Arrangement – that would be good because we have one small thing to report out or finish up today. Thank you.

**President Killion:** Thank you, Chairman Saimon. So, your Committee on Style and Arrangement will meet after your Pohnpei Delegation meeting, whenever that is done.

**Delegate Saimon:** That is correct. The announcement is for 1:00 p.m., but there are other meetings after that so it would be good to do it if possible before 1:00 p.m.

**President Killion:** Alright, thank you, Chairman Saimon. Chairperson Sigrah.

**Delegate Sigrah:** Thank you Mr. President. The Committee on General Provisions will meet today following right after the Committee of Style and Arrangement. The notice went out for 2:00 p.m., but we will linger around waiting for it to start. Right after that we hope to complete our work on Standing Committee Report No. CC-SCR-4-14 which was referred back again for us to do some more work on it. Other pending proposals – and this may be appropriate under the Miscellaneous Item – but whatever the rule said, the General Provisions Committee members are not taking in any more new proposals. This is the human part of it, not the “written rules” part of it, but because our minds are closing out on new proposals. And so, maybe today if you don't get your feet in, then the human part of us are closing you out. So that is an announcement for whoever wants to bring in a new proposal; get it in, or you miss the boat. Thank you.

**President Killion:** Thank you, Chairperson Sigrah. We are all human, so we follow your suggestion. Thank you. Any other announcements?

**Delegate Cantero:** Can I just say some clarifications, Mr. President?

**President Killion:** Yes.

**Delegate Cantero:** So, the Style and Arrangement Committee will be looking at the seabed proposal, and I suspect after that, we will also look at the Independent Prosecutor proposal.

**Delegate Saimon:** The Independent Proposal is already done today for Final – yes, it goes to Style and Arrangement, but it has not been announced, so I will make an announcement for that another time.

**President Killion:** Okay, thank you. Any other announcements from any of the Chairpersons? Okay, I guess we have all the schedules for after lunch and moving on to tomorrow. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we stand in recess until 1:00 p.m. tomorrow afternoon.

**President Killion:** Any second?

**Delegate Mori:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow at 1:00 p.m. Any discussion? If none, let us vote. All those in favor, say “Aye.” All

those opposed, say “Nay.” Motion carried. So, we will stand in recess until tomorrow at 1:00 p.m. See you all then. Thank you.

President Killion declared the Convention recessed at 11:50 a.m. until subject to call of the Chair.

Respectfully submitted,  
/s/  
Krystal S. Saimon  
Journal Clerk

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**THIRTY-NINTH DAY**

Friday, June 17, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 1:18 p.m., Friday, June 17, 2022.

**President Killion:** I now call our session to order.

**SILENT PRAYER**

**President Killion:** May we observe a moment of silent prayer please.

**ROLL CALL**

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 19 Delegates are present.

(Absent: Delegate Arnold, Delegate Naich, Delegate Mori; Late: Delegate Iriarte, Delegate Samo)

**President Killion:** Thank you, Chief Clerk. Therefore, we have a quorum to conduct business this morning.

**ADOPTION OF JOURNAL**

**President Killion:** Okay. We are now on to Item No. 4: Adoption of Journal. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we defer action on Item No. 4 which is Adoption of the Journal.

**President Killion:** Okay, any second?

**Delegate Bossy:** Second.

**President Killion:** Okay. It has been moved and seconded that the said Journal be deferred to the next Plenary session. Discussion? If none, all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Moving on. Item No. 5: Communications. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. For Communications, we have Agency or Governmental Authority Communication No. 4-2.

**President Killion:** Thank you. That is pertaining to a response letter from Chairperson of FSM Development Bank Board of Directors, Sihna Lawrence. This is regarding the request to appear in front of our Committee.

**Delegate Asher:** Mr. President. Recess.

**President Killion:** Yes, recess.

President Killion declared the Convention recessed at 1:22 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 1:24 p.m.

**President Killion:** We are now back to session. We are still on Item No. 5: Communications, and a Communication from Chairperson Lawrence was noted.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Floor Leader.

**Floor Leader Yatilman:** I move that we withdraw Agency or Governmental Authority Communication No. 4-2 from the calendar.

**Delegate Takesy:** Second.

**President Killion:** It has been moved and seconded that the said Communication be withdrawn from today's Order. Discussion? If none, all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried. Therefore, that particular Communication is withdrawn from today's Order.

The motion carried by voice vote of Delegates.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move to suspend the Order of the Day and go ahead to Item No. 14.

**Delegate Cantero:** Second.

**President Killion:** Okay, it has been moved and seconded that we suspend our Order of Business and drop down to Item No. 14: Miscellaneous Business.

**Delegate Bossy:** Point of privilege.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** I would like to ask the Floor Leader that before we go into Miscellaneous Business, can I first do my motion to withdraw a proposal.

**President Killion:** I move for a short recess.

President Killion declared the Convention recessed at 1:26 p.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 1:29 p.m.

**President Killion:** I now call our session to go back to order. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I withdraw my motion.

**President Killion:** Thank you. Therefore, the second is also withdrawn because there is no more motion. So, we are back to the Order.

## **UNFINISHED BUSINESS**

**President Killion:** We are on Item No. 6, now. Right, Chief Clerk? Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None at the moment, Mr. President.

REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No. 7: Reports of Committees.

**Chief Clerk Reyes:** Also none, Mr. President.

FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Moving on. Item No. 8: First Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

**Delegate Bossy:** Mr. President.

**President Killion:** Delegate Bossy.

**Delegate Bossy:** I make a motion to withdraw Committee Proposal No. CC-PR-4-05.

**President Killion:** You are moving for that.

**Delegate Bossy:** So move.

**President Killion:** Any second?

**Delegate Choor:** Second.

**President Killion:** Okay. It has been moved and seconded that the said proposal be withdrawn from the Committee.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes.

**Delegate Bossy:** I move that the Committee Proposal No. CC-PR-4-05 be placed on the calendar.

**President Killion:** Move for a short recess.

President Killion declared the Convention recessed at 1:31 p.m., subject to call of the Chair.

**RECESS**

The Convention reconvened at 1:46 p.m.

**President Killion:** Now, back to session. We are now on Item No. 8. So, there was a motion by Delegate Bossy, which was seconded, to withdraw Committee Proposal No. CC-PR-4-05. Now, we have to discuss and vote on that motion. Discussion? Chairman Nabeyan?

**Delegate Nabeyan:** This is not in my committee; it is actually Delegate Albert's committee. However, it should have been assigned to the Committee on Government Structure and Functions. But before I respond, I would like to know what to respond to, so I think it is better to hear from Delegate Bossy the justification for the withdrawal. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. But again, each of us are entitled to do anything so – but in all due respect, Delegate Bossy. What is your interest again? Can you further elaborate on your motion?

**Delegate Bossy:** Thank you, Mr. President. On this particular proposal, I only need – from Honorable Delegates – to give me the clear understanding on this proposal – our position on it. And I do understand that we are not going to pass this particular proposal. So, for me to go back to my people in region No. 2, Northern Namwoneas – because I had already explained to them that there is a proposal of direct election of the President and Vice President of the Nation, and they might be wondering why it is not on the referendum when they are given that time to ratify whatever proposals we pass during this Convention.

**Delegate Albert:** Mr. President –

**Delegate Bossy:** I am not pushing the proposal, but I am just gathering my understanding on this particular proposal. Thank you, Mr. President.

**President Killion:** Thank you, Delegate Bossy. Yes, Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. Maybe it is proper that I also speak to this proposal since it was assigned to our Committee on Civil Liberties. Foremost, I think that this is one of the first proposals that we filed indefinitely. And if my memory serves me correctly, first – about two years ago when this proposal was discussed, I believe the Committee determined that it should be under a different committee rather than ours. It has nothing to do with Civil Liberties and Tradition. Secondly, I believe Mr. Bossy was not present during – or he was present because he is a member of our Committee, but there was a unanimous decision that we file this proposal. So, what happened afterwards, I cannot really speak to it, but that is what I can recall at the moment. Thank you

**President Killion:** Thank you, Chairman Albert, for that information.

**Delegate Susaia:** May I say something?

**President Killion:** Delegate Susaia. We are still on the motion to withdraw.

**Delegate Susaia:** Since I introduced, with others, this proposal – and with all due respect to my Delegate Bossy – I am one of those who believes that the method of electing our President

and Vice President – the way it is currently worded in our Constitution needs to be improved. And as we all know, we are here to improve on the language or the methods on things – revenue sharing or what have you. So, at first, I thought this would be a better approach, but after sleeping on it for several months and almost years, I thought that maybe this may not be the best way to do it. As a matter of fact, I have introduced – just recently – another approach. And I know that the proposal is assigned to Government, Chairman Nabeyan’s Committee, which – essentially, I know you are all aware of – which is to increase the at-large senators of each State to two senators because those are the eligible senators that can become either President or Vice President. That approach, to me, is better than this. So, with all due respect again to Delegate Bossy, I would ask that we defer, or we defeat this and instead consider what Chairman Nabeyan said he will be reporting out soon. But like I said, we are here to see what we can improve on how our government operates – to review the existing provisions of the Constitution and see what we think should be improved. The way I see it, one of the things that I think should be improved, is how our Presidents and Vice Presidents are elected. Like I said, in the very beginning of our Convention, I thought that that would be the best way to do it. But now, I think that there is another option that is a bit better than this. So, I would ask that we defer this – or whatever you want to do with it, table it – and consider seriously the other approach in the other proposal that I introduced – I believe – last week or several weeks ago when I was in quarantine. Thank you, Mr. President.

**President Killion:** Thank you very much, Delegate Susaia, for the elaboration on your reasoning –

**Delegate Nabeyan:** Mr. President.

**President Killion:** – for deferring on this matter. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** I move for the previous question.

**Delegate Liwy:** Second.

**President Killion:** Okay, it has been moved and seconded that we stop debate. Then, all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Now, we can move forward and vote on the main motion to withdraw Committee Proposal No. CC-PR-4-05. We require the minimum of 13 affirmative votes for the passage. Alright. Roll call; it is going to be by roll call. Show of hands. Okay, ready to vote. All those in favor of the motion as proposed by Delegate Bossy, raise your right hand. All those opposed to the motion, raise your right hand.

Chief Clerk Reyes tallies the hand votes.

**President Killion:** Before you announce, I request a short recess.

President Killion declared the Convention recessed at 1:55 p.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 1: 56 p.m.

**President Killion:** Let us go back to session. A while ago, we took a vote on the motion to withdraw Committee Proposal No. CC-PR-4-05 from the Committee. I wish to ask the Chief Clerk to read out the tally.

**Chief Clerk Reyes:** Yes, Mr. President. We have a total of 10 affirmative votes, and 9 against.

**President Killion:** Therefore, as per our rules, that motion did not carry because there are not enough – it did not meet the minimum of 13 votes. Thank you.

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** So, moving on. Item No. 9: Second Reading of Committee Proposals. Chief Clerk?

**Chief Clerk Reyes:** None, Mr. President.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Item No. 10: Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** None also, Mr. President.

## CONSIDERATION OF RESOLUTIONS

**President Killion:** Thank you. Item No. 11: Consideration of Resolutions.

**Chief Clerk Reyes:** Mr. President, as of now, we do not have any resolutions.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Thank you, Mr. President. Kindly note that we do not have a referral sheet.

### SPECIAL ORDERS

**President Killion:** Thank you. Item No. 13: Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Item No. 14: Miscellaneous Business. Does any Delegate have any miscellaneous business to bring forth for discussion? If none –

**Delegate Albert:** Point of privilege.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** I see that our Delegation Chairman has joined us, so if it could be reflected in the record.

**President Killion:** Thank you very much, Chairman Albert. It shall be noted that the Vice President Iso Nahnken Salvadore Iriarte just joined us. It shall be noted. Of course, likewise, Delegate Hashiguchi has – oh, that was noted in roll call – Vice Chairman Samo, who are, again, still joining our session by virtual means. Okay, thank you, Chairman Albert. It shall be noted. We are still on Miscellaneous Business. Does anyone have any other miscellaneous business? Yes, Floor Leader?

**Floor Leader Yatilman:** Short recess.

**President Killion:** I declare a short recess, please.

President Killion declared the Convention recessed at 1:59 p.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 2:00 p.m.

### ANNOUNCEMENTS

**President Killion:** We are now back to session. We are on Announcements. Mr. Floor Leader raised the issue; it shall be noted. Okay, any other announcements by any of the Chairpersons. Yes, Chairman Fritz.

**Delegate Fritz:** Thank you very much, Mr. President. Your Committee on Finance and Revenue will be meeting tomorrow at 12:00 p.m. here. This meeting was scheduled for today, but because two of our colleagues are attending the graduation at Xavier, we are unable to meet. But for tomorrow, they have agreed to show up, and we will meet at 12:00 p.m. Now, may I also request the Honorable members – there is a draft circulated by our Counsel on the matter that is pending in front of the Committee. I respectfully and seriously request you to study it, and hopefully we can put our minds together so that we can actually move the subject forward. Otherwise, I think we are looking to some storm coming up down the road. Thank you.

**President Killion:** Thank you, Chairman Fritz, for that announcement. I encourage the members of Revenue –

**Delegate Albert:** Mr. President.

**President Killion:** – to pay attention to the report draft which is being circulated, as noted by Chairman Fritz.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Just maybe this one will be towards Kathe. Some of us are not members of the Committee, so can you please also circulate what is for review to all the members?

**President Killion:** Alright. That is in line with our policy on transparency and unity for all of us to work together. Thank you.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** I would think that each Delegation has members in all of the Committees, and if the members are given copies, they should be willing to share with those other Delegates who are not members. Our Committee on Finance and Revenue would like all of us to deal with this so she can provide the copies to you, but – really – I think that each of the Delegations members can share with their own State Delegation. Then consider them and then move forward.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Thank you, Chairman Fritz, but again, we need to share all the information as much as possible. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. Your Committee on Government Structure and Functions will have its meeting after Plenary today, so I ask all members to please – we need a quorum to dispose of business, because I think, hopefully today, we can conclude. If not, maybe one more day, but we need to have the quorum to do that. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. So, today after the Plenary session this afternoon, your Committee on Government Structure and Functions will have its meeting. Thank you.

**Delegate Cantero:** Sir, if I could just add.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** I will make an effort to, as a member of the Finance Committee, to xerox this and make sure that it is provided to Pohnpei Delegation at the request of the Chair. Let me also join him in also encouraging each and every one of us to take a look at the proposal – the languages in place. Please take a look at it. I join the Chairman in encouraging us to take a look at it very carefully. Its impacts are quite significant, so please – all of us – let us take a look at it so that we can come to an arrangement that actually is suitable to the country. So, please review it.

**President Killion:** Thank you very much, Delegate Cantero, for that point. Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. Ahi tungoal sakaradahn wahu pahn kupwuroan Isohko, Noahs, koaruhsioa. Mr. President, the Committee on Style and Arrangement was not able to meet yesterday because we did not have quorum. We have two matters in front of the Committee that we need to discuss. Tomorrow is my next slot for hearing, but, usually, certain members are too busy with Saturday work that they normally do on Saturdays – for Pohnpeians – and some of my colleagues, it is a time to fish for their families and supplement their food. So, my next slot is on Tuesday for the Committee. I am giving the Committee hopefully sufficient notice so we do not run into a quorum problem again. So, please, Tuesday at 1:30 p.m.; do not forget that. Thank you.

**President Killion:** Thank you, Chairman Saimon. So, instead of tomorrow, it is going to be on Tuesday.

**Delegate Saimon:** That is correct.

**President Killion:** Tuesday, next week. Thank you very much, Committee on Style and Arrangement Chairman. Any other announcements? Chairperson Sigras.

**Delegate Sigras:** Thank you, Mr. President. The Committee on General Provisions will take a break tomorrow. No meeting; we're going fishing. We deserve it. And we won't meet until we receive our allowance. We're on a strike. No, on a serious note, we will meet on

Monday at 8:30 p.m. – this coming Monday. And hopefully, that is our last meeting. And we will take a break after that. See you Monday morning. Thank you.

**President Killion:** Thank you, Committee Chairperson Sigrah. Again, I guess in preparation for the FSMDB, they are going to come with the summons. Thank you. On Monday, the Committee on General Provisions, chaired by Madam Chairperson Sigrah. Any other announcements?

**Delegate Palsis:** Mr. President.

**President Killion:** Yes, Chairman Palsis.

**Delegate Palsis:** Thank you. I am calling a super brief meeting for the Kosrae Delegation before the TSF (38:07) meeting or immediately after we recess today.

**President Killion:** Thank you, Chairman Palsis. So, Kosrae Delegation, you have been requested to meet immediately after this afternoon's session. Okay, other announcements by any of the Chairmen? Chairman Nabeyan.

**Delegate Nabeyan:** Considering Chairman Palsis' request, our Committee meeting will start 20 minutes after Plenary to give the Kosrae Delegation time to meet. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. So, the Committee on Government Structure and Functions will meet 20 to 25 minutes after the Plenary to allow Kosrae Delegation to meet, as announced by Chairman Palsis. Okay, any other announcements? Yes, Delegate Takesy.

**Delegate Takesy:** Yes, Mr. President. I was going to speak under Miscellaneous, but it really is not miscellaneous. I would like to – for the record – to explain my vote for withdrawing the measure that Delegate Bossy had attempted to do. The subject matter in that proposal is of – as Delegate Susaia happily alluded to – extreme importance for this Nation. Given the political situation, some of us have spoken to it by introducing the proposal. I believe there are eight proposals speaking to that subject, so there is no lack of demonstration of interest. I thought that Delegate Bossy made a reasonable plea that this matter be put before this Convention, so that we can speak to the issue and put it to rest. So, that the people – his constituents – understand why this Convention decided not to act on it or reasons for it and against it. So, that was the reason that I thought that we needed to air this important issue. Unfortunately, the motion was defeated. Thank you.

**President Killion:** Thank you very much, Delegate Takesy. I also share your concern; it is very important for our Nation, especially on that particular matter. So, although it was defeated, but I guess that since it is recorded, information can be still shared with our citizen abroad, all over FSM – that we treat this as a very important matter. Thank you. Okay, any other announcements? If none, Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we stand in recess until 10:00 a.m. on Monday.

**President Killion:** Any second?

**Delegate Bossy:** Second.

**President Killion:** No debate. It has been moved and seconded that we stand in recess until 10:00 a.m. on Monday. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried. Our session is now in recess until Monday. Thank you.

President Killion declared the Convention recessed at 2:00 p.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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## **FOURTIETH DAY**

Monday, June 20, 2022

### **CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 11:13 a.m., Monday, June 20, 2022.

**President Killion:** I now call our session to order.

### **SILENT PRAYER**

**President Killion:** May we observe a moment of silent prayer please.

### **ROLL CALL**

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 20 Delegates are present.

(Absent: Delegate Arnold, Delegate Takesy, Delegate Yatilman; Late: Delegate Naich)

**President Killion:** Thank you, Chief Clerk. Therefore, we have a quorum to conduct business this morning. First of all, I wish us to welcome back Vice Chairman Samo, who had just joined us this morning. Welcome, Vice Chairman Samo to our Convention. And also, since our Floor Leader is not here this morning – he may be joining us later – I hereby appoint our Chairman of the Committee of the Whole, Delegate Chairman Asher, to be the Acting Floor Leader for this morning’s session. Thank you.

#### ADOPTION OF JOURNAL

**President Killion:** So, moving on to Item No. 4: Adoption of Journal. Acting Floor Leader?

**Acting Floor Leader Asher:** Thank you, Mr. President. I move that we defer action on Item No. 4 which is Adoption of the Journal.

**Delegate Liwy:** Second.

**President Killion:** Thank you. It has been moved and seconded that the said Journal be deferred to the next Plenary session. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

#### COMMUNICATIONS

**President Killion:** Thank you. Item No. 5: Communications. Chief Clerk?

**Chief Clerk Reyes:** None at the moment, Mr. President.

#### UNFINISHED BUSINESS

**President Killion:** Thank you. Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None also, Mr. President.

#### REPORTS OF COMMITTEES

**President Killion:** Thank you, Chief Clerk. Item No. 7: Reports of Committees.

**Chief Clerk Reyes:** Mr. President, for Reports of Committees, we have one and that is Committee Report No. CC-SCR-4-11 on Committee Proposal No. CC-SCR-4-03 from your Committee on Style and Arrangement for adoption.

**President Killion:** Acting Floor Leader.

**Acting Floor Leader Asher:** Thank you, Mr. President. I move that we adopt Committee Report No. CC-SCR-4-11.

**Delegate Choor:** Second.

**Delegate Fritz:** May I request a short recess?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 11:17 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:21 a.m.

**President Killion:** We are now back to session. A while ago before recess, we were on Item No. 7, consideration of Committee Report No. CC-SCR-4-11. There was a motion for deferment to the next Plenary day, which is on Wednesday.

**Delegate Nabeyan:** Point of order, Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** There was no motion for deferral in session; the motion was to adopt. Thank you.

**President Killion:** Sorry. Thank you, Chairman Nabeyan. So, there was a motion to adopt Committee Report No. CC-SCR-4-11 pertaining to Committee Proposal No. CC-PR-4-03.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** That is why I had called for the recess. So I could explain what I am about to do next which is: I now make a motion to defer action on this Report to the next session of this Convention.

**President Killion:** Any second?

**Delegate Cantero:** Second.

**President Killion:** It has been moved and seconded to defer this Committee Report to the next Plenary session, which is Wednesday. Okay, discussion? Any discussion on this? If no discussion –

**Delegate Choor:** I call for the question.

**President Killion:** There was a motion for closed debate. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.”

The motion carried by voice vote of Delegates.

**President Killion:** So, we close debate. Let us vote on the motion to defer this matter to the next Plenary day. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried. That particular Committee Report No. CC-SCR-4-11 pertaining to Committee Proposal No. CC-PR-4-03 has been deferred to the next Plenary day.

The motion carried by voice vote of Delegates.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Moving on. Item No. 8: First Reading of Committee Proposals.  
Chief Clerk?

**Chief Clerk Reyes:** None, Mr. President.

**President Killion:** Thank you.

**Acting Floor Leader Asher:** Mr. President.

**President Killion:** Yes, Acting Floor Leader Asher.

**Acting Floor Leader Asher:** Thank you, Mr. President. I make a motion to that we suspend the Order of the Day and go down to Item No. 14.

**Delegate Nabeyan:** Second.

**President Killion:** Okay. It has been moved and seconded that we suspend those items on the Order and drop down to Item No. 14. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

#### SECOND READING OF COMMITTEE PROPOSALS

A motion was made to suspend this Item No. 9.

#### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

A motion was made to suspend this Item No. 10.

#### CONSIDERATION OF RESOLUTIONS

A motion was made to suspend this Item No. 11.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

A motion was made to suspend this Item No. 12.

### SPECIAL ORDERS

A motion was made to suspend this Item No. 13.

### MISCELLANEOUS BUSINESS

**President Killion:** Therefore, we are now on Item No. 14: Miscellaneous Business. Does any Delegate wish to have any matters under Miscellaneous Business?

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. The last meeting of your Committee on Government Structure and Functions, we adopted two proposals and reported them out. Those were Delegate Proposal No. CC-PR-4-69 and Delegate Proposal No. CC-PR-4-71. Those reports are now with the Secretariat, and I have asked the Secretariat to prepare hardcopies. I am hoping that the members of your Committee present here today sign those documents before they leave the premises. That way, we can have them in First Reading at the next session day. Thank you.

**President Killion:** Thank you very much, Chairman Nabeyan. On that request, it shall be noted. Members of the Committee on Government Structure and Functions, take note of that. Reports are being circulated, so you need to sign them if you have not done so. Okay, any other miscellaneous business?

**Delegate Fritz:** Mr. President.

**President Killion:** Chairman Fritz.

**Delegate Fritz:** Can you please help me in causing our staff to work on our report from Finance so that it can be timely out for our members to review and sign? So that the Plenary can have the opportunity to consider it because as of now, we have not really gotten one. I am hoping that as soon as we have one, we will quickly call the meeting so that all of us can sign the report or consider it then we report it out to the Plenary.

**President Killion:** Thank you, Chairman Fritz. Yes, of course, that is important, so our legal staff, especially Kathe, shall be noted that the said report needs to be finalized from the Committee on Public Finance and Revenue. So that the members of the Committee can review and sign, then after which, it will be placed on the calendar. It shall be noted. So, moving on, any other miscellaneous business?

**Delegate Susaia:** President.

**President Killion:** Yes, Delegate Susaia.

**Delegate Susaia:** Is there any plan to have Plenary tomorrow or not?

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:26 a.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 11:35 a.m.

**President Killion:** We are now back to session. A while ago before we recessed, we were and still are on Item No. 14: Miscellaneous Business. There were various issues discussed, and we need to wrap that up. Any other miscellaneous business? Any of you Delegates?

**Delegate Naich:** Thank you, Mr. President.

**President Killion:** Yes, Delegate Naich.

**Delegate Naich:** Thank you, Mr. President. I apologize that I came in a little late after the Plenary session started. So, through you, I ask that you cause the Chief Clerk to reflect in her report that I joined the session by Zoom. Thank you.

**President Killion:** Thank you, Delegate Naich. It is not in the report but in the Journal that you are noted. Do not worry; you are noted to be attending this session virtually like the other Delegates. Thank you. Any other miscellaneous business?

## **ANNOUNCEMENTS**

**President Killion:** If none, Item No. 15: Announcements by any of the Chairpersons. Yes, Chairman Saimon.

**Delegate Saimon:** Ahi tungoal sakaradahn wahu pahn kupwuroan Isohko, Noahs, koaruhsioa. The Committee on Style and Arrangement will still meet tomorrow. Please be here tomorrow so that we can have quorum. We did cancel the last one on Thursday because of lack of quorum and on Saturday for personal reasons – not mine but the members. So let us meet tomorrow to complete the two proposals that are in front of the Committee. Thank you

**President Killion:** Thank you, and the time tomorrow?

**Delegate Saimon:** The time is still 1:00 p.m.

**President Killion:** Okay, tomorrow at 1:00 p.m., Committee on Style and Arrangement shall meet to finalize decisions on certain reports or proposals. Any other announcements from any of the Chairpersons?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Having heard what our good counsel said about the progress of our report, I will request the Honorable Members of your Committee to look out for some tentative meeting tomorrow. Once we get the report out, we will review it. And if it reflects what we agreed to, then – we will try to advise the other members and advise her to send to everybody, and if they are also agreeable to it, then we will just come at some point in time to sign up on the Committee Report. That way, it can be logged in with the Secretariat, and it would go through the process. So, hopefully all will be done by tomorrow.

**President Killion:** Alright, thank you, Chairman Fritz. Therefore, you do not need a sit-down Committee Meeting? First, you receive the report, each other you review –

**Delegate Fritz:** Not necessarily. Because we already agreed. So, it is the report. If the report truly reflect what we had decided then, we do not need – you can just come in and sign up. As long as we get seven signatures, it should be enough to send it out to the Plenary for consideration under our rule.

**President Killion:** Okay. So be it. Members of the Committee on Public Finance and Revenue, look out for the report to be reviewed and signed.

**Delegate Cantero:** I think because of the urgency of this report, I think that it makes sense for us to exit today with a definitive time. We come in tomorrow. If it is 2:00 p.m., 3:00 p.m., 4:00 p.m. what have you – just to sign the report and get through. I don't want to go home and just wait for my email. That is not good management of time. If the report will be out today, let us agree what time to come in tomorrow, and just sign up the report and get it through. We are just running out of time, I think.

**President Killion:** Thank you, Delegate Cantero. Chairman Fritz, I think that that is a good suggestion.

**Delegate Fritz:** It is a good suggestion, but I do not know whether – we do not know whether or not it will be distributed and then agreed on by all of us. So, we can just pick a time and if it is not here, it is not here. If it is here, then you come in and wait for a little bit more for the host to come and be – so since there is no meeting tomorrow, let's make it 1:00 p.m.

**President Killion:** Style and Arrangement.

**Delegate Fritz:** Okay, 12:00 p.m.

**President Killion:** Are we in recess now? We are still in session. Sorry, we got lost; we have been talking too much.

**Delegate Fritz:** 12:00 p.m. would be good. So, we go back and you just announce that this report will be forthcoming, and members are invited to come and sign on it –

**President Killion:** I declare a short recess so to make things in orderly fashion.

President Killion declared the Convention recessed at 11:41 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:46 a.m.

**President Killion:** We are now back to session. We are still on Announcements. During the recess, it was clarified that the Committee on Finance and Revenue will move the Committee Meeting to 11:00 a.m. tomorrow morning to review the Committee Report and finalize it to have members sign. That is for the record. Any other Announcements by any of the Chairpersons? Chairperson Sigrah.

**Delegate Sigrah:** Thank you, Mr. President. The Committee on General Provisions thought that we would have our last meeting today, but we were not able to dispose of Standing Committee Report No. CC-SCR-4-14 relating to land ownership. So, that is the only outstanding matter on our calendar. So, we will be meeting tomorrow – our last, last meeting – after the Committee on Style and Arrangement. If they finish at 1:30 p.m., we will go in at 1:30 p.m. but let's be safe and put it at 2:00 p.m. tomorrow. Again, this our last one. And I want to add that – you know – Legal Counsel did a lot of work too, trying to get it to us for our Committee to review so that we can have time to review and get it out today this morning. So, I give her a lot of credit for that, and now that you have it before you, please review it. Every little sentence and paragraph in there. If you have to hold on to it, sleep with it; come back tomorrow and let us dispose of it. Thank you.

**President Killion:** Thank you, Committee Chair Sigrah, for the information. So, Committee on General Provisions meet at 2:00 p.m. after the meeting of Committee on Style and Arrangement tomorrow afternoon. Any other announcements by any of the various Chairpersons?

**Delegate Cantero:** Mr. President. Can I just seek some clarification on the Style's?

**President Killion:** Yes.

**Delegate Cantero:** Which two proposals will be discussed tomorrow? Just for my information.

**President Killion:** Chairman Saimon, please clarify that.

**Delegate Saimon:** Yes, thank you. The seabed mineral is one; we have a very small portion left and that should just sail through real fast. The one that will take substantial time is the Independent Prosecutor. That has not been discussed at all, and it is pretty lengthy, so please start reading it so that if you have any comments, you can bring it in right away tomorrow. Thank you.

**President Killion:** Thank you, Chairman Saimon. That clarifies the information needed by Delegate Cantero. Any other announcements? We are still on Announcements. Okay, if none, Acting Floor Leader?

**Action Floor Leader Asher:** Thank you, Mr. President. I move that we stand in recess until 10:00 a.m. Wednesday morning.

**Delegate Bossy:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until Wednesday morning at 10:00 a.m. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried. Therefore, we will stand in recess until 10:00 a.m. Wednesday morning. Thank you.

President Killion declared the Convention recessed at 11:49 a.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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**FORTY-FIRST DAY**

Wednesday, June 22, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:49 a.m., Wednesday, June 22, 2022.

**President Killion:** I now call our session to order.

**SILENT PRAYER**

**President Killion:** May I request a moment of silent prayer please.

## ROLL CALL

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 21 Delegates are present.

(Absent: Delegate Asher, Delegate Susaia, Delegate Takesy)

**President Killion:** Thank you very much, Chief Clerk. Therefore, we have a quorum to transact business. For the record, Delegate Susaia and Delegate Takesy are excused, and also Chairman Asher.

## ADOPTION OF JOURNAL

**President Killion:** Okay, we can now move on. Item No. 4: Adoption of Journal. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adopt the Journals of Days 35, 36, and 37 with the date on the Journal of Day 37 to be corrected to reflect “June 15” instead of “June 14.”

**Delegate Bossy:** Second.

**President Killion:** Okay. It has been moved and seconded that the said Journal be adopted with the minor corrections as pointed out by Floor Leader. Discussion? It shall be noted. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried. Therefore, such Journals have been adopted with the minor corrections.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

**President Killion:** So, moving on. Item No. 5: Communications. Chief Clerk?

**Chief Clerk Reyes:** None, Mr. President.

## UNFINISHED BUSINESS

**President Killion:** Thank you. Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None also, Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Thank you. Item No. 7: Reports of Committees.

**Chief Clerk Reyes:** Yes, Mr. President. For Reports of Committees, we have a few of them. The first one is on Committee Report No. CC-SCR-4-11 on Committee Proposal No. CC-PR-4-03 from your Committee on Style and Arrangement for adoption.

**President Killion:** Thank you. Mr. Floor Leader.

**Floor Leader Yatilman:** Mr. President, I move that we adopt Committee Report No. CC-SCR-4-11 regarding Committee Proposal No. CC-PR-4-03.

**President Killion:** Any second?

**Delegate Cantero:** Second.

**President Killion:** Okay, it has been moved and seconded that the said Committee Report No. CC-SCR-4-11 be adopted. Discussion? If none, all those in favor for the motion to adopt said report, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Continuing on with Committee Reports, Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. The next committee report is on Committee Report No. CC-SCR-4-15 on Committee Proposal No. CC-PR-4-11 from your Committee on Government Structure and Functions for adoption.

**President Killion:** Thank you, Chief Clerk. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we –

**Delegate Kanto:** Recess, please.

**President Killion:** Recess is called for.

President Killion declared the Convention recessed at 10:54 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 10:57 a.m.

**President Killion:** We are now back to session. A while ago – Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we adopt Committee Report No. CC-SCR-4-15 regarding Committee Proposal No. CC-PR-4-11.

**Delegate Samo:** Second.

**President Killion:** It has been moved and seconded that the said Committee Report No. CC-SCR-4-15 be adopted. Discussion? Just a point of clarification, on page 2, third paragraph – the small paragraph – just want to make sure that it is clear. On the small paragraph that starts with “[t]he 5 year residency.” Then the second sentence after that is, “[t]he residency period should be measured from the date the individual files to be a candidate for office.” I do not think that that is the intention here, because it says to count the residency, Day 1, if we adopt this that means that that shall be the beginning of this – meeting the requirement of being a resident of that election district. Perhaps, Chair Nabeyan, you have any – since this is your report. But you see that wording of the sentence in the report. You don’t mean – I mean, Chair Nabeyan, you’re the mover; you’re the main person. Can you clarify that?

**Delegate Nabeyan:** Yeah, I joined the Committee Meeting, but I did not – yeah, that was not the intent. That slipped through the screening.

**President Killion:** Okay. Therefore, it shall be noted that that was an oversight on the Committee. So, that sentence needs to be either stricken out or modified.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes.

**Delegate Fritz:** What my good colleague is trying to say is that when you try to count the residency, when you file your papers then you call from that period, going back, and that is when you will decide whether it meets the requirement or not. Isn’t that what you are trying to accomplish? But maybe it is worded –

**President Killion:** Yeah, maybe – yeah, that needs to be clarified because although it is not really in the proposed amendment, it is in the report. So, for future references, make sure that that is clarified. Right, Chairman Nabeyan?

**Delegate Nabeyan:** Yeah, I think that that sentence is open to more interpretation. From the date of filing – forward or backward – and of course, logically, you cannot move it forward. You have to read it backwards, so I think that the sentence does not hurt. It is just setting the date for us to count the period of residency, but it does not say whether to count it forward or backward – but of course, logically, when you are thinking about it, you have to count it backward because that would be the logical conclusion. Thank you.

**Floor Leader Yatilman:** Yeah, I –

**President Killion:** Floor Leader.

**Floor Leader Yatilman:** I think it’s okay to just leave it there.

**President Killion:** Yeah, so – just to be clear – it is moving backward, not forward. Alright. It’s like a car moving backwards.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Just for the record, I think that I heard the Floor Leader refer to Committee Proposal No. CC-PR-4-17, but the committee proposal is actually Committee Proposal No. CC-PR-4-11, I believe.

**Floor Leader Yatilman:** That's what I said.

**Delegate Nabeyan:** Alright, okay.

**President Killion:** Okay. Any more discussion on Committee Report No. CC-SCR-4-15?

**Delegate Albert:** Mr. President. Just a quick question.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Yes. My question would be going back to the residency requirement. Say an individual is sent to the Philippines for medical reasons and stayed there for about a year, came back after he is cured or whatever, and he wanted to run for office. How would this apply to this requirement? Can you ask the Committee?

**President Killion:** Thank you, Chairman Albert. Chairman Nabeyan, you have any response to that?

**Delegate Nabeyan:** I'll try, and Delegate Kanto can also help explain. There is case law on what is residency – what is considered residency for purposes of election laws. Like it does not require you to be physically present and living in the State where you are elected every day. So long as you maintain your residence in that State, and you are away for work or medical treatment – so long as you maintain residency in that State, you still have residency to that State. So, that would be the legal conclusion. Thank you.

**President Killion:** Thank you, Chairman Nabeyan, for that clarification to Chairman Albert's query. Any other – Chairman Albert?

**Delegate Albert:** Maybe just one more follow-up.

**President Killion:** Yes, go ahead.

**Delegate Albert:** Say I decide to go get my PhD; it would require about four years. I will be a resident of the U.S., and if I come back, how would that apply?

**President Killion:** Chairman Nabeyan.

**Delegate Nabeyan:** Yeah, I think if you continue to do things like either own a home or you vote in the State where you are from – although you are in the U.S. – you continue to maintain your house, your residence or your family back home; or you vote in the State, you pay taxes in the State. You still have some connection to the State; that means you still have an established residency.

**Delegate Albert:** Thank you. I just wanted this to be reflected in the record, so it is clear that that is our intention. Thanks.

**President Killion:** Thank you, Chairman Albert, that is clarified based on the explanation by Chairman Nabeyan. Yes, Vice Chair Samo.

**Delegate Samo:** Thank you, Mr. President. I was going to allude to the same thing that the good Delegate Albert just said. I think that I want to associate myself with that statement as well, that as long as it is understood that you go out and do not establish residency elsewhere; that still qualifies as far as the intent of the report. So, I just want to make that clear that I associate myself with that point with Delegate Albert.

**Delegate Nabeyan:** If I may, Mr. President.

**President Killion:** Thank you, Vice Chair Samo, for that further clarification. Yes, Chairman Nabeyan.

**Delegate Nabeyan:** So, we are not debating a new requirement under the Constitution. Presently, the requirement under the Constitution requires a candidate to have residency for at least five years in the State for which he is to be elected. So, we are not delving into a new area here. The only thing that is happening here is that Delegate Kanto has introduced the possibility of a candidate to maintain – to not necessarily have residency in the State from which he is being elected. He can have residency – on the present language of the proposal – he can reside in any State of the FSM, and run as a candidate in another State, which is probably the only intent of the proposal. But it does not change the definition of residency within the context of this; it is still there whether or not we pass this proposal. Any candidate must have 5-year residency in the State from which he is being elected to run for office for that State. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. So, again, for clarification purposes, that requires that the person can only have one residency; cannot have two otherwise that will cause that conflict. Yes, Delegate Cantero.

**Delegate Cantero:** Thank you, Mr. President. I think we had some discussion over this proposal some time back in – for me, I would still stick with my initial assessment that although the intention of this proposal is very good for us, I just don't – the question that I struggle to figure out or calculate is what is the problem with the status quo right now? Is there anything that needs to be fixed or is it -? Or are we encountering problems that require the Convention to fix? If it is a problem, I support this completely, but I would not think that there is really a paramount, monumental problems with the current system that we have, and with all these uncertainties that we are debating on, perhaps the status quo is something that could be considered. Also, looking

forward, I just want to repeat myself that while the proposal is good, it will definitely have an impact on how the other proposals are perceived during the time of voting. That, we cannot ignore; it will have that impact. I like it; I think it is very honorable, but my opinion is maybe we are digging too deep in trying to solve something that does not seem to have a problem. Thank you.

**President Killion:** Thank you, Delegate Cantero. Chairman Nabeyan, do you have a response to that?

**Delegate Kanto:** Mr. President.

**President Killion:** Delegate Kanto first.

**Delegate Kanto:** I yield the floor to Chairman Palsis.

**Delegate Palsis:** Thank you, Delegate Kanto. I believe that when we discussed this proposal, one of the intents was to establish those relationships from the candidate with the people or his constituents and to establish the close relationship, knowing full well, or at least to know what is happening in that respective State, so that he can provide good representation to the people. So, with that intent, I think that it is healthy, and it is worth looking into. Thank you.

**President Killion:** Thank you, Chairman Palsis.

**Delegate Kanto:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan then Delegate Kanto. Yes, go ahead, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. This is something that I discussed with Delegate Kanto. My personal view is that I actually like the attempt here to require the citizen to run for Congress – must be a citizen by birth – because that aligns it with the requirement for Presidency. But my problem with this proposal is that I firmly believe that a candidate running for a State must be a resident of that State and that State only, not any other State, because I think that you need to know the environment of the locality that you are attempting to represent. So, that is my concern with this proposal. If the only change was “residency by birth,” and that was the only attempted change, then I would be in full support of this. So, the words “or residency of the Federated States of Micronesia” is problematic to me. Thank you.

**President Killion:** Thank you, Chair Nabeyan. So, in fact, you are not supporting the proposed amendment as Chairman.

**Delegate Nabeyan:** The amendment was voted on in Committee, and it passed in Committee. So, I have a duty to report it out as Chairman.

**President Killion:** Although you didn't fully support it, but as Chairman, you're –

**Delegate Kanto:** Mr. President.

**President Killion:** Delegate Kanto.

**Delegate Kanto:** Are we –

**President Killion:** We are on –

**Delegate Kanto:** – in recess?

**President Killion:** No.

**Delegate Kanto:** No? Okay.

**President Killion:** You want a recess or -?

**Delegate Kanto:** I hope that you don't say that you are not supporting it because that's kind of –

**President Killion:** No, that's –

**Delegate Kanto:** – going against my proposal. But, I intended not to talk yet until this is passed so that I can put in my amendment to clarify the purpose – the main purpose. I strongly believe that a leader of this country – who will be a member of the Congress and can be a President or Vice President, must know the people, must love the people – must reside somewhere within the FSM, must be a resident of the State that he or she is running from, but I don't care if he or she is staying in Yap, but he or she is a permanent resident of Chuuk or Pohnpei because I don't want to take that away from those who are working for places like the National Government. For those who are going to school to finish up school, they are full residents of Pohnpei or Chuuk; they just went out to get a degree. But those who establish residency somewhere else – and looking down the line if the dual-citizenship is passed, that will be a problem because people will just stay out there – born in the U.S., raised in the U.S., and then come back later to run for office for Congress. If people are going out there to work, why? There are many opportunities in our country, but we are losing people. We don't have people. We're bringing in Filipinos, Fijians because we don't have enough people. The educated people got their degrees and then moved on. Why? They are looking for the golden egg. The money! Now, staying out there for a long time, coming back to run for Congress, what for? The money! They don't come back to serve the people, to love the people, but for the money. That is the main reason I introduced this. Thank you.

**Delegate Nabeyan:** May I?

**President Killion:** Thank you, Delegate Kanto, for the elaboration.

**Delegate Sigrah:** Mr. President.

**President Killion:** Chairman Nabeyan first unless he yields the floor.

**Delegate Nabeyan:** I yield.

**President Killion:** I yield the floor to Madam Chairperson Sigrah. Go ahead, Madam Chair.

**Delegate Sigrah:** Thank you. I'm part of the Committee that sat, listened, deliberated, and considered – I signed off on this Standing Committee Report; I support it. I believe that even if we live within the FSM States, that's even better. For instance, if I am from Kosrae, and I come in and live in Pohnpei, Chuuk, or Yap, then I get to learn more about the other States that I am about to lead as an FSM leader. Because I am not going to be a leader only for the Kosrae State, only for the National Government understanding every citizen or resident of the four States. So, I support this. If there is a problem like Delegate Cantero said – yes, there is a problem, and that is what we are trying to fix. We are trying to strengthen the current system – to restrict it as the proponent has explained really well. We are limiting it to a pool of candidates that have some strong connection to not only the people, the land and every corner of our islands here. So, this is a good proposal, so I urge everyone to support it. Thank you.

**President Killion:** Thank you, Chair Sigrah. Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. So, I agree with the intent that if you are in Palikir for example, and you're from Yap – you're in Palikir working for the Nation Government, and you maintain residency in Yap, you should be able to run for Yap – for Congress to represent Yap. In fact, previous officials have done that. One of the former governors was a member working at Palikir, and he ran in Yap State election. The interpretation of what residency is allows him to run in Yap because he maintained his residence in Yap while he was staying and working in Pohnpei. That is fine with me. But I firmly believe that it is important that if you are living and working in Pohnpei, you have to maintain a connection to the State to which you are endeavoring to represent. And so, that's the residency connection to the State. So, if the amendment – because I understand Delegate Kanto has an amendment to make to the proposal if it will be on the report to First Reading, and if that proposed amendment requires that you have to have residency in the State from which you are to be elected, then I will support it. As opposed to you having to be a resident of *any* State, that is what I have a problem with. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. Again, the discussion shall be focusing on the report. Of course, after which, if it passes, then the discussion would be on the proposed Constitution amendment.

**Delegate Liwy:** Mr. President.

**President Killion:** Yes, Vice Chair Liwy.

**Delegate Liwy:** Thank you very much, Mr. President. And before I share, I would like to pay my respects to Isohko, Mr. President, and all the Honorable Delegates of the Convention. I

am with the Committee also, and I think that I overlooked and didn't sign the Standing Committee Report, but I fully support the intention of the proposal. We understand that in the existing provision, it does not limit the possibility of a candidate being only Micronesian by birth. There is a possibility of – there is another avenue for some sort of people – not some sort of people; I apologize – naturalized citizens, to be able to run for Congress. So that is the reason why I fully support the proposed amendments so that it can limit the pool of candidates for our Congress, which is an important office for our Nation. And it also indicates that pool – the number of people who are, by birth, and has a residence for at least five years. So, that is the reason that I completely support the proposal because it focuses on only the people of Micronesia. Thank you very much.

**President Killion:** Thank you, Vice Chairman Liwy. By the way, for the record, you signed the report unless somebody signed it for you; your signature is here. You say you didn't sign, so I –

**Delegate Nabeyan:** Mr. President.

**President Killion:** Your signature is here. Thank you.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** I move for the previous question.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that we stop debate on this matter. All those in favor of the motion to stop debate – was it seconded? Yes. All those in favor of the motion to stop debate, say “Aye.” All those opposed, say “Nay.” Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** Therefore, we are now on the main motion to adopt Committee Report No. CC-SCR-4-15. Let us move onto the vote. All those in favor the motion raise your right hand. All those opposed to the motion to adopt the Committee Report No. CC-SCR-4-15, raise your hand. Okay. It shall be noted. Chief Clerk, what is the tally?

Chief Clerk Reyes takes the tally of the hand votes.

**Chief Clerk Reyes:** Thank you, Mr. President. With the actual show of hands we have 14 delegates in favor of the motion and none against.

**President Killion:** Thank you, Chief Clerk. Therefore, the motion for the adoption of the Committee Report No. CC-SCR-4-15 is hereby adopted. Thank you. Moving on. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. The next report under Item No. 7 is Committee Report No. CC-SCR-4-16 on Committee Proposal No. CC-PR-4-12 from your Committee on Government Structure and Functions.

**President Killion:** Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we adopt Committee Report No. CC-SCR-4-16 regarding Committee Proposal No. CC-PR-4-12.

**Delegate Bossy:** Second.

**President Killion:** It has been moved and seconded that the said Committee Report No. CC-SCR-4-16 be adopted. Discussion? If no discussion, we can vote on it. All those in favor of said report, raise your right hand. Thank you. All those opposed, raise your hand. Chief Clerk, what's the tally?

Chief Clerk Reyes takes the tally on hand votes.

**Chief Clerk Reyes:** Mr. President, with the actual show of hands, we 10 Delegates in favor of the motion and 1 against.

**President Killion:** Therefore, the motion carried for the adoption of the said report. Moving on. Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. The next report under Item No. 7 is Committee Report No. CC-SCR-4-17 on Committee Proposal No. CC-PR-4-13 from your Committee on Public Finance and Revenue for adoption.

**President Killion:** Thank you. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adopt Committee Report No. CC-SCR-4-17 regarding Committee Proposal No. CC-PR-4-13.

**Delegate Saimon:** Second.

**President Killion:** Okay it has been moved and seconded that the said Committee Report No. CC-SCR-4-17 be adopted. Discussion? If no discussion –

**Delegate Liwy:** Previous question.

**President Killion:** Let's vote on the motion for the adoption. All those in favor of the motion, raise your hand. Okay, thank you. All those opposed, raise your hand. Chief Clerk, read the tally.

Chief Clerk Reyes takes the tally of hand votes.

**Chief Clerk Reyes:** Thank you, Mr. President. With the actual show of hands, we 13 Delegates in favor of the motion and none against.

**President Killion:** Thank you. Therefore, the motion carried for Committee Report No. CC-SCR-4-17. Thank you. Moving on. Chief Clerk.

**Chief Clerk Reyes:** Thank you, Mr. President. The next report under Reports of Committees is Committee Report No. CC-SCR-4-18 on Committee Proposal No. CC-PR-4-06, CCD1 from your Committee on Style and Arrangement for adoption.

**President Killion:** Thank you. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we adopt Committee Report No. CC-SCR-4-18 regarding Committee Proposal No. CC-PR-4-06, CCD1.

**Delegate Cantero:** Second.

**President Killion:** Thank you. It has been moved and seconded that the Committee Report No. CC-SCR-4-18 be adopted. Discussion? If none, let us vote. All those in favor of the Committee Report No. CC-SCR-4-18, raise your hand. Thank you. All those opposed, raise your hand. Chief Clerk, read the tally.

Chief Clerk Reyes takes the tally of the hand votes.

**Chief Clerk Reyes:** Thank you, Mr. President. With the actual show of hands, we have a total of 16 Delegates in favor of the motion and none against.

**President Killion:** Thank you. Therefore, the motion of the adoption of Committee Report No. CC-SCR-4-18. Thank you.

**Delegate Choor:** Recess.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 11:23 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:35 a.m.

**President Killion:** We are now back to session. A while ago, we were taking votes on the said reports, and as discussed earlier - so, just to be clarified - all said reports were adopted by voting of Delegates present. Thank you.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I move to pull from committee Committee Proposal No. CC-PR-4-70 from the Committee on Public Finance and Revenue and placed on this calendar.

**President Killion:** Any second to the motion?

**Delegate Fritz:** It's already placed on the - because of the fact that we already adopted the report, so you move for passage on First Reading.

**President Killion:** No, no. I declare a short recess.

President Killion declared the Convention recessed at 11:36 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:40 a.m.

**President Killion:** Now, we are back to session. Mr. Floor Leader? Oh, sorry.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** I move that this Convention pass Committee Proposal No. CC-PR-4-13 on First Reading.

**Delegate Kanto:** Second.

**Delegate Fritz:** That's the revenue sharing –

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 11:40 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:50 a.m.

**President Killion:** We are now back to session. We are still on Committee Reports. Chairman Saimon? Do you have any -?

**Delegate Saimon:** Yes. Thank you, Mr. President. As the Chairperson of the Committee of Style and Arrangement, I hereby make a Rule 28 motion to withdraw Committee Report No. CC-SCR-4-19 and place it on today's calendar under Item No. 7.

**Delegate Bossy:** Second.

**President Killion:** Okay. It has been moved and seconded that Committee Report No. CC-SCR-4-19 be withdrawn from Committee and be placed on today's calendar pertaining to Committee Proposal No. CC-PR-4-09. Discussion? Okay. If no discussion, let us vote on the motion for the withdrawal of the said report. All those in favor, say "Aye." All those opposed, say "Nay." So, motion carried. So, the said report is now placed on today's calendar. Therefore, we will have it.

Motion carried by voice vote of the Delegates.

**President Killion:** Chairman Saimon.

**Delegate Saimon:** Thank you. The proponent of the proposal - you know, I think that the Committee that worked on this proposal made a very good report. And I understand that we - some of us may want 24 hours at least before we take it down to further discussions. But I ask that we adopt - I move that we adopt the report.

**Delegate Nabeyan:** Second.

**President Killion:** Okay, it has been moved and seconded that the said Committee Report No. CC-SCR-4-19 be adopted.

**Delegate Fritz:** Mr. President. To be proper, I move to suspend the Rule that requires 24 hours before the report can be considered.

**President Killion:** Any second?

**Delegate Cantero:** Second.

**President Killion:** Okay, before we take action on that, we have a motion to suspend the relevant rules pertaining the advance production of reports, and it was seconded. All those in favor of that motion, say "Aye." All those opposed, say "Nay." So, motion carried. Therefore, we have done away with any obstacles that may obstruct us from reviewing the report.

Motion carried by voice vote of the Delegates.

**President Killion:** Okay. So, we have that said report and it was moved and seconded that we adopt the said report. Okay.

**Delegate Nabeyan:** I move for previous question, Mr. President.

**President Killion:** Any second to the motion?

**Delegate Fritz:** Second.

**President Killion:** It has been moved and seconded that we stop debate. All those in favor, say “Aye.” All those opposed say, “Nay.” So, motion carried. So, we stop debate.

Motion carried by voice vote of the Delegates.

**President Killion:** So, now we have to vote on the main motion for the adoption of the said Committee Report No. CC-SCR-4-19. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” So, motion carried. So, the said Committee Report No. CC-SCR-4-19 is hereby adopted. So, that is noted on today’s calendar.

Motion carried by voice vote of the Delegates.

**President Killion:** Okay, so -

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Go ahead, Mr. Floor Leader.

**Floor Leader Yatilman:** I move to withdraw Committee Proposal No. CC-PR-4-70 from Committee and place it on today’s calendar.

**Delegate Bossy:** Second.

**President Killion:** It has been moved and seconded that the said Committee Proposal No. CC-PR-4-70 be withdrawn from the Committee on Public Finance and Revenue. Any discussion? If none, all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried. So, the motion is –

**Delegate Fritz:** Division.

**President Killion:** Let’s have a short recess.

President Killion declared the Convention recessed at 11:55 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 11:55 a.m.

**President Killion:** We are now back to session. A while ago, we were voting on the motion by our good Floor Leader to withdraw Committee Proposal No. CC-PR-4-70. We were

taking a vote, and division is called for. So, let's vote by show of hands. All those in favor of the motion for the withdrawal of the said Committee Report No. CC-PR-4-70, raise your hand. The motion to withdraw Committee Proposal No. CC-PR-4-70 that's pertaining to trust fund. Raise your hand. All those opposed, say - raise your hand. All those who don't support the withdrawal, raise your hand.

**Delegate Cantero:** Let's vote again.

**President Killion:** Okay let's go back.

**Delegate Choor:** Recess.

**President Killion:** All those in favor of the motion to withdraw Committee Proposal No. CC-PR-4-70 pertaining to trust fund, raise your hand. Okay, it is clear. All those opposed, raise your hand. Chief Clerk? The tally?

Chief Clerk Reyes tallies the hand votes.

**Chief Clerk Reyes:** Thank you, Mr. President. With the actual show of hands, we have a total of 5 Delegates in favor of the motion and 10 against.

**President Killion:** Okay, so the motion failed. So, it doesn't carry so we have that pending somewhere.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Okay, moving on. Item No. 8 – since we have disposed of all the reports on the other one – Item No. 8: First Reading of Committee Proposals.

**Chief Clerk Reyes:** Thank you, Mr. President. With the adoption of the reports, we now have Committee Proposal No. CC-PR-4-11 attached to Standing Committee Report No. CC-SCR-4-15 from your Committee on Government Structure and Functions for First Reading.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move that we adopt Committee Proposal No. CC-PR-4-11.

**Delegate Bossy:** Second.

**Delegate Nabeyan:** Did we have a reading?

**President Killion:** The motion is to pass on - passage on First Reading. Was there a second?

**Delegate Bossy:** Second.

**President Killion:** It has been moved and seconded that the said Committee Proposal No. CC-PR-4-03, which was –

**Delegate Choor:** Mr. President. Can we hear the –

**President Killion:** No. 4-11, sorry.

**Delegate Choor:** - title of the proposal?

**President Killion:** Yes. Chief Clerk, can you read the title, please?

**Chief Clerk Reyes:** Thank you, Mr. President. Committee Proposal No. CC-PR-4-11 is a proposal

“to amend Article IX, Section 9, of the Constitution of the Federated States of Micronesia to create consistency between the eligibility requirements to run for Congress and to be elected President and to require residency within the FSM to be eligible to run for Congress.”

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** We have heard provident Chairman Nabeyan elaborating on this proposal. With quite a number of Honorable Delegates who support this proposal, I move that we vote on this particular proposal. Thank you.

**Delegate Kanto:** Mr. President. I move for recess, please.

**President Killion:** Thank you, Delegate Bossy. I move for a short recess.

President Killion declared the Convention recessed at 12:00 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:04 p.m.

**President Killion:** Now, back to session.

**Delegate Kanto:** Mr. President.

**President Killion:** We have a motion to pass Committee Proposal No. CC-PR-4-11, and – Delegate Kanto.

**Delegate Kanto:** Mr. President. I move that we adopt my proposal to the proposed amendment – my amendment to the proposed amendment.

**President Killion:** Okay, Delegate Kanto I think you meant – there’s a copy of your proposed amendment to the –

**Delegate Kanto:** Yes.

**President Killion:** – Committee Proposal, already distributed, therefore could be considered. Any second?

**Delegate Nabeyan:** Second.

**President Killion:** Okay, it has been moved and seconded that the proposed amendment to the Committee Proposal No. CC-PR-4-11 as proposed by Delegate Kanto be adopted. Discussion?

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich. We are now discussing the amendment proposed by Delegate Kanto.

**Delegate Naich:** Yes, thank you, Mr. President. If that copy of Delegate Kanto’s amendment can be shared to those of us joining you virtually.

**President Killion:** Okay, I declare a short recess.

President Killion declared the Convention recessed at 12:06 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:10 p.m.

**President Killion:** We are now back to session. Before we went into short recess, we have a proposed amendment to Committee Proposal No. CC-PR-4-11 as offered by Delegate Kanto. And unless Delegate Kanto wishes to further elaborate, that motion was made and seconded that the said amendment be adopted as part of the main Committee Proposal No. CC-PR-4-11. So, if no - yes. On the screen, that is the proposed amendment to the Committee Proposal No. CC-PR-4-11 as offered by Delegate Kanto. It was seconded. So, any discussion?

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** My question would be pretty brief, but I think that it goes back to one of the proposals that we passed from - or the only proposal that we passed from the Committee on Civil Liberties, which is Dual-citizenship. One of our main concerns when we did public hearing came from the citizens where they were having concerns – we’re having all these

citizens in the U.S. and elsewhere. And under our existing law, they would be eligible to vote, even if they do not reside in the FSM. So, one of the proposed changes that some of us tried to put in was to incorporate something like this, a residency requirement. Unfortunately, it didn't go through, maybe because we were thinking of the States as well. But I think that this proposal is a really good one. Even though I'm not really committed to passing the proposal itself, I like the amendment. I think that the amendment is really good because it protects those citizens that are here. We're always having concerns where we have people who are from our islands, but they are residing in the U.S. or elsewhere, and they get elected because they have family and connections. But then, they have to bypass this. So, if we put this in, I believe it'll address the concerns of those citizens who did not support the Dual-citizenship prior, to allow them to have the reason to vote for it. So, I fully support the amendment. Now, when it comes to the proposal itself, I will have to talk with my Delegation, but thank you for introducing the proposal, Mr. Kanto. Thank you.

**President Killion:** Thank you, Chairman Albert.

**Delegate Choor:** I move for the previous question.

**Delegate Liwy:** Second.

**President Killion:** Okay. It has been moved and seconded that we stop debate. All those in favor, say "Aye." All those opposed, say "Nay." So, we stop debate.

Motion carried by voice vote of the Delegates.

**President Killion:** Before we vote on the proposed amendment, I hereby declare a short recess.

President Killion declared the Convention recessed at 12:13 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:13 p.m.

**President Killion:** We're now back to session. We will have a vote since the closed debate was seconded. Now we are back to the main motion to adopt the proposed amendment to Committee Proposal No. CC-PR-4-11, as offered by Delegate Kanto. All those in favor of the proposed amendment by Delegate Kanto, say "Aye." All those opposed, say "Nay." So, the proposed amendment as offered by Delegate Kanto passed.

Motion carried by voice vote of the Delegates.

**President Killion:** So, we're now back to the main motion to adopt – to pass said Committee Proposal No. CC-PR-4-11, CCD1 on First Reading. Okay, if no other discussion, now we can vote by roll call. Okay, Chief Clerk, call the roll.

**Delegate Cantero:** Chair, recess please.

**President Killion:** Yes. Short recess.

President Killion declared the Convention recessed at 12:15 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:17 p.m.

**President Killion:** I now call back our session to order. We now have to vote on the Committee Proposal No. CC-PR-4-11, CCD1. Okay. By voice vote - I mean, roll call. Chief Clerk, call the roll.

Chief Clerk Reyes tallies Delegates' votes through roll call.

**Chief Clerk Reyes:** Mr. President, we have a total of 19 Yeses or in favor and one against.

**President Killion:** Thank you. Therefore, the said Committee Proposal No. CC-PR-4-11, CCD1 passed on First Reading. Thank you. Moving on, Chief Clerk - on First Reading.

**Chief Clerk Reyes:** Thank you, Mr. President. We now have Committee Proposal No. CC-PR-4-12 which is attached to Standing Committee Report No. CC-SCR-4-16 from your Committee on Government Structure and Functions for First Reading. Committee Proposal No. CC-PR-4-12 is "to amend Article IX, Section 8, of the Constitution of the Federated States of Micronesia to increase the number of at-large members of Congress."

**President Killion:** Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you very much, Mr. President. I move that we pass Committee Proposal No. CC-PR-4-12 on First Reading.

**Delegate Albert:** Second.

**President Killion:** It has been moved and seconded that Committee Proposal No. CC-PR-4-12 be passed on First Reading. Discussion?

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** I do have an amendment to the proposed amendment. I believe that copies of my amendment have distributed to all the Honorable Delegates to consider it. Thank you, Mr. President.

**President Killion:** I move for a short recess.

President Killion declared the Convention recessed at 12:20 p.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 12:25 p.m.

**President Killion:** We are now back to session. We are on Committee Proposal No. CC-PR-4-12, and there was an attempt by Delegate Bossy to amend the said proposal. Copies of which were originally distributed but – to discuss later. But yes, Delegate Bossy? You can –

**Delegate Bossy:** Yes.

**President Killion:** – defer your amendment to later on Second Reading.

**Delegate Bossy:** Mr. President, I –

**Floor Leader Yatilman:** I don't think it was seconded.

**President Killion:** So, since it wasn't seconded, there's – yeah, we just move on. But you had mentioned your interest to make an amendment to the said Committee Proposal.

**Delegate Bossy:** I will make that amendment during Second Reading, Mr. President.

**President Killion:** Thank you. Okay, moving on.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I move for the previous question.

**Delegate Saimon:** Second.

**President Killion:** Okay, it has been moved and seconded that we stop debate. All those in favor, say "Aye." All those opposed, say "Nay." So, we stop debate.

Motion carried by voice vote of the Delegates.

**President Killion:** So, let's move - let's vote on the main motion for the passage of Committee Proposal No. CC-PR-4-12 on First Reading. Passage on First Reading. It will require roll call. Chief Clerk, call the roll.

Chief Clerk Reyes tallies Delegates' votes through roll call.

**Chief Clerk Reyes:** Mr. President, we have a total of 9 Yeses and 10 Nos.

**President Killion:** Thank you. Therefore, the vote on that said Committee Proposal No. CC-PR-4-12 unfortunately did not pass. Thank you. Moving on, Chief Clerk. First Reading.

**Delegate Bossy:** Mr. President. Point of clarification.

**President Killion:** Yes.

**Delegate Bossy:** What is your ruling on that?

**President Killion:** Did not pass First Reading. Didn't have enough required votes – 16 – for First Reading. Unfortunately, it's – yeah. So, moving on. Chief Clerk?

**Chief Clerk Reyes:** The next committee proposal under First Reading is Committee Proposal No. CC-PR-4-13 which is attached to Committee Report No. CC-SCR-4-17 from your Committee on Public Finance and Revenue. Committee Proposal No. CC-PR-4-13 is to “amend Article IX, Section 2, Subsection (m), of the Constitution of the Federated States of Micronesia to provide that net revenue derived from fishing are shared with the States.”

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move that we pass Committee Proposal No. CC-PR-4-13 on First Reading.

**Delegate Choor:** Second.

**President Killion:** It's been moved and seconded that the said Committee Proposal No. CC-PR-4-13 be passed on First Reading. Discussion?

**Floor Leader Yatilman:** I move for previous question, Mr. President.

**Delegate Nabeyan:** Second.

**President Killion:** Motion for closed debate. All those in favor, say “Aye.”

**Delegate Albert:** Mr. President. Recess, Mr. President.

**President Killion:** Before I make the ruling, I declare a short recess.

President Killion declared the Convention recessed at 12:31 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:37 p.m.

**President Killion:** We're now back to session. Before we went into recess, we were ready to vote on the motion for the passage of Committee Proposal No. CC-PR-4-13. So, Chief Clerk, call the role.

**Delegate Choor:** Mr. President. Can you -?

**President Killion:** Oh, sorry. Chief Clerk, can you please first read the title of the Committee Proposal? Can you read the Committee Proposal No. CC-PR-4-13 in its entirety. And the required votes for passage on First Reading. Eh? Already 16.

**Delegate Nabeyan:** Recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:38 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:40 p.m.

**President Killion:** So, now we're back to session. We're now on Committee Proposal No. CC-PR-4-13. We're ready to take voting on that on First Reading. And Chief Clerk, you're going to read that out first and then proceed. Yes. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. Committee Proposal No. CC-PR-4-13 is for First Reading. This is a proposal "to amend Article IX, Section 2(m) of the Constitution of the Federated States of Micronesia, to provide that net revenue derived from fishing are shared with the States."

**President Killion:** Okay. Before we vote, for the record, the required votes for passage of this said proposal, Committee Proposal No. CC-PR-4-13, is a minimum of 16 votes - affirmative votes for passage. Okay, Chief Clerk. Call the roll.

Chief Clerk Reyes tallies the Delegates' votes through roll call.

**Chief Clerk Reyes:** Mr. President, we have 21 affirmative votes.

**President Killion:** Thank you, Chief Clerk. Therefore, the said Committee Proposal is passed on First Reading. Thank you. Moving on. Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. As of now, we do not have anymore proposals for First Reading.

SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** So, moving on. Item – the next Item on the Order.

**Chief Clerk Reyes:** Thank you, Mr. President. For Item No. 9: Second Reading of Committee Proposals, none at the moment, Mr. President.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Thank you. Item No. 10: Final Reading of Proposed Constitutional Amendments.

**Chief Clerk Reyes:** Thank you, Mr. President. Under the said Item, we have the first one which is on Committee Proposal No. CC-PR-4-6, CCD2, which is attached to Standing Committee Proposal No. CC-SCR-4-18 for Final Reading.

**President Killion:** Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we pass Committee Proposal No. CC-PR-4-6, CCD2 on Final Reading.

**Delegate Choor:** Second.

**President Killion:** It's been moved and seconded that Committee Proposal No. CC-PR-4-6, CCD2 be passed on Final Reading. Discussion?

**Delegate Choor:** Mr. President.

**President Killion:** Yes.

**Delegate Choor:** Just to clarify that the Proposal is Committee Proposal No. CC-PR-4-6, CCD1, and I move for the previous question.

**Delegate Bossy:** Second.

**Delegate Saimon:** Mr. President.

**President Killion:** Yes.

**Delegate Saimon:** I think that it's supposed to be CCD2.

**President Killion:** CCD2. Yes.

**Delegate Choor:** Yes; my apologies.

**President Killion:** Yes, thank you for that clarification for Committee Proposal No. CC-PR-4-6, CCD2. Okay. Any other discussion?

**Delegate Choor:** Moving for the previous question, Mr. President.

**Delegate Bossy:** It has been moved and seconded that we close debate. All those in favor, say “Aye.” All those opposed, say “Nay.” We close debate. So, now we can move on and vote on the said Committee Proposal No. CC-PR-4-6, CCD2 on Final Reading. And it’s going to be voted by Delegation. Majority vote of that will be 3 out of 4 for passage. So, Chief Clerk, call the Delegation.

Chief Clerk Reyes takes the Delegations’ votes.<sup>3</sup>

**Chief Clerk Reyes:** Mr. President, we have all four States voting in favor of the said Proposal under Final Reading.

**President Killion:** Thank you, Chief Clerk. Therefore, the said Committee Proposal No. CC-PR-4-6, CCD2 passed on Final Reading. Congratulations. Thank you very much. Let’s give a round of applause.

[Applause].

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. I just wanted to make a – just a clarification. There was an addendum to the Report that came out of Style on this Proposal that was adopted. So, I looked at the addendum, and the addendum provided the historical context of the Proposal and that section of the Constitution, but did not actually address any of the work that Style and Arrangement did on the Proposal. So, the way that I am looking at it is that the substance of that addendum should have actually been addressed during the meeting of the Committee on Public Finance and Revenue because that’s where the deliberation – substantive deliberation – of the Proposal took place, not in Style. But the addendum actually spoke to the substantive issues in the Proposal itself. So, it’s out of place, it’s ultra vires and it came outside the preview of what Style was supposed to do. So, I just want to go on the record to state that it’s not part of the legislative history as to substantive discussion of the Proposal. Because there are some inconsistencies between the addendum and what the Committee on Public Finance and Revenue adopted, which is with respect to the substantive matter of the Proposal. Thank you.

**Delegate Sigras:** Mr. President.

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<sup>3</sup> Delegate Iriarte, under the Rules of Procedure of this Convention, was not able to vote. Therefore, Delegate Saimon acted as his Proxy and voted on behalf of the Pohnpei Delegation.

**President Killion:** Thank you. Yes.

**Delegate Sigrah:** I echo the position of Chairman Nabeyan, and I wish we had the opportunity to review this and discuss this in Committee, and I hope that it does not happen in the other committees, too.

**President Killion:** Thank you. As we know, the mandates of each of the committees, especially pertaining to the Committee on Style and Arrangement is basically to say what comes out of the various committees in terms of substantive discussion pertinent – of course, they are in charge of the responsibility of making sure that everything is consistent and so forth. So, all those comments – previous comments are relevant. Thank you. Yes, Chairman Fritz.

**Delegate Fritz:** Thank you, Mr. President. I think that my two colleagues are correct. There was another working paper that was attached to the Standing Committee Report. It was prepared, and it was adopted by the Committee. This should have made communication by member communication so it just goes in for the record. But what I think Chairman Nabeyan is trying to say is to make sure that when they construe this particular proposal as passed, that this should not be part of the consideration because Finance Committee did not recommend this. Unfortunately, it is there in place. So, that's what should be done.

**President Killion:** Thank you. So, with those taken into account, it shall be noted. Okay, we're still – we're moving on to Item No. 11 if no objection. Oh, sorry. I declare a short recess.

President Killion declared the Convention recessed at 12:50 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:53 p.m.

**President Killion:** We're now back to session. So, we have Committee Proposal No. CC-PR-4-09, CCD1 for Final Reading. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we pass Committee Proposal No. CC-PR-4-09, CCD1 on Final Reading.

**Delegate Bossy:** Second.

**President Killion:** Okay. It's been moved and seconded that the said Committee Proposal No. CC-PR-4-09, CCD1 be passed on Final Reading. Discussion? If none, it's going to be roll call by Delegation. The minimum required voting to pass is 3 out of 4 by Delegation. So, okay. Chief Clerk? Call the Delegation members.

Chief Clerk Reyes takes the Delegations' votes.<sup>4</sup>

**Chief Clerk Reyes:** Mr. President, all four States voted for the said Proposal under Final Reading.

**President Killion:** Thank you, Chief Clerk. Therefore, the said Committee Proposal passed on Final Reading. Congratulations. Thank you very much.

[Applause].

#### CONSIDERATION OF RESOLUTIONS

**President Killion:** Okay, moving on. Item No. 11: Consideration of Resolutions.

**Chief Clerk Reyes:** None, Mr. President.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

**President Killion:** Thank you. Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions.

**Chief Clerk Reyes:** Thank you, Mr. President. We do not have a referral sheet.

#### SPECIAL ORDERS

**President Killion:** Thank you. Item No. 13: Special Orders.

**Chief Clerk Reyes:** None at the moment, Mr. President.

#### MISCELLANEOUS BUSINESS

**President Killion:** Thank you. So, Miscellaneous Business. Does any Delegate have any miscellaneous business to share this afternoon? Miscellaneous business. Delegate Cantero?

**Delegate Cantero:** Thank you. Mr. President, just give me a chance to recap just to put things into perspective. Right now, the proposals that will be on the referendum: one has to do with the threshold, one is dual-citizenship, one is exclusivity of land to State – State jurisdiction – Courts, one is the seabed, one is the IP; those are ones – oh, override as well. So, those are six that have been confirmed as of this moment to be on the ballot. I think that's also very, very – so, as of right now, those are very, very healthy agenda for referendum in my view. Just thought to recap where we are to put things into perspective. But thank you, Mr. President, for leadership – I think we did a lot today – the Chairmen, thank you very much. And the point made by Chairman Albert for people to understand. I think as we go along, they're witnessing

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<sup>4</sup> Delegate Iriarte, under the Rules of Procedure of this Convention, was not able to vote. Therefore, Delegate Saimon acted as his Proxy and voted on behalf of the Pohnpei Delegation.

it. And I think I would recommend that towards the end of our process, we do a recap live and describe all the proposals that we have agreed to. Read them out, so it's clear to all of them. Just – I think that's what Chairman Albert was alluding to. But thank you so much – from me – thank you so much, Mr. President.

**Delegate Palsis:** Mr. President. Point of clarification.

**President Killion:** Chairman Palsis.

**Delegate Palsis:** I understand that the Veto hasn't been dealt with – not done yet or passed.

**President Killion:** Yes, all those passed. But as pointed out by Delegate Cantero, it is very true that we had disposed of several measures that are very important for our Nation. And we look forward to our final session of our proposals in the next few days. Okay, still on Miscellaneous Business. Any other miscellaneous business?

#### ANNOUNCEMENTS

**President Killion:** If none, any announcements by any of the Chairmen – Chairpersons? Any announcements?

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Chairperson Mori of Chuuk Delegation.

**Delegate Mori:** Yes, thank you. Thank you very much, Mr. President. If you may, I would like to ask that I be given a few minutes. I'd like to make a short announcement. On behalf of your Chuuk Delegation and our fellow Delegates from our sister States before the FSM Constitutional Convention. Mr. President, please accept our expression of sympathy and condolence on the passing of your father, Mr. Peter Killion. There are few persons on Earth who make a wonderful impact as much as a loving father does. Your father is a well-respected and loving man, and his legacy lives on in you. Please accept our heartfelt condolence. Tirou womw emefin President Redley Killion tori omw family meinisin. Kich mei fituuk non omw wei fansoun netupta me chupen. Omwusano ach tipis. Kinisou chapur. Thank you, Mr. President.

**President Killion:** Thank you, Madam Chair Mori. And, I accept the condolence. Thank you very much.

**Delegate Cantero:** Sir, if I may?

**President Killion:** Yes.

**Delegate Cantero:** With that news, I think that it is appropriate – highly appropriate for the Pohnpei Delegation here, present today – on behalf of Iso – pahda kupwuroan Iso oh pil submit our condolences to you for that loss, and sympathy to you, Mr. President.

**President Killion:** Thank you again, Delegate Cantero and Pohnpei Delegation – Iso and the others – for the kind words of condolence. Thank you very much.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Chairman Nabeyan.

**Delegate Nabeyan:** Thank you, Mr. President. On behalf of the Yap State Delegation, we express our sincere condolences to you and the family. Thank you.

**President Killion:** Thank you very much, Chairman Nabeyan. I appreciate it very much like the others. Thank you.

**Delegate Palsis:** Mr. President.

**President Killion:** Chairman Palsis.

**Delegate Palsis:** Kosrae Delegation wishes to share and associate ourselves with the statements as made by the other Delegations. Our condolences to you and the family of the untimely passing of your father. Thank you.

**President Killion:** Thank you very much, Chairman Palsis and members of the Kosrae Delegation, and likewise to all the Delegates for the kind words of condolence to our families for the untimely passing of our father. Thank you very much, all. Kalahngan. Okay, any other announcements? If none, Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we stand in recess until tomorrow at 10:00 a.m.

**Delegate Nabeyan:** Second.

**President Killion:** Thank you. It has been moved and seconded that we stand in recess until tomorrow at 10:00 a.m. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Therefore, our session is in recess until tomorrow at 10:00 p.m. Thank you.

President Killion declared the Convention recessed at 1:01 p.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon Journal Clerk

**FORTY-SECOND DAY**

Thursday, June 23, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:27 a.m., Thursday, June 23, 2022.

**President Killion:** I now call our session to order.

**SILENT PRAYER**

**President Killion:** May we observe a moment of silent prayer, please.

**ROLL CALL**

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 21 Delegates are present.

(Absent: Delegate Susaia, Delegate Takesy; Late: Delegate Arnold)

**President Killion:** Thank you, Chief Clerk. Therefore, we have a quorum so we can transact business for today's session. Again, we continue to welcome our colleagues, Delegates who are participating via virtual means. Again, we thank you very much for you taking time out from your busy schedule and participating in our deliberations.

**ADOPTION OF JOURNAL**

**President Killion:** Okay, moving on. Item No. 4: Adoption of Journal. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we defer adoption of the Journal.

**Delegate Bossy:** Second.

**President Killion:** Okay. It has been moved and seconded that we defer adoption of the said Journal. Any discussion? If none, it shall be noted. All those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried. So, the said Journals have been adopted with the minor corrections.

The motion carried by voice vote of Delegates.

## COMMUNICATIONS

**President Killion:** Okay, moving on. Item No. 5: Communications. Chief Clerk?

**Chief Clerk Reyes:** Mr. President, we do not have any Communications.

## UNFINISHED BUSINESS

**President Killion:** Thank you. Item No. 6: Unfinished Business.

**Chief Clerk Reyes:** None, Mr. President.

## REPORTS OF COMMITTEES

**President Killion:** Item No. 7: Reports of Committees.

**Chief Clerk Reyes:** Mr. President, as of now, we do not have any Reports.

**President Killion:** Okay, we are back on Item No. 7: Reports of Committees. Chairman Saimon?<sup>5</sup>

**Delegate Saimon:** Thank you, Mr. President. I move, under Rule 28, that we – the Committee on General Provisions – the committee report that is with them, Committee Report No. CC-SCR-4-14, be pulled from committee for consideration, and I also ask that we suspend the proper rules that may need to be suspended with this. Thank you, Mr. President.

**Delegate Liwy:** Second.

**President Killion:** Okay. It's been moved and seconded that we consider – pull that Report. If no objection, let's vote. All those in favor, say "Aye." All those opposed, say "Nay." So, motion carried; now, we have that Committee Report No. CC-SCR-4-14.

Motion carried by voice vote of the Delegates.

**Delegate Saimon:** Mr. President.

**President Killion:** Yes. Go ahead, Chairman Saimon.

**Delegate Saimon:** I move that we place the report for First Reading – for adoption, sorry.

**Delegate Bossy:** Second.

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<sup>5</sup> The Convention had gone down the Items on the Order of the Day until it reached Item No. 14: Miscellaneous Business, where a motion was made and carried to go back to this Item No. 7: Reports of the Committees. This portion is to be read *after* the first section but *before* the second section under Miscellaneous Business.

**President Killion:** Okay. It has been moved and seconded –

**Delegate Saimon:** Adoption of the report. Thank you.

**President Killion:** – that the said Committee Report No. CC-PR-4-14 be adopted. Any discussion? If none, let’s vote on the main motion for the adoption of the said Committee Report No. CC-PR-4-14. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried. So, the said Committee Report No. CC-PR-4-14 is hereby adopted.

Motion carried by voice vote of the Delegates.

**President Killion:** So, moving on. We have a new item under First Reading for tomorrow’s calendar. Alright. So, with that understanding under our Rules, since we –

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I thought we voted on a motion that suspends all the applicable Rules so that it’s taken up today.

**President Killion:** Well – yes. If we have suspended all the applicable Rules as you had just stated, therefore there are no obstacles to consider the particular matter under First Reading today.

#### FIRST READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you. Item No. 8: First Reading of Committee Proposals.

**Chief Clerk Reyes:** None, Mr. President.

**Delegate Saimon:** So, the proposal is now going to First Reading, right?<sup>6</sup>

**President Killion:** Yes.

**Delegate Saimon:** The proposal seeks to amend the current Constitution right now – add on to a language. Currently, the Constitution says that the ownership of lands and waters shall be precluded or shall not be allowed for noncitizens. So, it says “[a] noncitizen, or a corporation not wholly owned by citizens, may not acquire title to land or waters in

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<sup>6</sup> The Convention had gone down the Items on the Order of the Day until it reached Item No. 14: Miscellaneous Business, where a motion was carried to go back to Item No. 7: Reports of the Committees. Under Item No. 7, Committee Report No. CC-SCR-4-14 was pulled, placed, and adopted. With the applicable Rules suspended, the attached Committee Proposal No. CC-PR-4-10 was able to be placed under this Item No. 8: First Reading of Committee Proposals. This portion is to be read *after* the *first* section but *before* the *second* section under Miscellaneous Business, *after* the *second* section of Item No. 7: Reports of the Committees.

Micronesia.” So, the suggestion that the Committee worked on is the underlined that follows that. The purposes of the three sentences that are put in are discussed in the Report but let me just work with the first sentence first. “Ownership of land and waters in each state shall be held pursuant to the laws and customs and traditions of the respective state.” So, the meaning of that – the Committee thinks that the purpose of that is to recognize the current system that we have. In 1975, the 1<sup>st</sup> Constitutional Convention – they got together and decided that land shall not be an area or realm for the new FSM-Government-to-be to regulate or dealt with. So, that 1975 – those intentions of 1975 were that the framers didn’t want that matter for the National Government to deal with. The reality that we’ve been facing with is that the entities that are not pursuant to customs and traditions are getting ownership of lands – not pursuant to the laws, customs, and traditions of the States – have been getting land for the past 43 years. It is not rampant. It is not all over the place, but there are one or two entities that, according to each of the four States’ – actually three of the Constitutions – currently are getting land. So, the intention is to line off the intentions of 1975 and the realities of the three Constitutions – at least three of the Constitutions are very clear about local laws and customs and traditions. Yap is very clear about customs and traditions; Kosrae has a language that actually talks about the descendants of people of Kosrae are to own land in Kosrae; Pohnpei – we have a separate term in the Pohnpei Constitution. Chuuk chose not to put anything in their Constitution – you know – they chose not to do that in 1990. They didn’t restrict it; they didn’t open it up to ownership pursuant to their traditions and customs. That was not mentioned. So, this first sentence will take care of that. Go back to 1975 and connect the dot to make sure that the mistakes that are being done by Courts since then for the past 43 years do not repeat the intentions of 1975. Moving along, [t]his provision shall be applied prospectively...” So, the application of this section, if passed, will not – those who already have lands will not change. So, any Pohnpeians in Kosrae who have lands – for whatever reasons are able to get lands in Kosrae – this will not change it, even if that person is not of descent of Kosrae. Or in Yap, it will not change it if that person did not get the land according to the customs and traditions – I don’t know what that means but if it does not allow that – that person keeps the land. Pohnpei – if you are non-pwilidak, as it is written in the Pohnpei Constitution, and you already have a land, it does not change that also. So, it continues – those that already have lands. So, we cannot take lands away from people that already have land and this provision confirms that. We have due process section in the Constitution that we don’t want to usurp or assault, so we have this provision in there; the Committee came up with that provision. The final section in the proposed language is that “[t]his provision does not divest the national government of its jurisdiction or regulatory authority over the marine space pursuant to other provisions of this Constitution.” Now, this language was really geared towards one of the States, really, that has a traditional ownership that deals with “how far as one can see” to deal with – to be their traditional lands. We do not want to usurp the powers of the FSM Government currently on the areas of the EEZ and where they regulate. So, this section, again, maintains the tranquility of the federation that we have – that the FSM has specific powers; the States have specific residual powers – in this case, land –

but we do not want to assault the areas of maritime and admiralty and other areas that are with the FSM Government. So, that's the proposal that the Committee came up with. We did put together a comprehensive Committee Report. It has really good ties to the 1975 Constitutional Convention, it has the intention of keeping the harmony of the 1975 original Constitutional Convention, and it maintains the language of the first sentence from the current existing, which does not give land to noncitizens. So, we, the Committee – I hereby seek the Plenary or full Delegate support on this change because it maintains our local – our grassroots – where we came from. All of us. All of the four – the FSM and the people of the FSM – we came from four States, and each of those four States are unique. And this proposal maintains that. Thank you.

**President Killion:** Thank you, Chairman Saimon, for those elaborate words on the particular matter – Committee Proposal No. CC-PR-4-10. Okay –

**Delegate Cantero:** Sir, if I may.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Thank you, Mr. President. In my view, history favors those who make the hardest decisions. With that being said and my general understanding of this Proposal, I simply cannot support this Proposal. Out of my utmost respect, I cannot levy my support of this proposal.

**President Killion:** Thank you, Delegate Cantero, for expressing your view on this particular matter. Thank you very much for your comment.

**Delegate Cantero:** Motion for deferment if that is procedurally acceptable.

**President Killion:** Yes, thank you. Any other comments? We are Committee Proposal No. CC-PR-4-10 as proposed.

**Delegate Palsis:** Mr. Chairman.

**President Killion:** Yes, Chairman Palsis.

**Delegate Palsis:** Thank you. My respect to you and the esteemed Delegates. I'm in full support of the proposal as it is consistent with the way how we are dealing with land in Kosrae. And, I think we're well ahead of what we are talking about now, because we – in our Constitution, we provide exactly what is being addressed in this Report. Land is scarce. And people really know what to do with their land to determine who owns what. So, if this Proposal is to be voted, I feel that this is a well-fitting into how we deal with our land in Kosrae. So, I applaud the Committee for framing this Proposal for the Convention to address it, and, as I stated, this fits well within our structure as far as land. So, my position, as far as this Proposal – I will vote in the affirmative. Thank you.

**President Killion:** Thank you very much, Chairman Palsis, for expressing your views on the same subject on land ownership and jurisdiction as per Committee Proposal No. CC-PR-4-10.

**Delegate Sigrah:** Mr. President.

**President Killion:** Yes, Madam Chair Sigrah.

**Delegate Sigrah:** Following through with my fellow Delegate from Kosrae, Chairman Palsis, and representing Election District 1, Kosrae State, I'm in support of that as a Delegate out of Kosrae. And as the Chairperson for the Committee on General Provisions, my signature was on top of that Report. Thank you.

**President Killion:** Thank you for your full support of the said Committee Proposal No. CC-PR-4-10 pursuant your explicit views on the matter. Any other comments on the Committee Proposal on First Reading? Chairman Saimon, do you still have -?

**Delegate Saimon:** Each of us, we're voted by our constituents; we came here. We have reasons, and we should – and I really believe that one must vote his conscience, and I really applaud that. But please remember, we just need 16 votes to pass through here. We don't need 21 or 22 or 19, 18; we only need 16. So, look in your heart, think about where you came from, think about who sent you and what they meant back – our forefathers. Every time we talk about the Constitution, we talk about our forefathers, framers of the Constitution with due respect. You know, we have a lot of respect for these men who put this Constitution together that we have. So, this is their will; this is what they were talking about. Please take time to review the committee reports back from 1975. Ngiraklsong, Bossy, and all the Delegates – they really talked about how they need to divide up the powers, how land is out of the question, it should be decided by the States. So, we're just furthering what is there, what our forefathers said. You know, this is an area reserved for the States. We're just saying "Okay, yeah." If it's reserved to the States, the past 43 years, there have been some confusions. We just want to make sure it's clear, because the confusions have been very highlighted and very destructive in some views of the States – at least definitely for three of the States that have Constitutions that currently may not be in line with what we have today. So, it's in furtherance of what we have; we're not creating something new. We're just fixing something that's already been made that needs to be fixed. Thank you.

**Delegate Kanto:** Mr. President.

**President Killion:** Thank you, Chairman Saimon. Yes, Delegate Kanto, go ahead.

**Delegate Kanto:** Thank you very much and my respect to all, especially the proponent of this proposed amendment. Listening to what Chairman Saimon has said, I'm wondering if that concern is not already addressed by the other proposed amendments that we have already

passed that are co-dealing with lands that have to do with the State Court. I would like our LC to see if or tell us if this proposal is not violating or in conflict with any other provision in the Constitution. Thank you.

**President Killion:** Thank you, Delegate Kanto, for that comment. Yes, Chairman Saimon.

**Delegate Saimon:** Before we can go off the record and let the LC make the comments, may I?

**President Killion:** Yes.

**Delegate Saimon:** I know that there is an amendment that we passed; it's already completed and gone and will be going to the voters in March or whenever the voting is done. This is regarding Article XI, Section 6(b); that's the amendment to the jurisdiction of the FSM Supreme Court. That amendment says that, if approved, it will allow that any court matters dealing with ownership of land or interest in land – as the phrase used in the amendment – shall be done at the State level. Now, there's an argument that – well, if ownership is involved regarding Article III, Section 4, it has to go to the State Courts for decision. But the FSM States – all four of them – must follow the FSM Constitution. The current language as is right now – the way it lines up with at least three of the States, they don't jive; they don't match up. In other words, there is a legal argument today that the Pohnpei Constitution on land ownership is unconstitutional; there is a legal argument today that the Kosrae Constitution on land ownership is unconstitutional; there is an argument today that the Yap Constitution one is also unconstitutional – when it lines up with the FSM Constitution because of the Supremacy Clause in the FSM Constitution. Now, that's why we have the language of prospective, because it doesn't deal with taking away property guaranteed under the due process of the FSM Constitution. So, in my opinion – in my thinking – there are no provisions of the – if it passes, it will not be in violation of any current provisions of the FSM Constitution. But we can go off the record and let LC make comments as well. Thank you.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes. Chairman Nabeyan, go ahead.

**Delegate Nabeyan:** Yes. I didn't want to say anything on this Proposal because I already actually made up my mind, but with respect to my good friend, Chairman Saimon, the interpretation in terms of the Yap Constitution is – in my opinion – invalid. The Yap Constitution is not inconsistent with the current provision of the FSM Constitution. Under the Yap Constitution, anybody can own land pursuant to customs and traditions, but because we respect the FSM Constitution, you have to first be an FSM citizen, then you can own land in Yap pursuant to customs and traditions. So, we have Pohnpeians; we have Kosraeans – owning land in Yap pursuant to customs and traditions because they are FSM citizens. One thing we

need to keep in mind is we're in this for the long term. We are a nation, and the objective – I think – of this country from the original framers of the Constitution is to create a long-lasting nation, and we need to be unified together as actual sister-states. And if Yap is going to say our fellow citizens in the other sister-states, “You cannot own land in Yap because you're not Yapese,” – for the long-term – that has a very dire repercussion in terms of unity. And in my opinion, if we're looking long-term, we have to look at what implication of this would be to interstate commerce. If, for example, there's a business in Kosrae that wants to evolve and grow and develop interstate, this will actually be a hindrance. If the businessman in Kosrae cannot own land in Pohnpei, how can he move his business to Pohnpei? It's going to be difficult. It has to be by lease, but as a businessman, he prefers to actually own the land. And so, I think this – for the long-term view – is actually not good for the Nation. Thank you.

**President Killion:** Thank you, Chairman Nabeyan. Again, as we were elected to come here to further foster unity in our Nation, and we don't – of course, land is an important matter, so we want to make sure that – land, again, is very important. It's culturally important for each of the States, therefore as much as possible, we strive to maintain that. Thank you.

**Delegate Sigras:** Mr. President.

**President Killion:** Yes, Chairperson Sigras.

**Delegate Sigras:** I see the merits of the argument – the unity and keeping it within FSM – yet, I also see the importance to the people of Pohnpei and also the people of Kosrae that due to scarcity of land, let them decide who gets to own their land. Now, we're talking their land, not my land. Although it's my country, it is not my land. So, if the Pohnpeians want only pwilidak – did I say it right? – because I've been hearing pwilidak all this time, and I'm trying to see how I get to be a pwilidak. But if that is what they want, we must respect that. Because you come to Kosrae, Kosrae embodied their wishes into their Constitution; you have to be of Kosraean descent that you have to just see how to get about that and to get ownership of the land. So, let us respect what the Pohnpei people wants and give honor to people of that State. That's what they believe is best for them, and we have to respect that. Thank you.

**President Killion:** Thank you, Chairperson Sigras.

**Delegate Saimon:** Mr. President.

**President Killion:** Chairman Saimon. Go ahead.

**Delegate Saimon:** So, again, the concern brought up by Delegate Nabeyan – thank you, Delegate Sigras, for those comments. But the concern of Nabeyan, which is to continue the economic issues to unity and all that – again, I want to reemphasize the fact that this is not something new. This is – please, read the Journal from 1975; this is what the people that originally put the Constitution together wanted. We're just moving that along and clarifying it.

But as far as development and economic help from other States, Pohnpei law currently – Title 42 – we allow – Pohnpei Legislature, 1978 and amended in 1987 – they allow any citizen. It's listed; citizens of the FSM are allowed to lease land in Pohnpei. 25 years; there's a section for 50 years. Not only that, they even allow foreign investors – Vietnamese, Chinese, Americans – come in and use land for that length of time. When you drive back to Kolonia, you will see a big church in Sekere; that's a leased land to the LDS, the Mormons. That land is a 50-year development leasehold. They paid a substantial amount of money to keep that land for 50 some years. Several people – foreigners, Americans – have complexes of building just across the street in Sokehs and in Kolonia – places that citizens of outside are allowed to invest millions, to also have long-term leases. 50 years. Renewable 50 years – 100 years! So, Pohnpei accommodates that, and I'm pretty sure of the Kosrae State laws do accommodate, as well, leases to foreigners. I know that because I just helped somebody write a lease for a warehouse in Kosrae for 25 years. In Chuuk – we know that foreigners lease properties in Chuuk as well for 25 years or more – one I just did for 30. But the point is we currently have ways to deal with those. In continuing what our people, our forefathers put together back in 1975, we're not abandoning any wisdom that they had for development, because we're doing that. After the Constitution, Pohnpei put together a mechanism to accommodate the citizens of the FSM – to accommodate even further out to foreigners. So, no; we do have systems currently in Pohnpei for that. If we're going to be serious about development and economic working-together of the States, it's there. So, let's not confuse that it's not there; that this thing will harm that. It will not harm that. And if we want to be sentimental talking about unity and all that, well then, our forefathers were not thinking of unity then when they did that in their committee reports. Thank you.

**Delegate Nabeyan:** Mr. President.

**Delegate Fritz:** Point of information, Mr. President.

**President Killion:** Thank you, Chairman Saimon. Yes.

**Delegate Nabeyan:** I was going to move for the previous question. I yield.

**President Killion:** Before you do that, can you allow Chairman Fritz -?

**Delegate Fritz:** Yes. I just want to ask one question to my friends here from our great State of Pohnpei. But first, let me just be proud to say that only Chuuk has a constitutional Constitution. I mean – you all say that. Oh, and Yap. So, I'm proud of that. But my question is: I have a lot of relatives who – for reason not of their own choosing – have migrated to this great State of Pohnpei and have lived here and made this place their homes. I'm referring to *his* constituents. Are they allowed to own land in Pohnpei? I can understand the difference between lease and ownership; they are quite different. But are they allowed or not? I want to know.

**Delegate Saimon:** Can I answer that?

**President Killion:** Yeah, Chairman Saimon? You have a response to that?

**Delegate Saimon:** Yes, I do have a clear answer to that. The Pohnpei Constitution is very clear on who owns land – I’ll get back to that in a very quick moment. But I understand that Delegate Fritz did motion to my colleague from ED 1, Liwy, because of his ancestral background being from Chuuk. I want to also say that *my* great-grandfather came from Chuuk. Yes, he came from Satawan. So immediately to my right is Samo; we might be related by blood – not by Xavier only but because of blood. The point is: yes, eventually people can own land here, but you got to establish that connection to the Constitution – currently, we call it pwilidak. And people here are doing that. Delegate Takesy, grandchildren of – I understand – Yatilman; if you’re married to a Pohnpeian, your child – your grandchild – automatically becomes a pwilidak. So, yes; the answer to that is yes. Thank you.

**President Killion:** Thank you, but if you don’t marry a Pohnpeian but live here, you’re not pwilidak. The kids are not pwilidak.

**Delegate Saimon:** That’s the current language in the Pohnpei Constitution; yes.

**President Killion:** Okay.

**Delegate Sigrah:** So, if you married, have children, become pwilidak, they own land, then you divorced, then you get the land back?

**Delegate Saimon:** Well, land – once you transfer, it’s the owner – the new owner decides to return it or not. But what the children status is, they have what’s called future interest, when their father or mother, who is from outside, dies, they – through the lineage of their parent who is from Pohnpei – will get the land. But yes, so the key thing here is to lease or marry a local.

**Delegate Palsis:** Mr. President.

**President Killion:** Just like a forced marriage, then. Okay.

**Delegate Palsis:** Mr. President.

**President Killion:** Yes, Chairman Palsis.

**Delegate Palsis:** Thank you. To further –

**President Killion:** Alright, go ahead.

**Delegate Palsis:** To further –

**President Killion:** Order, please. Let’s hear from Chairman Palsis.

**Delegate Palsis:** To further the support of the proposition here, you all can own land in Kosrae, for one, as citizens, but the second test to meet the Constitutional mandate is to be descent or a descendent of Kosrae. That means you've got to have some blood in the system. So – it's not a complete prohibition for the citizens of FSM to own land. So long as you can meet the test – the second test – although the land is small, if you meet the constitutional mandates, you can have a portion of Kosrae. We have citizens from all the States who have had land in Kosrae prior to our Constitution being in effect. Even before and now, if you love to own land in Kosrae – and I hope you don't – you only need to meet the constitutional mandates. Thank you.

**President Killion:** Thank you, Chairman Palsis.

**Delegate Fritz:** May I raise a point of information to my friend there also?

**Delegate Fritz:** Yes, Chairman Fritz.

**Delegate Fritz:** When does the Kosrae descent start? Because in Chuuk – actually, supposedly our Adam and Eve came from Kosrae. So, therefore, all of us are entitled to own land in Kosrae.

**Delegate Palsis:** Exactly, then that will be your responsibility to prove that. So long as you can prove it, you're fine. Otherwise, don't even think about it.

**President Killion:** So, how do we – Chairman Palsis – how do we prove that?

**Delegate Sigrah:** You go for blood test.

**President Killion:** Thank you. Alright.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes. Order, please. Chairman Nabeyan. Continue on the discussion.

**Delegate Nabeyan:** I think we had a pretty good exhaustion of discussion. So, I move that we proceed on; close debate.

**Delegate Choor:** Second.

**Delegate Saimon:** Mr. President. Before a second of that, can I ask LC – let's go off the record and ask LC – I was trying to contact her. Can I ask for a secret vote?

**Delegate Nabeyan:** Yes.

**Delegate Saimon:** Good. I move for a secret vote.

**President Killion:** Before we do that, let's have a short recess.

President Killion declared the Convention recessed at 1:14 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 1:31 p.m.

**President Killion:** I now call our session back to order. A while ago, there was a motion to stop debate that was seconded, so we need to vote on that motion. All those in favor, say “Aye.” All those opposed, say “Nay.” So, motion carried. We now close debate.

Motion carried through voice vote of the Delegates.

**President Killion:** Yes, Chairman Saimon.

**Delegate Saimon:** Mr. President, I ask that the vote is secret ballot. That’s a motion.

**Delegate Liwy:** Second.

**President Killion:** Okay, it has been moved and seconded that we do the voting on this particular matter by secret ballot. So, all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” So, motion carried. Voting on this particular matter will be done by secret ballot.

Motion carried through voice vote of the Delegates.

**President Killion:** Staff, please give out the ballots or whatever we need to use.

**Delegate Nabeyan:** Recess.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 1:32 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 1:37 p.m.

**President Killion:** Now, we’re back to session. A while ago, before we went into recess, we were called to vote on the particular matter pertaining to Committee Proposal No. CC-PR-4-10 on First Reading. So, we’re taking the vote by secret ballot. Those of us who are here – and those of you who are joining us virtually, if you cannot get the process right, you just text your vote to the Legal Counsel so that she can note them and then tally them together with our Chief Clerk, after which a final tally will be announced to the Plenary. I think we have all voted – those of us who are here, but those of you who are joining us virtually, if you have not voted, go ahead

and text your vote to our LC and she will – Kathe will forward that to Chief Clerk. Alright. So, we shall do that, and we are on record. So, while you're doing that, I declare a short recess so that we can do other things. Thank you.

President Killion declared the Convention recessed at 1:38 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 1:42 p.m.

**President Killion:** Now, I hereby call our session back to order. We're voting on the matter, Committee Proposal No. CC-PR-4-10, on First Reading. Chief Clerk, can you announce the tally on the vote that we just took a while ago?

Chief Clerk Reyes tallies the secret ballots of the Delegates.<sup>7</sup>

**Chief Clerk Reyes:** Thank you, Mr. President. We have a total of 10 Yeses, 8 Nos.

**President Killion:** Thank you. Therefore, such proposed amendment is not passed on First Reading. Thank you. So, moving on – now, we can leap back to Item No. 14: Miscellaneous Business.

## SECOND READING OF COMMITTEE PROPOSALS

**President Killion:** Thank you. Item No. 9: Second Reading of Committee Proposals. And since our COW Chair, Chairman Asher, is not physically with us – he's in Kosrae – I hereby –

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** Before we resolve into COW, I'd like to make a proposed amendment to the proposal – before we resolve into the Committee of the Whole. Is that okay?

**President Killion:** Yeah, I just have to state for the record the appointment of COW Chair. Yes. Thank you, Chairman Nabeyan, but as I was saying, since Chairman of COW Asher is not physically with us today but is participating via virtual means, I hereby appoint our Floor Leader to be the temporary Chairman of the Committee of the Whole for today's session. So, with that, we are now on Item No. 9: Second Reading of Committee Proposals. Chief Clerk.

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<sup>7</sup> Though joining through virtual means, Delegate Iriarte, under the Rules of Procedure of this Convention, was not able to and did not put in a vote.

**Chief Clerk Reyes:** Thank you, Mr. President. The first one is on Committee Proposal No. CC-PR-4-11, CCD1 for Second Reading from your Committee on Government Structure and Functions, but first subject to review by Committee of the Whole, or COW.

**President Killion:** Thank you. As per our Rules, I hereby resolve our –

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** Before we resolve into the COW, may I make my proposed amendment?

**President Killion:** Chairman Nabeyan, wouldn't you do it in the Committee of the Whole – or outside?

**Delegate Nabeyan:** There reason why I think that it's important to do it in the Plenary is because the discussion will capture the intent of the amendment, and in the COW, it is not transcribed verbatim; it's a summary of COW discussion. So, I think that it is important for the Journal and the legislative history of this proposal that discussion on the proposed amendment be done in Plenary.

**President Killion:** I hereby declare a short recess.

President Killion declared the Convention recessed at 10:33 a.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 10:51 a.m.

**President Killion:** I now call back our session into order. Before we took that short recess, we're still on the Order, and we're on Item No. 9: Second Reading. And, we're – under our Rules, I hereby resolve our Plenary into COW, Committee of the Whole, and Floor Leader, who is now the temporary COW Chairman shall, take over from here. Thank you.

Acting COW Chairman Yatilman called the Committee of the Whole to order at 10:51 a.m., Thursday, June 23, 2022.

There is a rise to Plenary at 12:03 p.m., Thursday, June 23, 2022.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 12:03 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:07 p.m.

**President Killion:** Now, we are back to Plenary. I wish to have our Acting COW Chairman to make the report. Floor Leader? Acting COW Chair?

**Floor Leader Yatilman:** Thank you very much, Mr. President. Your Committee of the Whole considered two proposals that were up for debate by Delegates. We had a really healthy debate on it and came out for us to recommend the passes on Second Reading for Committee Proposal No. CC-PR-4-11, CCD2 as amended. The second one also is on Committee Proposal No. CC-PR-4-13, also recommended for passage on Second Reading. Thank you very much, Mr. President.

**President Killion:** Thank you very much, Floor Leader as Acting Chairman of the Committee of the Whole, for the work you did on those two committee proposals – Committee Proposal No. CC-PR-4-11, CCD2 and Committee Proposal No. CC-PR-4-13. And again, thank you for taking the action. Therefore, we have those two measures for Second Reading. And reminder that the voting will be done by Delegations, majority of which will make it pass is 3 or 4. Chief Clerk?

Chief Clerk Reyes takes the Delegations' votes.<sup>8</sup>

**Chief Clerk Reyes:** Mr. President, all four States voted for the said proposal under Second Reading.

**President Killion:** Thank you. Therefore, that particular Committee Proposal No. CC-PR-4-11, CCD2 passed on Second Reading. Congratulations. Thank you. Moving on to the other

**Delegate Albert:** Chair, recess.

**President Killion:** Yes. I declare a short recess.

President Killion declared the Convention recessed at 12:10 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:11 p.m.

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<sup>8</sup> Delegate Iriarte, under the Rules of Procedure of this Convention, was not able to put in a vote. Therefore, Delegate Saimon acted as his Proxy and voted on behalf of the Pohnpei Delegation.

**President Killion:** We are now back to session. A while ago, we just voted favorably; we passed Committee Proposal No. CC-PR-4-11, CCD2. It was passed by unanimous vote. Therefore, we are now on another committee proposal. Chief Clerk?

**Delegate Mori:** Mr. President.

**President Killion:** Yes –

**Delegate Mori:** Mr. President.

**President Killion:** Yes.

**Delegate Mori:** Yes. I am – yes, I am having a difficult time with the connection here. Can I please ask that my Vice-Chair to cast our next Delegation vote, please?<sup>9</sup>

**President Killion:** You need that – I declare a short recess.

President Killion declared the Convention recessed at 12:12 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:14 p.m.

**President Killion:** We are now back to session. We're in Plenary on Item No. 9: Second Reading, and we're now moving on to Committee Proposal No. CC-PR-4-13. Chief Clerk?

**Delegate Albert:** Mr. President, point of privilege.

**President Killion:** Yes, go ahead, Chairman Albert.

**Delegate Albert:** Thank you. Please allow me to make a short comment before we vote.

**President Killion:** Okay, you may. Certainly. Go ahead, Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. I wanted to speak yesterday before First Reading, but I missed the opportunity. In a way, I'm glad because today is Second Reading of this very important proposed amendment relating to revenue sharing and the opportunity to speak cannot be missed, so I request your understanding. I support this proposal with no reservations, and I am speaking now so the record fully captures why I stand firm on this position. As an elected representative in the Pohnpei Delegation, I owe everyone who voted for me an explanation of my position for the sake of transparency. The FSM Constitution was ratified in 1978, with the voters of then Ponape, Kusaie, Truk, and Yap Districts approving the Constitution. The ratification of the Constitution by these four districts recognized their

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<sup>9</sup> Despite this question, Delegate Mori was still able to vote on behalf of the Chuuk Delegation as Chuuk Delegation Chairwoman.

sovereign right to form the Federated States of Micronesia and make the FSM Constitution the supreme law of the land. In essence, FSM is a child of four parent States who jointly agreed to give it a special privilege in the management and control of a limited number of affairs including the power to control and regulate natural resources of our vast Exclusive Economic Zone or resources of our ocean that extends out 200 miles. Another power that the States gave the National Government is the power to collect tax revenue. Currently, national law requires that the National Government retains 30% of tax revenue from all the States and 70% is remitted to the State where the tax is collected. Although the current revenue sharing formula favors the states, there is one revenue source that National Government chooses not to share directly with the States, and that is revenue from fishing fees, which is the biggest source of revenue from the vast ocean; it is entrusted to manage on behalf of the four State governments. Over time this new source of revenue has grown exponentially through good management regulations jointly put in place with some of our regional governments, including agencies such as NORMA. With this increased revenue, the State Governments requested a division of the funds in line with the existing policy of 50/50 at the least. The National Government refused, and the States have gone to extra length, even reaching the courts in an attempt to get a share of this source of revenue, sadly to no avail. We, as delegates, are presently called upon to weigh the matter and decide how to resolve it. I based my decision on several factors: 1. customs and traditions based on fairness is certainly key, but my main reason arises from the fact that the States are the backbone of the economy of our nation. I remember vividly the clear recommendations of the 3<sup>rd</sup> Economic Summit where the private sector was identified as the key to developing our economy. Since then, I see little assistance in the form of added funding injected into the State Treasuries to help develop the private sector. Our economy remains stagnant, mainly because of the lack of development. So, the question I had to weigh was, if this revenue remains only with the FSM based on the status quo, how are we going to develop our economy, especially the private sector where the States are currently struggling with? With that said, my vote is obvious. Thank you all for allowing me to share my views.

[Applause].

**President Killion:** Thank you very much, Chairman Albert, for those very pertinent and useful information pertaining to the said committee proposal, which we're about to vote on in Second Reading – Committee Proposal No. CC-PR-4-13. It truly reflects our sentiments about the limited resources we have especially pertaining to the revenues from our ocean – upon the resources: fisheries. Okay, if – now we're proceeding on with the voting by Delegation. Chief Clerk.

Chief Clerk Reyes starts taking Delegations' votes.

**Delegate Iriarte:** Sihpw, kitaihl tupehne mahs.

**Delegate Saimon:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:21 p.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 12:36 p.m.

**President Killion:** I now call our session to order. Before we recessed, we were voting on Committee Proposal No. CC-PR-4-13, and we had already two votes – two Delegations who voted; Chuuk and Kosrae. Pohnpei and Yap have to cast their votes. So, continue, Chief Clerk.

Chief Clerk Reyes finishes taking Delegations' votes.

**Chief Clerk Reyes:** Mr. President, all four States voted for the said proposal under Second Reading.

[Applause].

**President Killion:** So, while you're applauding, I was deciding whether to declare the vote – but certainly, the outcome of the voting was unanimous that this particular Committee Proposal No. CC-PR-4-13 pertaining to the sharing of our – the revenues from our most abundant resources, fisheries, be shared among the National Government and the State Governments. Congratulations for that decision. Thank you.

[Applause].

## **FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS**

**President Killion:** Okay, moving on to Item No. 10. Chief Clerk.

**Chief Clerk Reyes:** Mr. President, for Item No. 10: Final Reading of Proposed Constitutional Amendments, as of now we do not have any.

## **CONSIDERATION OF RESOLUTIONS**

**President Killion:** Thank you. Item No. 11: Consideration of Resolutions.

**Chief Clerk Reyes:** Mr. President, as of now we do not have any resolutions.

## **INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS**

**President Killion:** Thank you, Item No. 12: Introduction and Referral of Delegate Proposals and Resolutions. Anyone who has those can submit.

**Chief Clerk Reyes:** We do not have a referral sheet, Mr. President.

## SPECIAL ORDERS

**President Killion:** Thank you. Item No. 13: Special Orders.

**Chief Clerk Reyes:** None, Mr. President.

## MISCELLANEOUS BUSINESS

**President Killion:** Thank you. Item No. 14: Miscellaneous Business. This time I would like to call upon any Delegates who may have a miscellaneous business to share with us this afternoon.

**Delegate Saimon:** Mr. President.

**President Killion:** Yes, Chairman Saimon.

**Delegate Saimon:** Thank you. I would – can we go off the record for a second, please?

**President Killion:** Alright. I declare a short recess.

President Killion declared the Convention recessed at 12:38 p.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 12:44 p.m.

**President Killion:** I now call back our session to order. We're on Item No. 14: Miscellaneous Business. Chairman Saimon?

**Delegate Saimon:** Thank you, Mr. President. I move that we go back to Item No. 7.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that we go back to Item No. 7 on our Order of the Day for today's business. All those in favor of the motion, say "Aye." All those opposed, say "Nay."

Motion carried by voice vote of the Delegates.

**President Killion:** So, any other miscellaneous business that any Delegate wishes to bring to this Convention this afternoon?

**Delegate Palsis:** Mr. President.

**President Killion:** Yes, Chairman Palsis.

**Delegate Palsis:** This has to do with our return trip. I understand that Chuuk and Yap are set to go on Friday. We have not heard if Kosrae will ever leave. Is there any plan?

**President Killion:** Yeah –

**Delegate Palsis:** So long as we're given allowance and extra money

**President Killion:** Yes. No problem. Thank you. No problem; we're going to keep you here forever, so you have to go back to the Sleeping Lady State. And our Secretary is working on that to ensure that all of us, especially those of us who are not from here – Pohnpei – will go back to our respective States and rejoin our families. But I'm sure for your Delegation, Kosrae, you're ready to – there's currently arrangements being made to be finalized. We have you – of course, you will go back there. Unless you want to stay here for a long time. But I'm sure you want to go back home; it's been a while – a month. Okay. Any other miscellaneous business?

**Delegate Kanto:** Mr. President.

**President Killion:** Delegate Kanto.

**Delegate Kanto:** In my tradition, I don't eat and talk but now I am going to eat and talk.

**President Killion:** It's alright; you have to break tradition sometimes.

**Delegate Kanto:** Okay, thank you, Mr. President. You're going to be tired of me because I'm not going to stop reminding you and the Leadership of the outstanding TA's that we are entitled to. The answer we've gotten from you guys is "They're doing it, they're doing it." When?

**President Killion:** Yes. Unfortunately, we don't control Finance, and our Staff keep following up. Apparently, there's a schedule of printing checks. I can assure you that each of us – we're entitled to *per diem*; we'll be getting our *per diem* in due time. Our Staff continue to do that – almost every day, three times, five times a day, they go and visit Finance for that follow-up. Don't worry, they're –

**Delegate Kanto:** Thank you, and Mr. President. Another one. If I may ask our Staff to kind of combine the amount of money owed by those outstanding or overdrawn TA's? Because I want to ask COVID-19 Task Force to pay us. So, if you can put together the total amount that is overdrawn, and I would like to know.

**President Killion:** Sure. That information is available. So, our Secretary has that information; he can share with us and possibly at the end of this session or before we adjourn, that will be provided.

**Delegate Kanto:** Please.

**President Killion:** Thank you.

**Delegate Kanto:** Thank you.

**President Killion:** Thank you, Delegate Kanto. Any other miscellaneous business? I guess we are all happy. So, if no other miscellaneous business –

**Delegate Cantero:** Sir –

**President Killion:** Yes. Go ahead.

**Delegate Cantero:** Maybe before we recess, do you plan to have some function as we exit, or -? Just for planning purposes.

**President Killion:** Yes. I'm sure we should have something, and I'm working with our Staff and Kapilly to prepare something to conclude our work. We deserve something. So, again, that is being planned, including the semi-formal closing of our work. So, Kapilly is working on that with the Staff. And it'll be known – hopefully will be announced soon before we adjourn.

**Delegate Cantero:** Sir. And maybe just one more – what I mentioned earlier – maybe towards the end – that we just kind of summarize the proposal outcomes so that everybody's aware, then we exit. Just for...

**President Killion:** Thank you very much, Delegate Cantero. That is very true. I'm sure our Staff has that mandate to provide the final summary of our meetings, especially the listing of all those proposals that have been adopted out of this Convention. And of course, moving forward on the next step is to have summary report to our leaders: President, Speaker, and members of Congress as well as our State leaders.

**Delegate Nabeyan:** Mr. President.

**President Killion:** And then the other one is, of course, the planning for the referendum. As you know, you're the one – I mean, the review of the Executive Order, which was done two years ago, when we went to President, he's very much interested to get our input. That was the first proposed composition of that Task Force, and I'm sure he's revising that. He wants to get our input to further modify. Thank you. Yes, Chairman Nabeyan?

**Delegate Nabeyan:** Recess. Can I call for a recess?

**President Killion:** Yes. Recess is called for.

President Killion declared the Convention recessed at 1:48 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 1:57 p.m.

## ANNOUNCEMENTS

**President Killion:** We are now back to Plenary session. Before we went into recess, we were on Announcements since we have done with Miscellaneous Business; any announcements by any other Committee Chairperson or Delegation Chair?

**Delegate Fritz:** Mr. President.

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** If Chairman Albert will not object, if I could join him on his vacation boat; the Committee on Finance and Revenue is in recess and would like to go on vacation with Chairman Albert.

**President Killion:** Okay. Thank you, Chairman Fritz. Congratulations. Again, likewise to Chairman Albert and –

**Delegate Albert:** Chair, can I just announce a housekeeping matter –

**President Killion:** Okay.

**Delegate Albert:** – I think we need to address?

**President Killion:** Go ahead.

**Delegate Albert:** I know that two new Delegates have joined us and maybe we should also afford them the opportunity to also take photos. So, I think you should also plan on taking a group photo before everybody leaves.

**President Killion:** Okay. I think that is being planned by our Staff or Secretary. Do you have a group photo possibly on the last day, so we all come with good – is it going to -? Formal. Okay, sure. Right, Kapilly? Thank you. Alright. Moving on again on announcements. Yes, Chairman Saimon?

**Delegate Saimon:** The Committee on Style and Arrangement will be meeting tomorrow right after the Plenary to discuss the final two proposals in front of the Convention. Thank you.

**President Killion:** Thank you, Chairman Saimon. So, tomorrow, Committee on Style and Arrangement will be meeting immediately after the Plenary session tomorrow. Any other announcements? – from Delegation Chairs or others? Alright. So, if no other announcements – Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we stand in recess until tomorrow at 11:00 a.m.

**Delegate Kanto:** Second.

**President Killion:** It has been moved and seconded that we stand in recess until tomorrow at 11:00 a.m., same place. Thank you. If no objection, all those in favor, say “Aye.” All those opposed, say “Nay.” Recess until tomorrow at 11:00 p.m. Thank you.

President Killion declared the Convention recessed at 1:59 p.m. until subject to call of the Chair

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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**FORTY-THIRD DAY**

Friday, June 24, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 11:50 a.m., Friday, June 24, 2022.

**President Killion:** I now call our session to order.

**SILENT PRAYER**

**President Killion:** May we observe a moment of silent prayer please.

**ROLL CALL**

**President Killion:** Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 16 Delegates are present.

(Absent: Delegate Asher, Delegate Iriarte, Delegate Naich, Delegate Susaia, Delegate Takesy, Delegate Mori; Late: Delegate Arnold, Delegate Hashiguchi)

**President Killion:** Thank you. Therefore, we have a quorum so we can transact business for today’s session. It shall be noted.

## ADOPTION OF JOURNAL

**President Killion:** Okay, moving on. Item No. 4: Adoption of Journal. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adopt the Journals of 38th, 39th, and 40th Days of our session.

**Delegate Liwy:** Second.

**President Killion:** It has been moved and seconded that we adopt the Journals of those said days as noted by Floor Leader. Discussion? And copies of those Journals were distributed; you should have copies. Discussion? If none, let's vote to adopt said Journals. All those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried. So, the said Journals have been adopted with the minor corrections.

The motion carried by voice vote of Delegates.

**President Killion:** Moving on –

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I move that we suspend the Order of the Day and jump to Item No. 14.

**Delegate Albert:** Second.

**President Killion:** Thank you. It has been moved and seconded that we move down to – we jump – we suspend the Rules and we leap all the way down to Item No. 14: Miscellaneous Business.

**Delegate Fritz:** Mr. President.

**President Killion:** Yes.

**Delegate Fritz:** We are on Miscellaneous Business?

**President Killion:** But first we vote. If there are no objection, it shall be done.

## COMMUNICATIONS

A motion was made to suspend this Item No. 5.

### UNFINISHED BUSINESS

A motion was made to suspend this Item No. 6.

### REPORTS OF COMMITTEES

A motion was made to suspend this Item No. 7.

### FIRST READING OF COMMITTEE PROPOSALS

A motion was made to suspend this Item No. 8.

### SECOND READING OF COMMITTEE PROPOSALS

A motion was made to suspend this Item No. 9.

### FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

A motion was made to suspend this Item No. 10.

### CONSIDERATION OF RESOLUTIONS

A motion was made to suspend this Item No. 11.

### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

A motion was made to suspend this Item No. 12.

### SPECIAL ORDERS

A motion was made to suspend this Item No. 13.

### MISCELLANEOUS BUSINESS

**President Killion:** So, now we are on Miscellaneous Business.

**Delegate Fritz:** If I may?

**President Killion:** Yes, Chairman Fritz.

**Delegate Fritz:** Thank you. I have short remarks that I just inserted in the Journal so to spare your time, so we can go and have that cocktail tonight. So, thank you very much. With your permission, I'll just insert it into the Journal for today's business.

**President Killion:** Thank you very much, Chairman Fritz.

**Delegate Bossy:** Mr. President.

**President Killion:** Yes, Delegate Bossy.

**Delegate Bossy:** Thank you, Mr. President. My esteemed colleagues, His Excellency Iso Nahnken Salvadore Iriarte, Iepen Palikir, Honorable Delegates of the 4<sup>th</sup> FSM Constitution Convention, I salute you all, each and every one respected Delegate. With my highest and utmost respect, and on behalf of the people of Northern Namoneas, I convey my commendation to you all.

But, before I actually commend everyone, let me first request that you please bear with me from this time on, because I will speak to you from now until tomorrow's morning. And because it is really our time together as a convention, I will summon the moon to hold up for us, since I'm married to a Pohnpeian lady from Nett originally from Fefan Island, from which people there have their famous story that they were the first people on earth to explore the moon using their long stick picks to get the moon; so yes, I can do so.

Mr. President, I come here to Pohnpei with high hope to find peace and happiness. And, I did.

We arrive here in Pohnpei as Micronesians with sentimental hope to strengthen peace, unity, and compassion, and love for our peoples and nation. And, we really did.

Pohnpei definitely is the Island Throne of the Nanmwarki(s) Chiefs and the Island Throne of the Federated States of Micronesia, the Capital of our FSM Nation, and the Capitol Hill of Pohnpei, a sanctuary where we Micronesians come together to find counseling and wisdom. And definitely it is the Paradise where we finally come together to find true peace, true unity, and true happiness with sincere open minds, hearts, and hands.

Therefore, Mr. President, I start off with my commendation commending members of the Pre-ConCon Committee for their efforts in preparing and putting together the Rules of Procedures for the 4<sup>th</sup> FSM Constitutional Convention among other essential matters needed for the proceedings of this convention. Although, there are conflicting rules in it, I would say that the Pre-ConCon members diligently worked toward an objective where quorum is not disruptive, where delegates and delegations have privileges without bias or prejudice, where no delegate nor delegation is dominant over the other, and where bigger delegations are not always in the majority rule. The Pre-ConCon members really did it wisely. I salute members of the Pre-ConCon Committee especially my best friend of my best friends Honorable Ricky Cantero. I salute you, sir.

Furthermore, I commend Honorable Andrew Yatilman, Floor Leader of the 4<sup>th</sup> FSM Constitutional Convention for his untiring effort to lead and guide the proceedings of our convention and even guiding the other standing committees of which he's a member of, knowing he has other essential duties for the National government. My respect to you Floor Leader; forgive me for being a nuisance being out of order most of the time.

Moreover, Mr. President, I commend the Honorable Chairman Mason Albert for outstanding effort for our Standing Committee on Civil Liberties and Traditions to be the first committee to

accomplished its task and duties followed by the Standing Committee on Finance and Revenue chaired by the Honorable Chairman Jack Fritz. I salute both of you.

In addition, Mr. President, I commend Chairperson Honorable Yoslyn Sigrah for her dedication and devotion to the task and duties of the Standing Committee on General Provisions despite a lot of challenges and pressures she faced while doing her job for this nation. I salute you for standing strong with your Vice-Chairman the great perceptive and intelligent Delegate, the Honorable Andy Choor. I salute you both.

Mr. President, I further commend the Honorable Chairman Chief Victor Nabeyan for his greater effort in leading and guiding proceedings not only in the Standing Committee on Government Structure and Function but also assisting and supporting Convention members with smooth proceedings of our plenary sessions. I will always remember you, Mr. Victor, especially for your tactic tricks in deferring my amendment which he doesn't like to become defeated. I salute you victorious Chief Victor.

I further commend two gentlemen, Chairman of the Committee of the Whole the Honorable Johnson Asher and Chairman of the Committee on Style and Arrangement, the Honorable Salomon Saimon – who happens to be my brother-in-law – knowing that these two Committees are where the hectic load of work begins and ends. And these two gentlemen have done a lot of incredible work. And although we are not actually done yet, I salute both of you in advance; job well done.

Mr. President, I would add to commend our Chuuk Delegation, the Chairlady Madam Chair Honorable Cindy Mori, Vice Chairman Honorable Marcus Samo, and of course the outspoken Proxy from Faichuk Honorable samon Kind Kanto, who eloquently advises us most of our time together during Delegation meetings for us to be seated like a man, to be seated like a Nahnmwarki, and to be seated like our traditional navigator piainuk as we experience turbulence and having irritating winds echoing through our ears. I salute you three, I will try my very best to be seated like a man, like a Nahnmwarki, and like an enduring traditional navigator.

Mr. President, I commend the Delegation from Yap or Wa'ab, the Delegation of Kosrae or Kachau and most of all, the Delegation from Pohnpei, Pwoni Pei or Woni Pei. I have learned a lot from you folks. I have learned from you now the mwaramwar to wear and to be strong rooted: the mwaramwar weaved with prudence, temperance, fortitude and justice. I will instill and cherish those with the friendship you folks have projected to me. I will cherish them in my heart and to my soul. I salute each and every Honorable delegate of this Convention.

Mr. President, before I forget, I commend you in your leadership in this Convention and although our per diem is still pending, I still salute you for your devotion to your duties while looking out for the rest members of this Convention for their wellbeing and welfare.

Mr. President, I would say our 4<sup>th</sup> FSM Constitutional Convention has become the first best ever knowing and believing with confidence that certain proposed amendments will be ratified by our people through our referendum.

Mr. President, I am proud to serve with you in this Convention with my colleague from District 2 the Honorable Joanne's Johnny Risin knowing why this Convention has become the first best ever that we have quite a number of lawyers or legal experts serving with us and among us. I am proud that I serve with His Excellency Iso Nahnken Salvadore Iriarte and I felt as if I was among the traditional chiefs of Pohnpei. My utmost respect to you Isohko, Tirou.

I extend my gratitude and farewell to the people of Pohnpei, the traditional chiefs, the leaders of Pohnpei state and the National government. I also extend my appreciation and gratitude to the Staff of the 4<sup>th</sup> FSM Constitutional Convention.

Mr. President, are we there yet, is it in the morning?

With these remarks Mr. President, I sing you all my farewell song. This song is basically the story of the border protectors of our ocean nation from the west to the east, Yap and Kosrae. It is the call from the chiefs within the nation calling out to Souwaab and Soukachau to stand their grounds to protect our borders.

Pursuant to our Rules of Procedures, Rule 75: don't make noise, don't cough, don't sneeze, don't laugh, don't breathe, don't move, just listen, otherwise I will lose concentration and eventually I will lose my memory and conscience. Again. With my highest and utmost respect to you all and lappen Palikir.

*Ine fot ne inefot ne inefotuni machew....machevei sopunupi. ....upuene mo fotuki won nukei raas....nuken ii weno....upue awenata wo i nanen me re ii enu nap.....me semen karor upue awenatiw ne nomun ii notou...ren i sou waab upue awenata nenomun il achau.... ren il sou kachau repue e wiri wiri machewen ke si isin...machewen kerekirek repue poku ochei ochei ochei ochei repue poku ochei repue poku ochei ochei ochei ochei.<sup>10</sup>*

I thank you all. *Adios via condios.*

[Applause].

**President Killion:** Thank you very much, Delegate Bossy, for that very profound, meaningful statement. Including the song, which is a song that signifies the unity we've been trying to achieve starting with our forefathers, including us as Delegates of this 4<sup>th</sup> FSM Constitutional Convention in spite of all the challenges that we have encountered this past two

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<sup>10</sup> This song is sung in Chuukese by Delegate Bossy and is about protecting our islands, as mentioned earlier by the Delegate.

and a half years. Again, thank you very much. Any other miscellaneous business? We're still on Item No. 14. Yes, Chairman Saimon.

**Delegate Saimon:** Thank you. Again, thank you to my brother-in-law for that very good speech; that was very touching. But I think – I will be making a motion. I wonder if we should go off – can we go off the record for a second?

**President Killion:** Okay. I declare a short recess.

President Killion declared the Convention recessed at 12:09 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:21 p.m.

**President Killion:** I now call our session back to order. Before we took the recess, we were on Item No. 14: Miscellaneous Business. Any other miscellaneous business that anyone wish to raise? Yes, Chairperson Sigrah; go ahead.

**Delegate Sigrah:** Thank you, Mr. President. I had similar statements that I was reserving for the last day to thank each and every one. Since this is not the last day, I will state it later. But, I want to go on record and thank my neighbor here, Delegate Bossy, for that beautiful, insightful, moving, eloquent speech that he delivered. Thank you very much. Makes me want to sing a Kosraean song, "Kampare," but I will just say that we all go out there and do our work each day and kampare, kampare, kampare. And I did encounter challenges as, not only a Chairperson, but as a – one of the lone females here – sitting here. And that qualifies me and licenses me to be the only Delegate that can be emotional and cry and talk at the same time. Because I know that men, when they talk, they cannot. So, isn't it beautiful that I'm the only one with this license to cry and talk? But what I'm trying to say here is that it is very challenging. No women wants to be among an all-men's forum or group, but I tried very hard, because I want our daughters, your daughters, your other women – not in a negative sense – but the women out there from Madolenihmw to Sokehs to Faichuk, Northern Namwoneas to Yap and to Kosrae, to know that this is our islands, this is FSM. We all have a duty to protect. Whether we are mothers or fathers, sons or daughters – so if whatever I have done here can be a lesson to all of your daughters out there, all the women out there; that we cannot wait and wait to allow us women to have our seat with our men. That with all of the obstacles and challenges, we have to stand up because we mothers – we care as much as the fathers. And we have a responsibility to lead with our men. It is not easy, but I gave it all my best, because I want my daughters to live a different future than what I have come across and lived. And, I am so eager to go back to the women's group – because I am part of the FSM Women's Council – because I will then report to them, "Hey. It's not that bad. Come out here and join in. They don't bite. They've been civil. They've been good." And, I honestly – from the bottom of my heart and representing my family – I thank you all. Because there was not one moment, one second, one minute that I was treated differently than a man. And that alone gives me more confidence to go out there and tell the women – tell our daughters – there is nothing stopping you from running. Let us all go out there, hand-in-hand

– joining hands – as we go on and help build our Nation – our island Nations together. Again, thank you very much for all of the courtesies, support, patience that has been afforded to me. Thank you.

[Applause].

**President Killion:** Thank you, Madam Chair Sigráh. Certainly, women in our cultures are treasured; they are the cornerstone of our culture. Again, thank you for reiterating that. Thank you very much. Any other miscellaneous business?

### ANNOUNCEMENTS

**President Killion:** If none, we move on to Announcements. Do any of the Chairpersons have announcements to make for meetings? Floor Leader?

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes; go ahead.

**Floor Leader Yatilman:** Do I understand that tomorrow, there's no Plenary – just Committee?

**President Killion:** I declare a short recess.

President Killion declared the Convention recessed at 12:26 p.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 12:40 p.m.

**President Killion:** I now call back our session to order. We are on Item No. 15: Announcements. Are there any other announcements from the other Committee Chairs or Delegation Chairs? Yes, Vice-Chairman Samo.

**Delegate Samo:** Thank you, Mr. President. There was going to be a meeting with the Chuukese community here for the Chuuk Delegation, but that has been moved to sometime next week. So, it's not going to take place this evening anymore. Thank you.

**President Killion:** Thank you, Vice-Chair Samo. That meeting has definitely been moved to evening on Wednesday, 5:00 p.m. at Kolonia COM-FSM Campus gym. Thank you. Any other announcements? If none, Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we stand in recess until 10:00 a.m. on Monday morning.

**Delegate Fritz:** Second.

**President Killion:** Thank you. It has been moved and seconded that we stand in recess until Monday, 10:00 a.m. If no objection, all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Thank you. We stand in recess until Monday at 10:00 p.m. Kalahngan. Thank you.

President Killion declared the Convention recessed at 12:41 p.m. until subject to call of the Chair.

SHORT REMARKS FROM JACK FRITZ, ESQ. DELEGATE FROM SOUTHERN  
NAMONEAS

[inserted into the Journal Day 43 of the Convention as requested on the floor of the Convention]

Mr. President, please allow me to extend and convey my sincere and humble salutations and respect to our traditional chiefs from our great state of Pohnpei and those of our other states, “Tirou o Tirou, ngang ewe Tirou. Tirou lang Tirou, Tirou pun Tirou, Tirou Matau Tirou. Tirou won Lappen Palikir. May I also pay my respect to our own traditional chiefs who are also members of this august body. “CHOPU CHOO NUWA, PUNGU CHEPWETE, TIRO PWETETE won ISO NAHNKEN SALVADOR IRIARTE, NOAHS MASON ALBERT, CHIEF VICTOR NAPEAN, SAMOL KIND KANTO: My utmost respect for our FSM President, His Excellency President Panuelo, Honorable Vice-President George, and Cabinet members of the Executive Branch, Honorable Speaker Simina and honorable members of the 22<sup>nd</sup> FSM Congress, Acting Chief Justice the Honorable Beaulen Carl-Worswick, and all officials of the national government in all the three branches of government. I further extend my humble respect to our Church Leaders from our Diocese and Nation. Ai Tirou me Fairo Lapalap on the Governor of this State, the Speaker of the Legislature, the Chief Justice of the Pohnpei Judicial Branch, the great people of this state of Pohnpei. Of course, my respect to you President Killion, and the officers of this convention, fellow honorable delegates, the Traditional Chiefs, and people of Southern Namoneas salute you and extend to you all what we always seek from each: *peace, friendship, cooperation, and love for our country and our peoples*. May the Peace of the Lord and Grace of our Almighty God be upon every one of us.

Mr. President, as we come near to the completion of our awesome tasks here in Palikir, and as we plan and prepare ourselves for the more difficult challenges to educate our citizens on the proposed amendments to Constitution adopted in this 4<sup>th</sup> FSM Constitutional Convention, allow me to share some observations and concerns. This 4th FSM Constitutional Convention would likely be the only national convention whose tasks were abruptly interrupted by MOTHER NATURE when it un-leashed a virus called COVID-19. After witnessing the very rapid and unstoppable killings of people all over the world by this virus, appropriate world government and health officials quickly declared that COVID-19 had reached a pandemic stage. The virus has no respect for transnational boundaries as it kills people indiscriminately, rich or poor, male or female, young or old, regardless

of race or station in life. It just kills and creates havoc in all the economies of the world sending panic to mankind. Recall that our President Panuelo took appropriate action declaring a nationwide state of emergency which caused this Convention to stop its works sending all the delegates to their respective homes.

For the past two years, I have quietly tried to reflect deeply to understand what mother nature is trying to tell us all. I ask myself, is there a message that mother nature wants this Convention to heed? When this pandemic began ravaging God's people, at one point there was a movement for all governments to work together cooperatively and in harmony to seek appropriate relief for peoples of this world, including the natural environments which benefit from the peoples' lockdown. Fresh and clean air, rivers, and streams were no longer that polluted, the ocean, all began to recover its natural pristine conditions. But then, dark forces, political ideologies, and regional divisions, unfortunately, stopped the attempts to work in peace, cooperation, and harmony. I thought to myself maybe this was the "hard" lesson that mother nature wants to remind world leaders. That it is wiser to work together in peace and harmony on common challenges and share God's wisdom to safeguard mankind. Here at our homes, I hope and pray that our five Pandemic Task Forces work cooperatively and in harmony with each other to protect our people. Mr. President, perhaps, when we returned here to reconvene last month, maybe it would have been appropriate and wise that we paused and shared what we learned over the past two years to discern the message that should have guided our tasks at hand. WE MUST NEVER FORGET THAT IT IS THE LOCAL GOVERNMENTS WHICH IS THE BEDROCK, THE FOUNDATIONS, OF OUR STATES, AND NATION. WE ARE ALL DOMICILIARIES OF OUR LOCAL GOVERNMENTS, JUST RESIDENTS OF OUR STATES, AND MERE CITIZENS OF OUR NATION. WITHOUT OUR LOCAL GOVERNMENTS, THERE WOULD BE NO STATES, NOR A NATION. NEVER FORGET WHERE OUR CITIZENS AND RESIDENTS LIVE, IN THEIR DOMICILIARIES, THE LOCAL GOVERNMENTS.

On a brighter note, Mr. President, I believe this convention has addressed and provided possible solutions in the few selected adopted proposals that would contribute to our nation's building, strengthen unity, improve the economic conditions in our nation by sharing our nation's resources, and overall preserve the promises of tomorrows for our future posterity. Frankly, at one time, I was worried and concerned that we might have forgotten our solemn pledge to support unity and live together in peace and harmony. That our small differences do not separate us but rather they unify us like a beautiful rainbow with all its radiant and brilliant different colors. I was concerned that some of the colors seem to be fading. Then I remember what my senior colleague, Delegate Takesi, from Chuuk proudly reminded us during the first part of our meetings in the Congress Chamber that the delegates to this 4<sup>th</sup> FSM Convention came from a broad and varied sections of our communities with almost half the delegates who are lawyers, delegates who are business persons, chiefs, educators, and with the historical presence of two female delegates, would certainly bode well for a successful convention. One striking, and very helpful common bond among most of the delegates is the simple truth that a lot of these honorable delegates are Xavier alumni. In my humble opinion, this is one major reason why this Convention is successful. It's the display of human friendship and comradeship amongst these delegates that serves as the

conduit for arriving at decisions. I pray every day for a successful convention. The words of our preamble to our Constitution give me the courage and hope that we will overcome my concerns. *“With this Constitution, we affirm our common wish to live together in peace and harmony, to preserve the heritage of the past, and to protect the promise of the future.*

*To make one nation of many islands, we respect the diversity of our cultures. Our differences enrich us. The seas bring us together, they do not separate us. Our islands sustain us, our island nation enlarges us and makes us stronger....*

*We extend to all nations what we seek from each: peace, friendship, cooperation, and love in our common humanity. With this Constitution we, who have been the wards of other nations, become the proud guardian of our islands, now and forever. “*

Please, honorable and esteem delegates, let us continue to stay the course and work together in harmony to complete the remaining challenges we still have, armed and guided with the WISDOM of the Holy Spirit to ensure that in the remaining times left, we continue to exhibit respect for each other extending genuine acts of friendship and peace.

A few days ago, I witnessed your willingness, and patience in listening to each other, and working together in harmony. I am truly privileged and honored to serve with you all. As one of the older delegates, I must confess and admit that I have learned much from you all, and I will return home to my family and beloved people of Southern Namoneas equipped with the knowledge and wisdom you all exhibited and taught me during our deliberations here. Your youthful behaviors sometimes scare me, but now I am more than confident that when it is time for us elders to depart our beloved country our world will survive future challenges because we will leave it into your very capable hands. Do not fail us. And I sincerely apologize to every one of you, including our staff, for any action or words, or remarks, I made during our meetings and deliberations that might have offended you and made you uncomfortable. Believe me, my actions were intended only to protect and preserve the final product of our hard work ensuring, at least to me, that our actions are proper and lawful. I want to go home knowing that the bonds of friendship we weave together here will strengthen our people and our relationships and we can continue to work cooperatively and in harmony as we undertake the more challenging tasks of educating our people about these adopted proposals. I hope we remain friends for life and even more as family members of this nation we call home. Let our experiences here and the small accomplishments we achieve be our legacy that we can proudly leave behind. May I leave a few words as guiding stars for our future delegates coming from the domiciliary of Mt. Tonomwan:

“Epwe koi epwe saram epwe ran, koi, koi, ran...

Momot ngang, won ewe FAU ewe foun-chuow, ewe foun-chowonong, upwe weneta mo nukeifacham. Uri me uri, aki me aki, pungu me pungu, nge sisap ani pupun mwieisar, puchin, puchin. Nge sipwe eani pupun Mannap, pu mau, pu mau, fetan mwau, fetan mwau, mweni e pwetete, ano-o-pwetete, pungi-i- pwetete, Nutiw o Motisom”.

I end my short remarks by sharing the Motto of Southern Namoneas that is derived from the names of our municipalities, **Siis-Sipwe; Parem-Pochokun; Uman-Uwei; Fefen-Fengeni; Etten-Enletin; Tonoas-Toong.** *SIPWE POCHOKUN UWEI FENGENI ENLETIN TOONG.*

*KILISOU CHAPUR, KALANHGAN, KAMAGAR, AND KULO MULALAP.*

Respectfully submitted,  
/s/  
Krystal S. Saimon  
Journal Clerk

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### **FORTY-FOURTH DAY**

Monday, June 27, 2022

#### **CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 10:55 a.m., Monday, June 27, 2022.

**President Killion:** I now call our session to order.

#### **SILENT PRAYER**

**President Killion:** May we observe a moment of silent prayer, please.

#### **ROLL CALL**

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 20 Delegates are present.

(Absent: Delegate Asher, Delegate Cantero, Delegate Susaia, and Delegate Takesy)

**President Killion:** Thank you, Chief Clerk. So, therefore, we have a quorum to transact business for today's session. We continue to welcome our other Delegates who are joining us virtually. Thank you for your efforts.

#### **ADOPTION OF JOURNAL**

**President Killion:** Moving on. Item 4: Adoption of Journals. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you Mr. President, I move that we adopt the Journals of the 22<sup>nd</sup>, Day, 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 28<sup>th</sup>, 41<sup>st</sup> and 43<sup>rd</sup> Day of our Convention.

**Delegate Martin:** Second.

**President Killion:** It's been moved and seconded that we adopt the said Journal as read out by Floor Leader. Discussion? If none, all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried. So, therefore those said Journals of those days are hereby adopted. Thank you.

The motion carried by voice vote of Delegates.

### COMMUNICATIONS

**President Killion:** Item 5: Communications. FSM Congress Communications, Chief Clerk?

**Chief Clerk Reyes:** Thank you, Mr. President. We have several FSM Congress Communications, and they are No. 4-3 to No. 4-5.

**President Killion:** Thank you Chief Clerk, those said Communications from Speaker Simina are attached to the Order – No. 4-3, No. 4-4 and No. 4-5 – pertaining to our previous requests to Congress. Any discussion on those?

**Delegate Naich:** Mr. President.

**President Killion:** Yes.

**Delegate Naich:** May I kindly ask that you just summarize the substance of those communications, please? Thank you.

**President Killion:** Alright. Call for a short recess.

President Killion declared the Convention recessed at 10:59 a.m., subject to call of the Chair.

### **RECESS**

The Convention reconvened at 11:00 a.m.

**President Killion:** We now go back to session. A while ago Delegate Naich requested that some kind of summary of those said Communications from Congress be provided so he and others who do not have copies of those Communications could be aware of that information. Chief Clerk, could you please provide the information as needed, as requested?

**Chief Clerk Reyes:** Thank you Mr. President. The first Communication FSM Congress Communication No. 4-3 is a special Communication from the Honorable Speaker Wesley Simina, Speaker of the 22<sup>nd</sup> FSM Congress, acknowledging receipt and responding to President Killion’s letter of October 07, 2021, requesting Congress to make certain changes to the Constitutional Convention legislation in order to allow the Convention to take Sundays and a few more days off and recess days that would not count towards the total ConCon session days. FSM Congress Communications No. 4-4 is another Communication dated March 04, 2022, from the Honorable Wesley Simina, Speaker of the 22<sup>nd</sup> FSM Congress. This is simply responding to President Killion’s letter of February 28, 2022, requesting the use of Congress facilities and the assistance of Congress personnel for the Constitutional Convention to reconvene in person. FSM Congress Communication No. 4-5 dated May 12, 2022, is another Communication coming directly from the Honorable Wesley Simina, Speaker of the 22<sup>nd</sup> FSM Congress. This is just to extend warm greetings to President Killion along with all the Delegates of the 4<sup>th</sup> FSM Constitutional Convention and simply responding to President Killion’s letter of April 27, 2022, which communicated several requests pertaining to the reconvening of the 4<sup>th</sup> FSM Constitutional Convention.

**President Killion:** Thank you Chief Clerk. Delegate Naich so we now – we have heard the summary of those said Communications from Congress – from His Honorable Simina. Okay, any other comments? Any other discussions? We’re on the Communications.

UNFINISHED BUSINESS

**President Killion:** Okay, moving on Item 6: Unfinished Business.

**Chief Clerk Reyes:** Thank you Mr. President, as of now we do not have any unfinished business.

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**President Killion:** Now, we’re on Item No. 6.<sup>11</sup>

**Delegate Saimon:** Mr. President.

**President Killion:** Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. In furtherance of prior discussion on a subject matter, the subject matter being the ability of our paramount chief – person who is in the paramount system that we have in Pohnpei, Iso Nahnken, Delegate at-large, Salvadore Iriarte, I’d like to move that the Convention suspends its rules applicable to those that are in Pohnpei

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<sup>11</sup> The Convention had gone down the Items on the Order of the Day until it reached the end of matters under Item No. 7: Reports of the Committee, where a motion was made and carried to go back to this Item No. 6: Unfinished Business. This portion is to be read *after* the content under Item No. 7: Reports of the Committee.

and not attending the Convention so that those people – including the person that I mentioned who is bedridden due to illness – may join the Convention and be able to vote from afar using Zoom. Not only that, but the application shall apply back or *nunc pro tunc* to seven days after June 11, which was the date that Salvadore Iriarte, the Iso Nahnken, got out of quarantine in Pohnpei and is now bedridden at his house.

**Delegate Liwy:** Second.

**President Killion:** Thank you, Chairman. It's been moved and seconded that that motion be adopted. Discussion? If no discussion, let's vote. Unless you have additional comments.

**Delegate Saimon:** Well, the date that Iso that got out of quarantine, which, legally, he was – his vote was counting up to that date. Iso went with Mr. President and Convention Officers; they then visited the President of our country for a visit. Within that visit, Iso was exposed to the sunlight, and – according to his doctor – he's been required to stay indoors for seven consecutive days because that exposure from that day caused a huge blemish or reactions to the sun because of the illness that he currently has – the reason he was off-island in the first place. So, it's a medical reason. It's not a personal reason; we're not doing this because he's Iso or any other persons in the traditional system in Pohnpei. This would have been the same had it been for Choor or Bossy or any of us if in the hospital or participating from their beds in Pohnpei. So, this is not a motion designed to prop up certain people but designed for the sake of medical issues that any of us could have been unfortunate enough to be part of, so I seek your support. Thank you.

**President Killion:** Thank you –

**Delegate Choor:** Mr. President.

**President Killion:** – Chairman Saimon.

**Delegate Choor:** Mr. President.

**President Killion:** Yes.

**Delegate Choor:** This is an easy decision regardless of the landscape it's made – whether virtually or a decision made in the flesh – so I move for the previous question.

**Delegate Liwy:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried.

Motion carried through voice vote of the Delegates.

**President Killion:** Therefore, we are ready to vote on the main motion at hand. Yes, Chairman Saimon.

**Delegate Saimon:** Short recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:58 p.m., subject to call of the Chair.

## **RECESS**

The Convention reconvened at 12:59 p.m.

**President Killion:** Now, let's go back to Plenary. We are now back to Plenary, and we're going to vote on the main motion for the adoption of the amendment to said rules as described by Chairman Saimon. All those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried that the said rules are amended to allow Iso Nahnken to vote. It's been done, so thank you. Congratulations. Thank you.

Motion carried through voice vote of the Delegates.

**Delegate Choor:** Mr. President. I move that we move to Item No. 10 of our Order of Business for today.

**Delegate Kanto:** Second.

**President Killion:** It's been moved and seconded that we go back to Item No. 10 of the Order. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried.

Motion carried through voice vote of the Delegates.

## REPORTS OF COMMITTEES

**President Killion:** Thank you. Reports of Committees.

**Chief Clerk Reyes:** Thank you Mr. President. For Reports of Committees, we have two of them, and the first one is on Committee Report No. CC-SCR-4-20, on Committee Proposal No. CC-PR-4-11, CCD2 from your Committee on Style and Arrangement for adoption.

**President Killion:** Mr. Floor Leader?

**Floor Leader:** Thank you Mr. President, I move that we adopt Committee Report No. CC-SCR-4-20 regarding Committee Proposal CC-PR-4-11.

**Delegate Martin:** Second.

**Floor Leader:** CCD2.

**President Killion:** It's been moved and seconded that said Committee Report be adopted.

**Chair Saimon:** Mr. President.

**President Killion:** Yes, discussion.

**Chair Saimon:** May we call a recess for a second, please.

**President Killion:** Yes. I call for a short recess.

President Killion declared the Convention recessed at 11:04 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 11:05 a.m.

**President Killion:** I now call back our session to order. Yes, there was a motion to adopt the report.

**Delegate Albert:** Move for previous question.

**Delegate Martin:** Second.

**President Killion:** Motion to close debate. All those in favor of the motion say "Aye." All those oppose say "Nay." So, it's closed debate.

The motion carried by a voice vote of the Delegates.

**President Killion:** Let's move on to vote on the said report all those in favor of the motion for adoption say "Aye." All those oppose say "Nay." Motion carried.

The motion carried by voice vote of the Delegates.

**President Killion:** Moving on. Chief Clerk?

**Chief Clerk Reyes:** Thank you Mr. President, the next and last report on the said item is Committee Report No. CC-SCR-4-21 on Committee Proposal No. 4-13 from your Committee on Style and Arrangement for adoption.

**President Killion:** Floor Leader? Chairman Saimon.

**Chair Saimon:** Thank you Mr. President. Ahi tungoal sakaradahn wahu pahn kupwuroan Isohko, Noahs, koaruhsioa. Mr. President, we have a report that the Committee on

Style and Arrangement submitted, and we're here to report this out. Before we do that, however, we do have some cosmetic issues that we overlooked and would like to see to have it fixed at this level. Number one, the Report itself – I'm sorry – the Proposal, the number in the submitted one should be read as "13." It should be "Committee Proposal No. CC-PR-4-13, CCD1" and the Standing Committee Report attached should be "Standing Committee Report No. CC-SCR-4-21," not CC-SCR-4-17. So, I hereby move that the Convention adopts the changes.

**Delegate Choor:** Second.

**President Killion:** Okay. It's been moved and seconded that the said changes, as pointed out – proposed by Chairman Saimon be adopted. Discussion?

**Chair Fritz:** Short recess, please.

**President Killion:** Short recess.

President Killion declared the Convention recessed at 11:07 a.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 12:38 p.m.

**President Killion:** I now call our session back to order. Before we went into recess, we were on Reports of the Committee, and Chair – Floor Leader?

**Floor Leader Yatilman:** Recess.

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 12:39 p.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 12:39 p.m.

**President Killion:** We're now back to session. Chairman Saimon?

**Delegate Saimon:** Thank you, Mr. President. I thank everybody for coping with the Committee on the wait to make the stated discussions that we had off record. Mr. President, as Chairperson of the Committee on Style and Arrangement, I hereby move for the withdrawal of the motion made before the recess. Thank you.

**Delegate Liwy:** Second.

**President Killion:** Okay. It's been moved and seconded that the said report be withdrawn for consideration. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried. Therefore, that particular committee report has been withdrawn from the calendar.

Motion carried by voice vote of the Delegates.

**President Killion:** Chairman Saimon. Go ahead.

**Delegate Saimon:** Mr. President, instead of the now-removed and gone committee report with the attached proposal, a new Standing Committee Report was in front of the Style and Arrangement. We have it dated June 27, 2022. And under the pertinent rules, I'd like to move that it be withdrawn from the Committee and placed in front of the Panel – or rather the Convention, and for further suspension of relevant rules that will prevent such pulling and placement.

**President Killion:** Any second?

**Delegate Liwy:** Second.

**President Killion:** Thank you. It has been moved and seconded that the said Committee Report No. CC-SCR-4-21, CCD1 pertaining to Committee Proposal No. CC-PR-4-13, CCD1 – yes, to place on – yes. Go ahead.

**Delegate Saimon:** If we're in "discussions," I would like to point out some issues regarding the need for that change and now the placement. The underlining reason for the need for a new report and motion, and the reason for the withdrawal of the last one, Mr. President, is that the Committee on Style and Arrangement, after working on and completing the first report – we then came across research that confirmed that drafting of constitutions, or at least our Constitution, requires that after an Article, it's followed by a Section, and then after a Section, it is then followed by a Subsection. After the Subsection, the research shows us – and we're in agreement with the research – that it should be "paragraph" and not "subsection." As such, we have asked that the Committee have the opportunity to make the amendments to the Proposal and take out every part that talk about "subsection" and had that replaced with "paragraph," as the research shows or tells us. Changes are in front of the Convention right now, as well.

**President Killion:** Thank you. I move for a short recess.

President Killion declared the Convention recessed at 12:43 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:45 p.m.

**President Killion:** We're now back to session. Chairman Saimon?

**Delegate Saimon:** Thank you, Mr. President. To be proper, the motion that I'm making now is to withdraw the Report that I mentioned earlier from Committee to be placed in front of the Convention now and for the suspension of the applicable rules to allow such placement.

**President Killion:** Any second?

**Delegate Bossy:** Second.

**President Killion:** Okay. It has been moved for that withdrawal and suspension of the appropriate rules to allow discussion. Discussion? On the motion.

**Delegate Nabeyan:** Previous question.

**Delegate Kanto:** Second.

**President Killion:** It has been moved and seconded that we close debate. All those in favor to stop debate, say "Aye." All those opposed, say "Nay." So, now let's close debate.

Motion carried by voice vote of the Delegates.

**President Killion:** Now, let us vote on the main motion at hand. Yes, the main motion is to withdraw, place – what is the – the withdrawal of the said Report, placed on the calendar. Yes.

**Delegate Nabeyan:** And suspension of the applicable rules.

**President Killion:** And suspension of the rules. Okay. That is the motion you have heard. If no discussion, let's vote. All those in favor of the motion, say "Aye." All those opposed, say "Nay." So, motion carried. So, now we have that said Report.

Motion carried by voice vote of the Delegates.

**Delegate Nabeyan:** I move that we adopt the Report.

**Delegate Fritz:** Second.

**Floor Leader Yatilman:** We need to put it on the calendar.

**Delegate Nabeyan:** It's already withdrawn.

**Delegate Saimon:** Short recess, please.

**President Killion:** See, Floor Leader – short recess.

President Killion declared the Convention recessed at 12:47 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:48 p.m.

**President Killion:** Now, we're back to session. Yes, Chairman Saimon. We already stopped debate, and we're going to vote on the motion of the adoption of the Report. Yes, Chairman Saimon? You have any other -?

**Delegate Saimon:** No. Aside from what I stated before the pulling from the Committee, nothing else. We're ready to – I'm ready to vote. Thank you, Mr. President.

**President Killion:** Thank you very much, Chairman Saimon. And also, for the record, the relevant rules have been suspended, so that we can deal with this. Okay. If no other discussion, let's vote on the main motion. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried. So, the said Report has been adopted. Thank you.

Motion carried by voice vote of the Delegates.

**President Killion:** So, we have that one. So, next Item. Floor Leader?

**Floor Leader Yatilman:** Short recess.

President Killion declared the Convention recessed at 12:50 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 12:55 p.m.

**President Killion:** We're now back to session. Mr. Floor Leader?

**Floor Leader Yatilman:** Thank you, Mr. President. I move that we go back to Item No. 6: Unfinished Business.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that we go back to Item No. 6: Unfinished Business. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried.

Motion carried by voice vote of the Delegates.

## FIRST READING OF COMMITTEE PROPOSALS

This Item No. 8 was disregarded, as it had no matters under it.

SECOND READING OF COMMITTEE PROPOSALS

This Item No. 9 was disregarded, as it had no matters under it.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

**President Killion:** Now we are on Item No. 10 on our Order of the Day. Discussion?  
Chairperson Mori?

**Delegate Kanto:** Short recess, Mr. President.

**President Killion:** Oh – we’re on – Chief Clerk. We’re on Item No. 10. Okay, on the Final Reading of Proposed Constitutional Amendments.

**Delegate Mori:** [Inaudible].

**President Killion:** Chief Clerk, you can –

**Delegate Mori:** [Inaudible].

**President Killion:** We are now on Final Reading.

**Chief Clerk Reyes:** Thank you, Mr. President. Under the said Item No. 10, we have one proposal for Final Reading, and that is Committee Proposal No. CC-PR-4-13, CCD1 for Final Reading from your Committee on Style and Arrangement. This is attached to Standing Committee Report No. CC-SCR-4-21, CCD1.

**Delegate Naich:** [Inaudible].

**President Killion:** Okay. Discussion? Sorry, is there a motion to –

**Delegate Liwy:** Mr. President.

**President Killion:** Yes.

**Delegate Liwy:** Can we have a short recess?

**President Killion:** Short recess declared.

President Killion declared the Convention recessed at 1:01 p.m., subject to call of the Chair.

**RECESS**

The Convention reconvened at 1:25 p.m.

**President Killion:** Now, we're back to Plenary session. We're on Item No. 10: Final Reading of Proposed Constitutional Amendments. Chief Clerk, can you, again, read out the Proposal on Final Reading? Committee Proposal No. CC-PR-4-13, CCD1. Please read that out.

**Chief Clerk Reyes:** Thank you, Mr. President. Committee Proposal No. CC-PR-4-13, CDD1 is for Final Reading today. This is:

“Relating to Article IX, Section 2(m) of the Constitution of the Federated States of Micronesia, to provide that revenue derived from fishing fees are shared with the States.

RESOLVED, that the following be agreed upon as an amendment to the Constitution:

#### ARTICLE IX

**Section 2.** The following powers are expressly delegated to Congress:

(m) to regulate the ownership, exploration, and exploitation of natural resources within the marine space of the Federated States of Micronesia beyond 12 miles from the island baselines, provided that

- (i) not less than fifty percent (50%) of all revenue collected from all forms of fishing fees are shared with the State governments;
- (ii) seventy percent (70%) of the revenue shared with the State governments pursuant to paragraph (i) shall be shared among the State governments based on population as determined by the most recent census, and thirty percent (30%) of the revenue shared with the State governments pursuant to paragraph (i) shall be shared equally among the State governments; and
- (iii) all funds shared pursuant to paragraphs (i) and (ii) shall be paid into the State treasuries.”

**President Killion:** Thank you. Mr. Floor Leader?

**Delegate Fritz:** Can I move to stop debate?

**Delegate Nabeyan:** There was no motion.

**President Killion:** There was no motion.

**Floor Leader Yatilman:** Mr. President. I move that we pass Committee Proposal No. CC-PR-4-13 on Final Reading.

**President Killion:** CCD1.

**Floor Leader Yatilman:** CCD1.

**Delegate Nabeyan:** Second.

**President Killion:** It's been moved and seconded that Committee Proposal No. CC-PR-4-13, CCD1 be passed on Final Reading. Discussion?

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes.

**Delegate Nabeyan:** I move for the previous question.

**Delegate Choor:** Second.

**President Killion:** It's been moved and seconded that we stop debate. All those in favor to stop debate, say "Aye." All those opposed, say "Nay." Now, we stop debate.

Motion carried through voice vote of the Delegates.

**President Killion:** Now, we're ready to vote on this matter – on Committee Proposal No. CC-PR-4-13, CCD1, and it's going to be done by Delegation. Passage will require at least three of the four Delegations on this Final Reading. Chief Clerk?

Chief Clerk Reyes takes the Delegations' votes.

**Chief Clerk Reyes:** Mr. President, all four States voted for the said Proposal under Final Reading.

**President Killion:** Thank you very much to the Delegates and Chairpersons.

[Applause].

**President Killion:** That very important Committee Proposal No. CC-PR-4-13, CCD1 is finally passed on Final Reading. Thank you very much. So, moving on. Are there any other matters under Final Reading?

**Chief Clerk Reyes:** We do not have any more Proposals under Final Reading, Mr. President.

**President Killion:** Moving on.

**Delegate Choor:** Mr. President.

**President Killion:** Yes, Delegate Choor.

**Delegate Choor:** I move that we move on Item No. 14 on our Order of Business for today.

**Delegate Fritz:** Second.

**President Killion:** It's been moved and seconded that we move down to Item No. 14 on the Order of Business for today. All those in favor, say "Aye." All those opposed, say "Nay." Motion carried.

Motion carried through voice vote of the Delegates.

#### CONSIDERATION OF RESOLUTIONS

A motion was carried to disregard this Item No. 11.

#### INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

A motion was carried to disregard this Item No. 12.

#### SPECIAL ORDERS

A motion was carried to disregard this Item No. 13.

#### MISCELLANEOUS BUSINESS

**President Killion:** Therefore, we are now on Item No. 14: Miscellaneous Business. Thank you. Any miscellaneous business that anyone wishes to share with us this afternoon? We started in the morning, now it's afternoon. So, any other miscellaneous business?

**Delegate Fritz:** Yes, Mr. President.

**President Killion:** Yes.

**Delegate Fritz:** Can we have an idea of what you plan to do tomorrow? - so, some of us can also take appropriate action? Whether to come or not to come...

**President Killion:** Yes. Thank you, Chairman Fritz. Actually, we will come to that, but I hereby declare a short recess.

President Killion declared the Convention recessed at 1:31 p.m., subject to call of the Chair.

#### **RECESS**

The Convention reconvened at 1:44 p.m.

**President Killion:** Now, we are back to session. Before we recessed, we were on Item No. 14: Miscellaneous Business. Does any –

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Madam Chair.

**Delegate Mori:** Yes, I have something for Miscellaneous, if that's okay.

**President Killion:** Go ahead, Madam Chair Mori.

**Delegate Mori:** Thank you, Mr. President. I beg the indulgence of all the Delegates of the Convention as I wish my eldest son, Mr. Shermick Taka Mori, a very happy birthday today. He has been diligently following our sessions, so I thought that this might be fitting, and he is determined to be a future Delegate at the 5<sup>th</sup> FSM Constitutional Convention, God willing. Thank you again for your indulgence.

**President Killion:** Thank you very much, Madam Chair, and congratulations to your son, Shermick Taka Mori.

**Delegate Mori:** Thank you.

**President Killion:** Okay, any other for Miscellaneous, before we conclude?

**Delegate Liwy:** Mr. President.

**President Killion:** Yes, Vice-Chairman Liwy?

**Delegate Liwy:** Can I make a statement? Maybe I won't have time tomorrow so...

**President Killion:** Go ahead.

**Delegate Liwy:** Thank you very much, Mr. President. Iheng oh Kaselehlie maingko. Mwohn ei pahn patohieng nan ahi tungoal sakarada mwotomwot wet, e konehng mehlel ien tihengki ei tungoal sakar en dangken sapakan Enihlap pwehki kaipaip en kupwurosoulap me sansal ong nan ieias me kitail ketin sapwelmarki.

Pwehki sakarada wet pahn pato nin leng, Keipweni pohn ereksohn Pohnpei U, wahu lap pahn kupwuren Isonahnken ko, wahu lap pahn kupwuren Isonahnken en wein Nett, pwilihki wahu wet, sapwelmarki likend ko, nahnaleko oh nahnkeniei ko. Wahuniki keidi lapalap kan nan pelien tiahk, wauniki Noahs U, sapwelmarki weliepe kan nan palien mwohmwohdso kan, oh dahkehn government siluh me mie. Ehi tungoal wahu tohrohr en pil doke Chief Victor Nabeyan.

My special respects to the President of the 4<sup>th</sup> FSM Constitutional Convention, Honorable Delegates of the 4<sup>th</sup> FSM ConCon.

Pwehki ei tungoal sakarada eh pahn pato ninleng kipe Pohnpei unsek, peiwei nan kahndeke kapatapat kan nan Micronesia, patohwei lel wei laud kan, Mwohnsapwoko, Isohko en Pohnpei Uh, re ketin lapwadiongie kupwurahr oh kupwurehkinie elep lepin sepwil en pwe ien kak patohwan saka-sakar ninsaledek oh patohwan peki kupwuren nemwen kasohr pwehki ei tungoal sakarada eh pahn patohwan pirahki dahmei pwa.

Pwehki ei tungoal sakarda mwotomwot wet e pahn doke mehlel tohn Election District 1 unsek, I men patohwan kehsapahl ei tungoal sakarada oh kaip kupwuren ehnihlap pohn ereksohn Nahnpwutak Pikeniap Nahnmwarki en wein Sokehs, Peiweileng Nahnmwarkin wein deke Sapwuaifik, a re ketin kupwurehkinie elep lepin sepwil en pwe ien kak peuhse ei tungoal sakaradahn kaping ohng tohn Election District 1 unsek. Kabsikir oh poahsonehki ei tungoal seker en Wahu Lap pahn kupwuren Iso Nahnken en Wein Sokehs, Iso Nahnken en Sapwuaifik, perehkihwei wahu wet pahn kupwuren Nahnalek Sokehs, Nahnalak Sapwuaifik, Nahnkinie Sokehs oh Nahnkenie Sapwuaifik. Mayor en Kolonia oh tohn Kolonia unsek, Mayor en Nukuoro oh tohn Nukuoro unsek, Chief en Kapingamarangi oh tohn Kapingamarangi unsek, Lengileng keidi kan karoas nan Election District 1.

Ih patohwan tungoalenki kaping mehlel pwehki sapwelmwomwail kupwur kalahngan, ni amwail ketkiengie de kupwurehkinie ien pahda Election District 1, ni koson sapal en poahsen en kosened en kahn deke kapatapat en Micronesia kapahpak. Ehi tungoal kaping mwuledek ohng tohn wehi kan karoas nan Election District 1.

Mr. President, Officers of the 4<sup>th</sup> FSM Constitutional Convention, Honorable Delegates. It has been a wonderful and educational journey for this young fellow. I am very honored and privileged to sit amongst great leaders of this Nation and potential future leaders of our Nation. Unfortunately, every ride comes to an end. I have no songs to sing to the Convention like the songs Delegate Bossy has gifted to us; however, this journey will be plastered into my heart for the rest of my life. I wish everyone a peaceful and prosperous voyage on your next step or during the educational processes prior to approval of the proposals. I pray that we vote for the passage of the revenue sharing, hopefully all of the proposed amendments. Thank you very much, Mr. President and Honorable Delegates. Special recognition to our Secretariat and all of the hardworking staff, especially the Chief Legal Counsel and your legal staff. My best wishes to all. Kalahngan, Kilisou, Kulo and Kamagaar. Godspeed.

[Applause].

**President Killion:** Thank you, Vice-Chairman Liwy for the eloquent statement you had just made. Thank you very much. Any other for Miscellaneous Business by anyone before we conclude?

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich. Go ahead.

**Delegate Naich:** Thank you, Mr. President. My respect to you, to His Excellency Isohko Vice President and all Honorable Delegates. Thank you for your accommodating me to make a statement, even though the Convention had already taken action on the amendment that seeks to establish consistency in the criteria of electing the President and members of Congress. There were enormous challenges for those of us participating in the Convention by zoom to speak with precision and in a timely manner. The inadvertent delay in the sharing of information or dissemination of reports is part of the culprit. Compounding the bounded capacity of the human hand, which is well appreciated, is the unreliability of the technologies of

telecommunication even in this day of high-capacity Internet, where our connection to the Convention proceedings were often dropped unexpectedly or the reception was not clear at all. I apologize if I speak out of context. I wish simply to explain the principle behind the lone vote that I cast against the amendment requiring that members of Congress to be citizens by birth. I chose to follow my God-given conscience, even though I knew I would stand by myself and not with my colleagues and friends.

Here in this 4th Constitutional Convention, we spoke in glowing terms about Dual Citizenship. I went along 100% with the majority in favor of Dual Citizenship, even though as a diplomat, I would have maintained the precautionary approach that I followed in the 1990 Convention when the subject was first mentioned. I became a committed advocate of Dual Citizenship in the Third Convention in the Third Convention. The deciding factor in my support for Dual Citizenship is the indigenous principle known in the Chuukese language as “rewinipos.” Rewinipos means more than a person’s mere place of birth; at its core is one’s loyalty to “faseicho” or ancestry. I am sure there are equivalence of “rewinipos” in our other languages.

None of us in this Convention had a choice as to where he or she wished to be born. Same situation with our citizens born on foreign soil. But the delegates took the bold step of correcting the misfortune of the past by extending to our foreign-born citizens their “birthrights” as Micronesians -- understood in Micronesian terms for Micronesians. What is wrong with that? I say, there is absolutely nothing wrong with it.

Then, we took the sad step by requiring that our members of Congress shall be citizens by birth. This is the ultimate irony. Why do we extend to them the status of “citizens” in the first place if we still have lingering doubts about their connectivity to their “faseicho” or native nest? Are we not, in effect, creating a class of citizens who will carry the stigma that they are not good enough to be Congressmen?

The world continues spinning on its axis non-stop, and the FSM goes along with it. The wind of globalization has long been blown across the native soil of Micronesia. The growing world trend is to allow foreign born citizens in many parts of the world to serve in legislative bodies or parliaments and to serve as cabinet members, including as Secretaries of State or Foreign Ministers, National Security Advisors, Directors of Central Intelligence, high-ranking military officers; these are posts that usually require high security and loyalty clearance. Now where does that leave the FSM?

[Applause].

**President Killion:** Thank you, Delegate Naich, for that eloquent statement you had made. Thank you very much, especially on the naturalization or eligibility to be members of Congress and President, Vice President. Thank you. Any other miscellaneous business?

#### ANNOUNCEMENTS

**President Killion:** If none, Announcements. Any announcements from anyone? Yes, Chairman Saimon.

**Delegate Saimon:** The Style – I’m just kidding. I think – I understand tomorrow’s session is at 10:00 a.m. Can we go off the record? I’d like to ask that we delay that a little bit, but I don’t want it to be on the record for –

**President Killion:** Okay. I declare a short recess, please.

President Killion declared the Convention recessed at 1:56 p.m., subject to call of the Chair.

**RECESS**

The Convention reconvened at 1:58 p.m.

**President Killion:** We’re now back to session. A while ago, we were on announcements. Does anyone have any other announcements to make before we adjourn for today? Okay. I guess we’re all tired and ready for resting. Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adjourn until 11:00 a.m. tomorrow.

**Delegate Samo:** Second.

**President Killion:** Thank you. It has been moved and seconded that we adjourn until tomorrow at 11:00 a.m. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” We recess until 11:00 a.m. Kalahngan. Thank you.

President Killion declared the Convention recessed at 1:59 p.m. until subject to call of the Chair.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

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**FORTY-FIFTH DAY**

Tuesday, June 28, 2022

**CALL TO ORDER**

President Killion called the Fourth FSM Constitutional Convention to order at 11:26 a.m., Tuesday, June 28, 2022.

**President Killion:** I now call our Convention to order.

SILENT PRAYER

**President Killion:** May we observe a moment of silent prayer please.

ROLL CALL

**President Killion:** Thank you. Roll call, Chief Clerk.

Chief Clerk Reyes called the roll.

**Chief Clerk Reyes:** Mr. President, 20 Delegates are present.

(Absent: Delegate Asher, Delegate Takesy, Delegate Iriarte, Delegate Susaia)

**President Killion:** Thank you, Chief Clerk. Therefore, we have the needed quorum to transact business on this last day of our Convention.

ADOPTION OF JOURNAL

**President Killion:** Proceeding on. Item No. 4: Adoption of Journal. Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that we adopt the Journals of 42<sup>nd</sup> Day and the 44<sup>th</sup> Day of our Convention.

**Delegate Bossy:** Second.

**President Killion:** It's been moved and seconded that the said Journals be adopted. Discussion? If no discussion, all those in favor of the motion, say "Aye." All those opposed, say "Nay." Motion carried.

The motion carried by voice vote of Delegates.

**President Killion:** So, moving on with our Order.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Yes, Mr. Floor Leader.

**Floor Leader Yatilman:** I also move that the Convention authorize the Officers of the Convention to review and adopt the Journal of today after this Convention adjourns *sine die*.

**Delegate Fritz:** Second.

**President Killion:** It's been moved and seconded that the Convention authorize the Officers to review and approve the Journal of today's meeting. It was seconded. Discussion? If

none, all those in favor of the motion, say “Aye.” All those opposed, “Nay.” Motion carried.  
Thank you very much.

Motion carried by voice vote of the Delegates.

**Floor Leader Yatilman:** Mr. President.

**President Killion:** Mr. Floor Leader.

**Floor Leader Yatilman:** I move that we suspend the Order of the Day and jump to Item No. 14.

**Delegate Palsis:** Second.

**President Killion:** Okay. It’s been moved and seconded that we suspend the Order of the Day that we have in front of us and come down to Item No. 14, which is Miscellaneous Business.

**Delegate Fritz:** Mr. President?

**President Killion:** Yes – discussion? Chairman Fritz.

**Delegate Fritz:** No – let’s vote on the motion.

**President Killion:** Okay. Alright, if no objection, all those in favor of the motion, say “Aye.” All those opposed, say “Nay.” Motion carried.

Motion carried by voice vote of the Delegates.

#### COMMUNICATIONS

A motion was carried to suspend this Item No. 5.

#### UNFINISHED BUSINESS

A motion was carried to suspend this Item No. 6.

#### REPORTS OF COMMITTEES

A motion was carried to suspend this Item No. 7.

#### FIRST READING OF COMMITTEE PROPOSALS

A motion was carried to suspend this Item No. 8.

#### SECOND READING OF COMMITTEE PROPOSALS

A motion was carried to suspend this Item No. 9.

## FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

A motion was carried to suspend this Item No. 10.

## CONSIDERATION OF RESOLUTIONS

A motion was carried to suspend this Item No. 11.

## INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

A motion was carried to suspend this Item No. 12.

## SPECIAL ORDERS

A motion was carried to suspend this Item No. 13.

## MISCELLANEOUS BUSINESS

**President Killion:** We are now on Item No. 14. Thank you.

**Delegate Fritz:** Mr. President.

**President Killion:** Chairman Fritz.

**Delegate Fritz:** Thank you very much. I rise on a point of privilege, if I may.

**President Killion:** Go ahead.

**Delegate Fritz:** Yes. Thank you very much, Mr. President. Tirou o fairo lapalap won Iso Nahnken Salvador Iriarte, Noahs Mason Albert, Chief Victor Nabeyan, Samol Kind Kanto Honorable Delegates, and Staff.

Several days ago, our colleague, the Honorable Nickson Bossy, announced our arrival to Palikir and to this great State of Pohnpei – arrival on our canoe, orofes, in a song that summed up our mission here as charged by our Chuukese residents: that we are here not to cause destructions to our people, lands, and trees, but rather we came to renew the bonds of friendship, to strengthen unity among ourselves that our forefathers forged together as supported by our people in the first referendum for our Constitution.

As we are about to leave our beloved Capitol, Palikir, we are called again to launch our canoe, orofes, back into the sea so we can travel safely back home to our beloved loved ones and our people. Having worked with you all in this forum, we hope to have satisfactorily accomplished and strengthened the bonds of friendship that existed even before our Constitution came into force by our ancient ancestors.

We like to bid farewell to you all using the universal language, with a farewell song, in the hope that, during our working together here, we have renewed old friendships, made new ones, and most importantly we will part with a sincere and humble request to you all to continue to maintain these human bonds of friendship and to pass them on to our future posterity. God is always good and praise him for giving us this part of the world as our home. Thank you. And may I call our colleagues to please come forward? We are going to do our farewell song, please.

[Delegate Bossy, Delegate Fritz, Delegate Kanto, Delegate Risin, and Delegate Samo stepped forward to stand in front of this Convention].<sup>12</sup>

*A mokut mono (uu).*  
*A pel me uluma (a).*  
*A uras pwe io (uu).*  
*A uras pwe o (o).*  
*A uras pwe weira (a).*

*Tirou fairo womi meinisin, angeto upwe komoch ne kumuchum u na;*  
*Ai kapong ngonuk fiti surun mesei non an kot we tong ese wor kikian.*  
*Ori, ori, ori, chufon o amani, ewe tongen nepopun ete masasal, ren pungurien non nukun*  
*auunu, sia mit o mit o mitino nukun.*

Kinisou chapur.

[Applause].

**President Killion:** Thank you very much, Chairman Fritz and members of our Chuuk Delegation, who just did a very meaningful gesture. Thank you. Although I was not joining you physically, in spirit, I was with you and singing in my heart. Thank you.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Yes, Chairman Nabeyan.

**Delegate Nabeyan:** Thank you. It's difficult to follow the Chuuk Delegation now. I think they've taken all the oxygen out of the room, but, Mr. President, I rise on the point of privilege. On behalf of Floor Leader Andrew Yatilman, Vice-Chairman Andy Choor, and I, I rise to express the deep sense of gratitude and appreciation that the Yap Delegation has for you, Mr. President, for Vice-President Iso Nahnken Iriarte, for the rest of the officers, and for the Convention staff. The able leadership of the officers and the dedicated efforts of the staff have guided us through what has been the longest and probably one of the most uniquely challenging conventions this country has ever seen. COVID interrupted the convention. During the COVID-induced recess, we woefully saw the untimely passing of two fellow delegates. And on the home

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<sup>12</sup> Representing the Chuuk Delegation, these Delegates sang and performed a traditional bidding of farewell.

stretch, we had to grapple through the challenges of a hybrid virtual/in-person format. But despite these challenges, the leadership, dedication, diligence, and – yes, at times – the stoic patience of the officers and the staff have brought us to the finish line.

We also want to thank the Chairpersons and other key leaders of all the Delegations. There were times during this Convention when we came upon what seemed to be rigid impasses when the positions of the Delegations seemed too far apart and appeared unbridgeable. But your prudence, reasoned flexibility, and acumen helped us find common grounds and moved us beyond the impasses.

Finally, we want to thank all the Committee Chairpersons, and all the Delegates. All the Committees and all the Delegates did their part to ensure a successful and meaningful Convention. The proposals that we have passed – and their import and significance within all corners of this Nation and beyond – are proof of your hard-work and unyielding efforts.

So again, Mr. President, on behalf of the Yap Delegation, I thank you, all the Officers, all the Delegates, and the Convention staff. This has been a successful convention in spite of all the challenges we have had to endure. Thank you.

[Applause].

**President Killion:** Thank you very much, Chairman Chief Nabeyan. Thank you.

**Delegate Martin:** Point of privilege, Mr. President.

**President Killion:** Delegate Martin.

**Delegate Martin:** Thank you very much, Mr. President. My heartfelt respect to Iso Nahnken, President Killion, the rest of the Officers, all Delegates, and all the Staff. On behalf of Delegate Liwy, I would like to ask that we welcome and recognize Delegate Liwy's lady, who works behind him and makes him what he is today. She is with us in the gallery. Please welcome her.

[Applause].

**Delegate Liwy:** Thank you, Delegate Martin.

**President Killion:** Thank you very much, Delegate Martin, for that recognition of the other half of Vice-Chairman Liwy.

**Delegate Mori:** Mr. President.

**President Killion:** Yes, Madam Chair Mori. Go ahead.

**Delegate Mori:** Thank you, Mr. President. I would like to bid a good morning to everyone. On behalf of myself and the Chuuk Delegation – although they can all speak as well –

ran anim. Me mwen metoch meinisin upwe apasa ai kinisou ngeni Kot ren an tumun me umeoumoch. Tirow won auchean Delegates meinisin akaewin seni ach ei State of Chuuk, upwe pwan fokkun apasa ai kapongen ei ran ikenai fiti ai kinisou me tong ngeni auchean aramasen Faichuuk meinisin, tori nouch kewe nouwisin non municipality tori nouch kewe mweno ika soumirit non pekin oreni, upwe pwan kapwong ngeni chiechiach Delegates seni ach kewe sister-states ren Yap, Pohnpei me Kosrae. My respect to our very own Iso Nahnken Salvadore Iriarte. If you may, I respectfully request a moment of silence and remembrance for our late Delegates, Chairman Peter Sitan and Chairman Camillo Noket.

[A moment of silence is observed].

His Excellency President David Panuelo, His Excellency Vice President Yosuwu George, and Honorable Cabinet members, Honorable Speaker Wesley Simina and the members of the 22<sup>nd</sup> FSM Congress, and most especially to my esteemed and respected colleagues and Delegates to the 4<sup>th</sup> FSM Constitutional Convention, President of the 4<sup>th</sup> FSM CONCON, Mr. Redley Killion, Vice President His majesty, Iso Salvador Iriarte, Honorable Floor Leader Andrew Yatilman, my fierce Delegation representing our State of Chuuk , Chuuk State Governor Alexander Narruhn, and Lieutenant Governor Mekioshy William, members of our Chuuk State Legislature, my dearest Chuukese people, all the esteemed citizens of the Federated States of Micronesia, at home and most especially those that are far away from home, with utmost respect, I bid you all a wonderful and heartfelt good morning.

It is a prestigious day, indeed, to be here amongst all of you Honorable Delegates. It is an emotional one, but it is a good day. I bid good morning to both who are present on Pohnpei and those of you who are abroad.

My utmost gratitude to our wonderful Convention and Legal Staff; thank you for making this final day possible. Without your daily tasks and earnest diligence, the 4<sup>th</sup> FSM Constitutional Convention would not see the completion of this auspicious undertaking. I would also like to recognize the State and people of Pohnpei for being a most formidable and wonderful host to the 4<sup>th</sup> FSM Constitutional Convention and her Delegates. Thank you, Pohnpei.

I also choose to thank my family, who are the greatest source of my strength and perseverance and without whom, nothing in this world would be worthwhile. My parents, now deceased, Nachsa and Sabina Siren; my siblings John, Henry, Nachsa Jr., Keicy, Dorothy, Sally , Mimi, and Ida; my children Yvonne, Desiree, Aja Dawn, Jhirmick, Alvin, Shawn, Takamasa, Jr., Joshua, and Zajii; my precious grandchildren; my families from the majestic region of Faichuuk; my families in the royal islands of Southern Namoneas; and my origin of being in the Kuttu islands of the Mortlocks; my second home in Saipan, Commonwealth of the Northern Marianas; and all my wonderful friends and acquaintances – I am eternally grateful and carry you all in my heart.

This task we have successfully completed is monumental. Never again will the exact circumstances repeat themselves, from these wonderful, intelligent, wise, regal, inspirational, innovative and loyally patriotic Delegates, to the exact situations we face currently and our

collective efforts to refine or enhance our FSM Constitution to address how these measures affect and protect our good citizens.

I am beyond proud to be here with all of you today, to mark the completion of a task that will remain long after we have gone. The proposed amendments we have meticulously labored to bring forth represents our determination to forge ahead as a Nation, responsible to every single citizen, holding all equally paramount and indispensable. With utmost respect, I bid you all, dear Delegates, farewell until the next time. Thank you.

[Applause].

**President Killion:** Thank you very much, Chairperson Mori, for the nice statement you have just made. Thank you.

**Delegate Palsis:** Mr. President.

**President Killion:** Yes, Chairman Palsis.

**Delegate Palsis:** Thank you, Mr. President. I don't have a prepared statement, but I want to make a brief statement representing the State of Kosrae and my two other Delegates. I'd like to take this time to express our own sincere appreciation for our participation in the process. I first would like to pay my respects to President Killion, Vice President Iso, and all the esteemed Delegates of the 4<sup>th</sup> FSM Constitutional Convention. My experience in the participation of the 4<sup>th</sup> FSM CONCON has given me great pleasure and a very educational opportunity to learn from each and every one of you. Though we are diverse in many ways, we were able to work together and to learn from each other as shown by the eight proposals that we have adopted during the CONCON, and that – we all deserve to be recognized for the work that we had invested. At this time, I would also like to recognize the Staff for their dedicated time and effort that they put into the work before us during the Convention. If it weren't for your cooperative support and dedication, we would not have been able to come this far. So, I take all this time that we have shared together and will cherish them during my lifetime. Truly, in God we trust, in God we pray, and in God we lead. As we are parting today, after we adjourn *sine die*, I hope that those who are staying behind stay safe and those who are leaving fly safe. Again, I thank you, and God bless. Thank you.

[Applause].

**President Killion:** Thank you, Chairman Palsis, for that nice statement.

**Delegate Albert:** Mr. President.

**President Killion:** Yes, Chairman Albert.

**Delegate Albert:** Thank you, Mr. President. Chairman Saimon will speak on behalf of the Pohnpei Delegation but bear with me as I have a short message to also share.

**President Killion:** Go ahead.

**Delegate Albert:** Allow me a moment of your time to say my last personal remarks on the record. I pay my utmost respect to Iso, Chief Nabeyan, you President, Officers, and distinguished Delegates. Since today is our last day of Plenary, words cannot express the sense of gratitude I have for each and every one of you Delegates I am so privileged to come to know during the past two years and learn from. I can only say kalahngan en kupwuramwail koaros; our journey together has been one that I appreciate with full sincerity. With eight proposed amendments adopted, I now look forward to the referendum where the people will be given the unabated freedom either to ratify all, some, a few, or none at all. We have fulfilled our duty called upon us to review and adopt proposals to amend our Constitution for the betterment of our citizens of the Federated States of Micronesia.

I truly believe that each of us came here with an agenda. For myself, the main reason why I decided to run as a Delegate is to bring justice to a segment of our population who have become marginalized due to their place of birth. I am talking about my eldest daughter and many of her kind, who due to circumstances beyond her control was born in the States, in a little town call La Grande, eastern part of Oregon. I met my wife in college there and we were blessed with our first born on November 13, 1995. She is now a 27-year-old American living in the FSM in a Pohnpeian body, like many of her kind. Her blood is pure Micronesian with roots from my Lasialap Clan's bloodline in U, the Dipwin Pahnmei bloodline in Madolenihmw, the Soun Kawad bloodline of Madolenihmw, her mother's bloodline of Fefen, and her mother's bloodline of Lukinot and Ethal in Chuuk. Not a single drop of American blood runs through her veins, and yet she has less rights than her younger siblings. Despite the fact that she has not stepped one foot on American soil since her birth and living in Pohnpei her entire life. By law, she cannot own my land, and she cannot vote.

In 1975, when the first Delegates to the 1<sup>st</sup> FSM Constitutional Convention approved the very first FSM Constitution, there were no children of her class as the Compact of Free Association did not exist. The only people that were going abroad were those who were sent out to get educated to assist the Trust Territory Government provide services to the Micronesian people. Three years later in 1978, the people of the soon to be newly formed Federated States of Micronesia ratified the Constitution by a simple majority vote. And in it was a seed, insignificant to the eye at the time, but one that would sprout and grow into a tree of division, becoming a political tool by some to marginalize Micronesians because of their place of birth. My apology if my next comments will offend anyone, but some past leaders have spoken against these children through published articles convicting them of disloyalty, unpatriotic, and lacking the decency of true Micronesians. Former President John Haglelgam, in an open letter to the Kaselehlie Press wrote and I quote,

“[t]o me, the essence of our country, the national sovereignty and the continual development of nationalism, are paramount. I do not want to sacrifice the essence of our country for the sake of enabling my grandchildren to acquire dual citizenship. Is it worth enacting a dual citizenship for these people and risk allowing foreigners who are able to acquire dual citizenship for FSM and their respective countries to own land in our country?”

The true essence of his stance is clearly depicted in the last sentence where he imprudently argued that allowing dual citizenship will risk having foreigners acquire FSM Citizenship and own land. For the record, the proposal on dual citizenship is limited only to children of Micronesian blood or those like my daughter who were born in the United States. The worst part of President Haglelgam's view stems from the fact that he preconceived that these children will lack loyalty thereby abating our national sovereignty. This is so untrue, and my daughter is a living proof that President Haglelgam's view, in my personal opinion, is a reflection of his own inner character and one that belongs to a bygone era. I say to you all that the worst insult to a Micronesian – a Pohnpeian for that matter – is to strip him of his identity which goes against the very fabric of our customs and traditions. Unfortunately, this is exactly what is happening in this day and age on daily basis. And every day an innocent daughter who does not know that the existing law requires her to give up her other citizenship by the age of 21 or risk becoming a foreigner on her own land continues to be the legacy they inherit from us. This must change, and I appeal to all decent Micronesians to look into your hearts and bring back our lost family members.

I express deep gratitude to the Convention for passing the proposed amendment on the eligibility to run for Congress. On its face, it limits the pool, but in reality, it answers the fear that anyone can run for Congress. If the dual citizenship proposal passes along with this proposal, the fear that those citizens who are residents of other countries can run for Congress is inaccurate. There is a residency requirement of 5 years where any candidate must show that before he or she runs for Congress, he or she must show proof that he has resided in the FSM for the past 5 years before his candidacy. And to me, this answers the question of loyalty and patriotism if you think deeply about it. I truly look forward to participating in the public awareness campaign and I hope that we, as Delegates, will speak one language in spreading the right message on all the proposals passed, especially on this very controversial issue. Thank you, my friend, Delegate Kanto, for introducing the proposal to improve the eligibility requirement for candidates running for Congress.

On a personal note, I want to thank all Staff for your hard work in helping us accomplish our tasks. Though, some of you may think that your role is limited, I can assure you that without you, this Convention would not have accomplished its objectives. From the bottom of my heart, thank you, Kathe, for keeping the patience and providing the best advice to get us through. Thank you Kapilly and staff for the hard work and tolerating some of the misfortunes that come your way as you guided this Convention throughout the pandemic. And thank you, Mr. President. Thank you, fellow Delegates. Saimon, please speak on our behalf.

[Applause].

**President Killion:** Thank you, Chairman Albert, for the nice statement you had just made. Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. Ahi tungoal sakaradahh wahu pahn kupwuroan Noahs, everyone; good morning. I, like Mr. Palsis, do not have a prepared statement because I was told when I was walking in that I was supposed to make a statement, so it will be like Mr. Palsis; it will be impromptu. So, on behalf of Iso, Noahs U – Delegate Albert, Sahu

Wene – Delegate Martin, Kaniki en Ahnd – Delegate Liwy, Nahnawan Awak Pah – Delegate Cantero, and myself – Sihpw en Mweimwahu Kitti, thank you for having spent the past weeks with us over 2020 and now. Iso would have given the speech on behalf of our group, but because of medical and – now I understand – traditional reasons and obligations, he is unable to join us. The past few weeks and those weeks two years ago have been great. It has been very informative; it has been very good for us – all of us. We look forward to the product of the work that we’ve done. We look forward to working with the educators. We look forward to working with the voters eventually. And we hope that at the end of the rainbow, we’ll have some results from the eight proposals that we had put together. So, Mr. President, on behalf of the Pohnpei Delegation, Iso Nahnken of Nett, Pohnpei, we thank you. We thank you, the Officers, all the Delegations – the four Delegations. We thank the Staff. Iso thanks Kathe – Ms. Burch – and your Legal Staff. Without you, this Convention would have been very hard for us. We know that many people in the community felt that they should have been the LC – and I know that for a fact – but I think it would have been a different result, or it would have been much harder had other people been the LC and those on your Staff. Iso would like to further thank Soamakahn Oanoahnloang Kitti – Mr. Kapilly Capelle – who is our Secretariat. We are very thankful for the work that you have done – the sacrifices you have made over the two years. The dedication even in the problems that we faced with the change-time with the pandemic of COVID-19 which also affects us. The Staff that you have – like Mr. Abraham, Mr. Falcam – are very helpful people along with the pages and those who have been put together at the last minute to help us. Iso is very thankful, also, for the Chief Clerk, Jessica Reyes. You’ve done a very wonderful job in guiding the Staff and the Officers in moving this work forward. Iso is very thankful to the former Journal Clerk, Atarino Helieisar – who had left Pohnpei for personal reasons – for the work that he did when we first got together. Iso is also thankful for our current Journal Clerk, Krystal Saimon, who happens to be my daughter. Don’t worry, I didn’t hire her – no nepotism there. We’re very thankful for IT Staff. Again, as Delegate Albert said, it might be small what you are doing, or you might think that it’s minute, but together, without you, much of this would not be done. Iso will be submitting his own statement in writing because – you know – his wisdom is something I cannot convey from his many years of dealing with Pohnpei issues, social issues and from that, he will be submitting a statement directly. But furthermore, all the Staff members, we are thankful to you very much – every person that has been helping with this Convention over the two years. Finally, a personal statement from myself and Sahu Wene for the Election District voters of ED No. 2 from Pohnpei: we came in with eleven people seeking two posts to be Delegates to this Convention, and we were elected, and we are thankful for the chance and opportunity to come and sit with you – men and women – to put together what we have put together. We look forward to continuing work with you and thanking you for the trust that you gave us – myself and Sahu Wene. So, thank you, Mr. President, again, and everyone, and on behalf of Pohnpei, thank you and kalahngan.

[Applause].

**President Killion:** Thank you, Chairman Saimon, for that eloquent statement on behalf of Pohnpei Delegation. Thank you very much.

**Delegate Sigrah:** Mr. President.

**President Killion:** Yes, Madam Chair Sigrah.

**Delegate Sigrah:** Thank you very much. I have a prepared statement; I'll try to keep it short. President Killion, Vice-President Iso Nahnken, Floor Leader Yatilman, Chairman of COW Asher, Delegates, Legal Counsel, Secretary, Secretariat Staff, My Respect to you all. I looked at the Order of Business today, it says, "Day 45." I highlighted then highlighted again for memory. Beautiful day. This is the *moment*. The moment we have been waiting for.

Back in 2019, I signed up for 30-45 days of Convention work. I told my family, my children, "It's only going to be 30 or 45 days at the most." I did not anticipate that the 40 days would stretch and spill into 2021 through today, June 28, 2022. Next time, I will be more careful before I signed up for this kind of line of work.

I took an Oath on Day 1 of the Convention. We were all excited. We talked, argued, debated. I realized that whenever I talked about land, the people, women, family – the marginalized group – my tears automatically welled up. Forgive me; those are real tears. I didn't ask the tears to come out; they came out anyway, uninvited. It must have been because I felt the land, the people, women, family – I could feel them.

From January 2020 through this moment, it was a long voyage for me. Before getting off this ship, I wish to express my deep gratitude. First, to our Almighty God; without Him we are nothing. As I have often heard, if we are in Him, He will be in us. It was a long journey – more than 2 years. I survived; we survived. Thank you, Lord. Second, I thank the people of the Island of the Sleeping Lady, for sending one of their sleepless ladies to represent Kosrae Election District No. 1 – and the Yapese are looking at me, yes, we have Election District No. 1; No. 2, No. 3, No. 4, going on No. 5 – that is to say, from Utwe to Malem, Lelu, Tafunsak and Walung. I thank you, people of Kosrae, for your trust in me. For giving me this once-in-a-lifetime opportunity to be your representative, your District Delegate to the 4<sup>th</sup> FSM Constitutional Convention. Third, I thank the Convention Officers, Delegates, Legal Counsel, Staff, each and every one of you. Thank you for all the work and the help. We appreciate all the help. And thank you for putting up with me. In Yap, we say, "Kamagar na kamagar." In Chuuk, we say, "Kinisou chapur ifa itom." In Pohnpei, we say, "Kalahngan ohmw usada; menlau koaros. Ngei serepein en." In Kosrae, me mihmi here, i mehn lokaia, "Kulo na ma lulap." Lahpahlap, lahpahlap.

I was given the honor of Chairing the Committee on General Provisions. I was asked by my daughter during recess, "What do you do as a Chair for ConCon?" I told her, "I sit on a chair and talk with the other guys that sit on their chairs."

I was blessed with a brilliant Co-Chair and brilliant members. They made my work easy. And as is the trade I am in, I negotiated a way with Delegate Andy Choor, who shared the chairmanship with me, where he became known in our Committee as the Chairman, and I was the Chairwoman. He did such a great job – yeah, we get that sometimes Vice-Chair does a better job than the actual Chair – that I told the Committee members, "I cannot use up all of my compensation as a Chair. I'm giving half to Andy." One of the members, who is also a Chair in another committee, asked me, "Hey, what's that all about, with the Chair compensation and all that? How much do you get?" It was pure joy. I got the same as you: none. I remembered telling

the late Peter Sitan, who also joined our Committee on General Provisions when we have those buffet lunches or breakfast. And I told him that all of those were paid by my Rep Fund – the Committee Rep Fund. And his eyes went up and he went, “You have rep funds? How come I didn’t?” It was pure joy poking fun with these men. I wasn’t given any preferential treatment as a woman-chair and that, I would also say that I wasn’t given any other treatment as a woman sitting here among men.

During Committee meetings, I made sure the Committee on GP had good food to enjoy while we deliberate on important proposals for two main reasons. One is that in our sleeping island of the sleeping ladies, meeting means food. Food often wakes up sleeping people. I was trying to showcase Kosraean belief in “meeting means food”, how we worry more about what’s on the Menu than what’s on the Agenda, an island trait that I believe in promoting. There was another reason I was waiting and hoping to get across but don’t know if any of the members got it. I will just say it, now. I was trying to showcase, how a woman can chair and cook at the same time. That she can put together a breakfast buffet table at the same time, ready to take her chair to chair. I was promoting women however and wherever I could. I was proud to represent not only Kosrae, but women in general along with my colleague Cindy. All that time, I was waiting for any one of the Members to say something “You cook, and you chair?” None. instead, I could only hear, “Wow, this is good food. Who made this?” and “Oh, this is the best meal we have so far.” and “Who has the tabasco; where is the tabasco?” Men, men, men.

Mr. President, I have a confession. It’s not confession day, but I have a confession. I have been journaling as a means of therapy throughout this voyage. Very short. One of my journals goes:

“We are into the last few days remaining of the 4<sup>th</sup> FSM Constitutional Convention. Thank God. Yet, they are at it again. My fellow duly elected Delegates are arguing on some provisions of the CONCON Rules of Procedure. It seems as if we started off debating on Rules of Procedure, we have few days left, and we are still arguing and debating on the Rules of Procedure. I don’t normally like to get involved in debating on the Rules of Procedure. I spent enough unpaid time on those Rules during the Pre-Con days. Besides, I was elected by my constituents to work on proposals, not to argue on the Rules of Procedure.

Then I heard the President bang his gavel two times. Those banging of the gavel. Did the President bang his gavel once or twice this time? I wonder. This Convention is coming to its end; I haven’t learned if there’s any meaning behind one banging or two or more banging of the gavel.

Then, the President opened the floor for debate. Then I heard a motion for “previous question.” I looked to the movant, and thought to myself, “Why does this guy always like to go back to the previous question, and what’s the previous question again?” Then the President said, “Motion to stop debate. All those in favor, say ‘Aye.’” I was thinking, “But we haven’t even started debating, and we are supposed to close debate?” So, President opened the door, nobody goes inside, then we close? We didn’t get to go in, and we were told to come out?

A Delegate summed this better, “So we just go in and come out?” I was nodding and then shaking my head in awe. I was going to tell him, “I was still packing my stuff, ready to go in and they came out already.” Next time, in another 10 years, we will be more than ready to rush in and rush out.”

Mr. President, on a different note that sounds more like a Delegate and not a journalist, one of my favorite statements in the Preamble states, "We extend to all nations what we seek from each: peace, freedom, cooperation, and love in our common humanity." Throughout this Journey, I felt it. Not all the time, but I felt those sentiments of peace, cooperation, respect, and love in our common humanity. When we gathered as Delegates from the four States with the common goal of working toward passage of proposals to amend the Constitution, we morphed ourselves into one FSM, one nation under God. At the end of each day, it was about our people at the ground level; our land, our ocean waters, our beaches, our rivers, our environment, our culture, our institutions, our economy, our individual and States rights, that we aspire to protect. It is always good to have regulations, statutes, constitutions to govern the People. But, if we continue to live and work together as one nation under God, if we put the Laws of God as our number one operating manual – the Bible – we will all prevail.

FSM is a country that all four States and their people call “My country, our country”. When it comes to economic development and economic prosperity, every State in this country of FSM is entitled to as much support to grow, prosper and be fully developed to its potential.

Sorry, I’m almost done here.

Forty years came and gone. We have seen and kept much, and we continue to aspire to achieve and keep more of our resources. COVID came and hit us and showed us that when we disconnect ourselves from the big countries, we can only resort to what we have before us: our land, our waters, our environment, our people, our present infrastructure, and etc. Let us continue to protect our natural and human resources.

This may be Day 45, the last day, and as I am ready to exit, I feel that our work has only begun. We have those proposals that we have worked so hard to pass. Those proposals will be voted on by the people, soon. And as once-upon-a-time Delegates to the 4<sup>th</sup> FSM Constitutional Convention, it is incumbent upon us to continue the work we started, to advocate for the passage of each and every proposal. When those proposals – so beautifully worded, elegantly styled by the Committee on Style and Arrangement – get voted on, become official amendments to the Constitution, then, only then we say, “Our mission is accomplished.” May the blessings, grace, and peace of God be with us all. Thank you very much.

[Applause].

**President Killion:** Thank you very much, Madam Chair Sigrah, for the nice statement which you had just made. Thank you very much.

**Delegate Saimon:** Mr. President, can I -?

**President Killion:** Yes, Chairman Saimon.

**Delegate Saimon:** Thank you, Mr. President. The statement I gave earlier – I meant to add Nahn Paradak Madolenihmw as part of the group – of course, Akillino Susaia. Thank you.

**President Killion:** Thank you very much for that addition. Yes, Vice-Chairman Samo. Thank you.

**Delegate Samo:** Thank you, Mr. Chairman, and I also want to make a very, very brief statement, but before I do that – ei ellet en kinisou, tirou, kapas en lepinipen won to all of you traditional leaders in the Nation and here in this room and also on this very land on which I am currently residing. I have been making it my home for the last several years with my employment with this national government. If you would allow me, I would like to make a very, very brief statement.

Mr. President, at the beginning of our Convention, I made a statement thanking the people of the Mortlocks for electing me to represent them and at the same time, I shared with you, Honorable Delegates, that I value our Nation's unity so much so that I would not – again, I would not support any proposal that would fragment our unity.

Today, I thank you because fragmenting our Nation's unity we did not. And I emphasize that we did not. Upholding it – we did. Proposing changes to our Constitution to make it more relevant and realistic to today's challenge – we certainly did. We've achieved what our people voted us to do. These eight proposed amendments we've passed resulted from heated discussion, ability to negotiate, and commitment to move from today to tomorrow – to make things better for the people of this Nation.

I also want to thank each and every one of you, Honorable Delegates, for your leadership, wisdom, and willingness to make things work. Yes, knowledge of the FSM laws, experience in the parliamentary procedure and rules of procedure, and having a beautiful voice – like my good Delegate Bossy – are all important elements of our work; they enrich us. But to me, the most important qualification is having a good heart and love in our common humanity; they unite us. All of you far exceeded that qualification! You pushed important issues for the State and local government development which at the end will still strengthen our national development agenda. Being part of this body, I learned many things from each and every of you. Thank you. I learned that nothing is impossible when we put our minds and hearts together for the common good. Thank you for showing me what true statesmen and stateswomen you all are!

Lastly, I'm sure you will agree with me that our work has just started. Each one of us, in our own way, has an obligation to make sure our people – the people who sent us here – understand the intent and meaning of these proposals. Yes, we've completed the assignment, but they will not bear fruit if they don't effectuate change. Change to those provisions of our FSM Constitution that are no longer relevant is what we need today. I hope we all stay the course until these proposed amendments bear fruits. Thank you and until we meet again.

[Applause].

**President Killion:** Thank you.

**Delegate Samo:** And if you don't mind, Chair, I will submit this for the record.

**President Killion:** Thank you very much, Vice-Chair Samo. And likewise, of course, the other statements are part of the Journal as recorded. Thank you. Any other miscellaneous business?

**Delegate Naich:** Mr. President.

**President Killion:** Yes, Delegate Naich; go ahead.

**Delegate Naich:** Thank you, Mr. President. I present my compliments to you, Mr. President, Mr. Vice President, Mr. Floor Leader, and Mr. Chair of the COW, including all fellow Delegates and all Staff. I do not have a speech to make because I do concur with the directive by my friend, Delegate Ricky Cantero, who said that having served in the last three Constitutional Conventions has disqualified me from making any philosophical or inspirational speech. But I do have a story – call it a satire – which I would like to share with you before we go our separate ways in a few days. It is a story about 24 practical Micronesians – 22 men and 2 ladies – who met two years ago because they had a very big assignment, which they had to complete in 45 formal meeting days. But there was an act of – [inaudible]<sup>13</sup> – understand. Why do they make God look like a mean fellow? These are not practical Micronesians. The assignment involved the use of what is known in the Chuukese language as “iás,” which I am sure it's used throughout the FSM. It means “breadfruit-picking pole.” This is an indispensable, versatile household item or tool that each Micronesian man or family has to have. It is fairly important measurement that experienced navigators used at sea to guide them back to the safety of dry land. In important ways, all the 24 practical Micronesians were fruit-pickers and seafarers. The Chuukese fruit-pickers were led by Chairperson Cindy Mori and Delegate Kind Kanto, who engaged in their early morning daily ritual of amwor kangit. In Faichuk, amwor kangit is a finesse form of art of picking mangoes. After their daily ritual, Delegates Mori and Kanto brought their baskets, always full of Faichuk's world-renowned mango. But beware because while the Faichukese have generous hearts, they can be very nationalistic about their organic mango. For the Kosraeans, Delegate Asher had learned his lesson well not to ruffle feather with the Chuukese, so he passed on the baton to his Kosraean colleagues, and Chairperson Yoslyn Sigrah is not one to walk away when Kosraeans' dignity is at stake. They [inaudible] she had to showcase Kosraean's tangerine, which she argued at Trial Division all the way to the top is the only time in the world. The picker-tangerine, however, she had to borrow a Chuukese iás, with which she waged war with Delegates Bossy and Risin [inaudible]<sup>14</sup> of the Achou Dynasty was transported to Weno on a drifter log. While hanging in the village of Sapuk, in the hope of meeting the requirements to become a dual citizen of [inaudible]<sup>15</sup> – a specialty of Udot. Choor invited many Yapese to come to Udot, but never [inaudible]<sup>16</sup> – the stone money is too big to be deposited in the lower bank. They tried bartering with the Chuukese but just gained the habit of chewing and [inaudible]

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<sup>13</sup> Due to his poor connection, Delegate Naich was inaudible here for about 20 seconds.

<sup>14</sup> Due to his poor connection, Delegate Naich was inaudible here for about 10 seconds.

<sup>15</sup> Due to his poor connection, Delegate Naich was inaudible here for about 46 seconds.

<sup>16</sup> Due to his poor connection, Delegate Naich was inaudible here for about 57 seconds.

Chairman Jack Fritz and Delegate Roger Arnold, the Yapese betelnut is a credible item of foreign aid exchange based on tradition and history use. The Yapese are not only practical; they are very innovative. After all, was not the legendary [inaudible] in Ulithi? For the Pohnpeians, they love bragging about the local red apple, just as Chairman Mason Albert and Delegate Ricky Cantero argued among themselves who had the best yam, sakau, and pig. Let's not argue with them; just let them as house of the seat of the National Government to bring their best fruits and [inaudible] to the party later this evening. The truth of the matter is that as fruit-pickers – often with the use of the iás – we all came together and faced the painful lesson that the fact that our individual ambitions had [inaudible] will have to throw our different fruits into an electric fruit blender. This is the nature of our assignment. To collect fruits and mix them up together in the fruit blender. Look at the beauty of what we have done at the end of 45 meeting days. A new fruit trees that we take to the people. It's the fruit trees of choice. The blend and the toil of the hands of all and not an individual Delegate. Thank you all for making use of the Micronesian iás in picking fruits for all of us in this Convention and thank you all for keeping me in your company of Micronesian fruit-pickers. Thank you and safe travel home.

[Applause].

**President Killion:** Thank you very much, Delegate Naich, for that nice statement you had just made. Thank you very much. Any other miscellaneous business? Yes, Delegate Kanto?

**Delegate Kanto:** Mr. President.

**President Killion:** Go ahead.

**Delegate Kanto:** As they say in sports –

**President Killion:** What is it?

**Delegate Kanto:** – when you play the Los Angeles Lakers, don't run because they are the master of Fastbreak, so I'm not going to talk the way the previous speakers have talked because I cannot keep up with them. Thank you very much, Mr. President and all the Officers, fellow Delegates. First, kinisou ngeni kemi aramas en Faichuk ren ami ngeni iei nemiwe ewe fochu pin iei ai mwomwot ikenai a wes ach agang. Fokkun kinisou chapur. Second, I would like to thank the Interim President of the College of Micronesia, FSM for approving my leave to participate in this Convention. Third, to my dear wife for giving up 30 days of our lovely days together to allow me to be here at the Convention in Pohnpei. Ngeni pwi kewe fefinei seni ewe Neut eterekes non Tol Wichikuno, ai kapong nge kinisou ngeni kemi. To all my colleagues – you all, the Delegates, Staff – of this 4<sup>th</sup> FSM Constitutional Convention, I would like to leave you with a poem. I'm going to recite a poem by Elizabeth Barrett Browning, and the title of the poem is “How Do I Love Thee.” So, here it is:

*How do I love thee? Let me count the ways.  
I love thee to the depth and breadth and height  
My soul can reach, when feeling out of sight  
For the ends of being and ideal grace.*

*I love thee to the level of every day's  
Most quiet need, by sun and candle-light.  
I love thee freely, as men strive for right.  
I love thee purely, as they turn from praise.  
I love thee with the passion put to use  
In my old griefs, and with my childhood's faith.  
I love thee with a love I seemed to lose  
With my lost saints. I love thee with the breath,  
Smiles, tears, of all my life; and, if God choose,  
I shall but love thee better after death.*

Thank you all.

[Applause].

**President Killion:** Thank you very much, Delegate Kanto, for that nice poem regarding love, and we love each other. Thank you. Any other miscellaneous business? If none, I wish to –

**Delegate Liwy:** Mr. President. Can I just say -?

**President Killion:** Go ahead, Vice-Chairman Liwy.

**Delegate Liwy:** Thank you. I know I already made my statement, but I just want to add something to Delegate Albert and Delegate Saimon. For those who are leaving, I would like to bid you farewell as a Delegate, because this evening – while we’re going to be enjoying – I am going to bid your farewell, but it’s going to be Tedy Liwy. Not going to be “Delegate” anymore. So, for the last time, as a Delegate, I bid you all farewell for those of you who are leaving and going back to our good islands to start with the educational process. And I hope that it is appropriate, and I submit a motion – if it’s appropriate – that we call the amendment submitted by my favorite Proxy in this Convention the “Kanto Amendment.” Thank you very much.

[Applause].

**President Killion:** Thank you very much. Your last comment about Kanto Amendment – I think that’s questionable because we have yet to formalize. Thank you. Any other comments before I make the last one? If silence means “no,” we’re ready to conclude. I wish to make a statement – closing statement.

Vice President Iso Nahnken Iriarte, Floor Leader Yatilman, COW Chairman Asher, distinguished Delegates. It is with great pleasure and honor for me, as President of our 4<sup>th</sup> FSM Constitutional Convention to formally announce that today, our Convention has completed its mandate as set by Public Law No. 21-19, as amended.

As delegates, elected by our people over two years ago, we were mandated by the said public law to review the supreme law of our land, our FSM Constitution, and to propose

amendments to it as we find appropriate and necessary. I can proudly say that we have diligently carried out this mandate during this past 45 meeting days which actually started on January 7th, 2020. The eight proposed constitutional amendments which we have adopted at this Convention include the two proposals which we adopted before we went into recess on March 13, 2020, and the other six proposals which we have just adopted since we reconvened at the beginning of this month June 2022.

Our citizens will now be given the opportunity to exercise their sovereign rights to vote on these proposed amendments during the referendum which may be scheduled to take place in the coming months.

There is no question that this 4th FM Constitutional Convention in one of the most – if not the most – challenging Convention which our Nation has experienced. As stated above, we first convened this Convention on January 7, 2020, and we had expected to complete our task within the 45 days as provided by Public Law 21-19. Based on certain events beyond our control, we took a short recess about a month after we first convened, and we then reconvened in February 2020 but our Convention abruptly went into another recess on March 13, 2020, due to the National Emergency Declaration caused by the Coronavirus Pandemic.

You may recall that during that long recess, two of our esteemed colleagues, Delegate Samol Camino Noket and Delegate Peter Sitan, both from our great State of Chuuk, unexpectedly passed away. Their replacements, Delegate Risin and Delegate Arnold, respectively were selected to continue their terms. These new delegates joined our Convention when we reconvened during the first part of this month.

In my opening statement in January 2020, I had mentioned that this 4<sup>th</sup> Constitutional Convention should be focusing on possible changes/amendments to our National Constitution that would contribute to further strengthening unity and economic prosperity of our young nation. I personally feel that most of the proposed amendments which we have adopted during these past 45 meeting days of our Constitutional Convention are generally in support of such objectives. Hopefully, these proposed amendments will be accepted by our people during the upcoming referendum.

The Dual Citizenship proposal which we adopted before we went into recess over two years ago was also adopted during the last two FSM Constitutional Conventions, but it failed to pass during those previous referendum primarily due to some misunderstanding on the merits of such amendment. Hopefully, additional information and explanation during the upcoming education on the proposed amendments will result in its approval by our citizens along with the other proposed amendments which we have adopted during this Convention.

The proposal on the sharing of the fishing fees revenues between our National government and the four State governments is a major decision out of this Convention, and if it passes by our citizens during the upcoming referendum, this will definitely result in increasing revenues for our four State governments to support their operational costs as well as for funding the urgently needed capital infrastructure and development projects, thus enhancing the economic prosperity of our four States.

The Constitutional amendment proposal relating to the creation of an office for an Independent Prosecutor at the National Government is in line with the growing need for enhancing good governance and accountability of public funds and government services provided by our National Government.

The other proposed Constitutional amendments which were adopted at our Convention should further contribute to the on-going nation building efforts which were started by the Founding Fathers of our nation in 1975, when the first Micronesian Constitutional Convention took place.

At this juncture, on behalf of all of us, the Delegates of this 4th FSM Constitutional Convention as well as our Secretariat staff, I wish to convey our profound gratitude and appreciation to President Panuelo, Vice President George and their cabinet members and staff from our National Government Executive Branch, as well as Speaker Simina and members of our FSM Congress for their support and assistance to our Convention without which we would not have been able to effectively carry out our mandates as per Public Law No. 21-19 and other pertinent laws and regulations.

Likewise, I wish to extend our thanks and appreciation to acting FSM Chief Justice Beaulen Carl Worswick at our FSM Judiciary branch for providing some legal and administrative support staff when we first convened in January 2020.

We are very encouraged by President Panuelo's interest in including the delegates of this Convention to be part of the National Educational Task Force which will be charged with the responsibility of educating our citizens on these proposed Constitutional amendments, before the actual referendum takes place. This will ensure that these proposed amendments are well explained to our citizens before we vote on them during the Referendum.

As today will be our last and final day of our 4<sup>th</sup> FSM Constitutional Convention and that this will be my last day as President of this Convention, I wish to express my personal gratitude to each and every one of you for entrusting me with this awesome responsibility in leading our Convention these past 45 days of meeting which actually started on January 7, 2020.

As I had mentioned in the beginning of this statement, this Convention is probably the most challenging one, given the numerous challenges which we had encountered since we first convened at that time primarily due to the Coronavirus Pandemic which caused our abrupt recess in March 2020.

Fortunately, as we know, this pandemic never reached our shores as the FSM is one of the few countries in the world that has this distinction. In this regard, I wish to again reiterate our thanks and appreciation to our National Leaders, namely President Panuelo and Vice President George as well as Speaker Simina and members of our FSM Congress and our state leaders for their efforts in keeping us safe from this pandemic.

I applaud each and every one of you personally for your perseverance and determination to carry out our mandate to complete this noble task of reviewing our FSM Constitution which

our people have entrusted us to do when they first elected us in November 2019. Your active participation in our plenary sessions as well as in the various standing committee meetings this past 45 meeting days and other meetings relating to this Convention during the past two and a half years, have been very useful in achieving consensus on the various proposed amendments to our FSM Constitution, which have been adopted and will constitute as the final outcome of this Convention.

I appreciate very much your candid comments and views which each of you have expressed on each of the proposed amendments which were introduced and acted upon during this Convention.

I know that it has not been easy to achieve consensus on these proposals but through our Micronesian way, consensus was reached to dispose of each of them, especially those proposed amendments which we have adopted at this Convention.

I would also like to take this opportunity to thank my other Officer colleagues, Vice President Iso Nahnken Iriarte, Floor Leader Yatilman and Committee of the Whole, or COW, Chairman Asher, for their cooperation and wisdom in sharing ideas and suggestions on other issues relating to our Convention which we have discussed in our officers group meetings not only during these past 45 meeting days but also during the period we were in recess this past two and half years.

Furthermore, I would also express on our behalf, our deep appreciation to our Legal Counsel Kathleen Burch, our Convention Secretary Kapilly Capelle and the other legal and administrative support staff, including our pages. We want to thank them individually for their hard work and dedication in carrying out their assigned duties during our meeting days as well as during the period we were in recess. I know that it must be very challenging for our Legal Counsel, Ms. Burch to oversee our Convention plenary sessions as well as other committee meetings by virtual means since we reconvened this Convention earlier this month but I am happy to note that she has been able to successfully provide the needed services by such means.

Our special thanks also go to Ms. Jessica Reyes as our Chief Clerk for our Convention and also Ms. Krystal Saimon as our Journal Clerk, during this Convention session. Likewise, I want to also thank our IT staff for their hard work in providing the needed technical support in our meetings, without which it will not be possible and easy for our colleagues join our meeting virtually.

I will certainly cherish for the rest of my life this unique experience as President of our 4<sup>th</sup> FSM Constitutional Convention and I have enjoyed every moment of it in spite of the other challenges which I have encountered during the course of my presidency of their very important Convention during the past two and a half years. Thank you all and God bless us all including our leaders and God bless our Nation, the Federated States of Micronesia. Kinisour chapur, kalahngan, kamagar and kulo malulap.

[Applause].

**Delegate Albert:** Mr. President. Recess.

**President Killion:** I call for a short recess.

President Killion declared the Convention recessed at 12:50 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 1:29 p.m.

**President Killion:** I now call back our session to order. We are on Miscellaneous Business. Any other statements or comments by anyone? Mr. Floor Leader?

**Floor Leader Yatilman:** Mr. President. Thank you. I move that the next amount of money be authorized to be obligated to support the respective State Delegations' post-Convention activities especially relating to briefing with the State leadership provided, however, that the first priorities would be given to making sure that there is money available for the salaries of Convention Staff and then also for other expenses that have been incurred before – that can be determined. Thank you.

**President Killion:** Thank you. Any second to the long motion?

**Delegate Albert:** Second.

**President Killion:** It's been moved and seconded that there shall be that motion. Discussion? I think we have exhausted.

**Delegate Cantero:** Sir.

**President Killion:** Yes, Delegate Cantero.

**Delegate Cantero:** Yeah, just for clarification purposes: does it make sense to actually specify both Convention activities? If we look at the budget in general, there's a category that's set up within our budget to cover anything that has to do with public awareness *during* Convention. So, while I support the motion, I'm not sure it's legally viable for us to mark it as "post-Convention." Activities like this is provided in our budget; there's a category for it. Same as the budget for Staff and everyone else. So, I'm just a bit uncomfortable marking it as "post-Convention" because of the fact that – we just can't do that. But there is a category within our current budget that we can invoke and use to undertake this activity.

**President Killion:** Thank you very much, Delegate Cantero. Floor Leader?

**Floor Leader Yatilman:** So – are we still in session or -?

**President Killion:** We are.

**Floor Leader Yatilman:** We are?

**President Killion:** We are in session.

**Floor Leader Yatilman:** So, may – I will amend my motion and exclude the word “post-Convention” from it.

**President Killion:** Okay. We’re still on that main motion.

**Delegate Liwy:** Second.

**President Killion:** So, are you making the amendment to your motion to -?

**Floor Leader Yatilman:** Remove the word –

**President Killion:** Okay, that’s the amendment – formal amendment, to remove that word, “post-Convention.” Do we have to suspend any rules – are there -? No. Okay. So it was seconded.

**Delegate Liwy:** I seconded that motion.

**President Killion:** Yes. It’s been moved and seconded that the said amendment to the main motion shall be acted on favorably. If no other discussion, all those in favor of the amendment to the main motion, say “Aye.” All those opposed, say “Nay.” So, motion carried. We now have that main motion as amended.

Motion carried through voice vote of the Delegates.

**President Killion:** So, any other discussion on the main motion as amended?

**Delegate Palsis:** I move for the previous question.

**Delegate Nabeyan:** Second.

**President Killion:** It’s been moved and seconded that we stop debate. All those in favor of the motion, say “Aye.” All those opposed, say “Nay.” We have stopped debate.

Motion carried through voice vote of the Delegates.

**President Killion:** We now move on to the main motion at hand to adopt the motion as amended by Floor Leader. All those in favor of the main motion as amended, say “Aye.” All those opposed, say “Nay.” So, motion carried. Thank you.

Motion carried through voice vote of the Delegates.

**President Killion:** So, moving on. Any other miscellaneous business? Yes, Chairman Palsis?

**Delegate Palsis:** I just wanted to follow-up if the package for each Delegation on those passed proposals are prepared and ready to be picked up so that we can take it with us tomorrow.

**President Killion:** Okay, yes. There was an urgent request to our Secretariat, so hopefully, they will be prepared in time before your trip tomorrow. Thank you. Any other –

**Delegate Cantero:** Yeah, I just –

**President Killion:** – miscellaneous business?

**Delegate Cantero:** I just have one more.

**President Killion:** Yes, go ahead.

**Delegate Cantero:** On the letter to the President from us transmitting the proposals – from me, I would like to see the letter to emphasize a bit more on the Declaration that's in place – that calls for the establishment of the Public Awareness Team. For me, I would like to see our letter transmit the proposals and also speak a little bit towards the need to update the Declaration and get it up and running because that is the key element to getting the Public Awareness across. We need him to sign off on the new Declaration as soon as possible. Once he signs off, then things will kick in place naturally. So, that's really important for us. A little emphasis on that – I would appreciate that. At the same time, it's my understanding that the amount of money that has been set aside for post-education – public education – the amount of about \$483,000 - \$485,000 – that money was injected into the pre-Con budget that was put together in anticipation of us being part of the Public Awareness campaign while – it was constructed out of anticipation, eagerness for us to be a part of that. So, the \$485,000 – it's there, but one of the rationale why we plugged it in was to – what gave birth to the \$485,000 is really inputs from the respective Delegations to provide their own opinion of how to conduct public education in their respective State. So, if you look at the budget for the \$485,000, it's broken down in detail. For example, in Pohnpei, this is the exact amount we're going to get from the \$485,000, and these are the activities that we plan to do post-Convention through the public education. Same with Yap, Kosrae, and Chuuk. Their share of the \$485,000 is already provided in the budget. Their activities that they will do using their share is already provided in their budget. And we did this to make it easier for President's consideration of not only the budget figure, but activities prescribed – make it easier for him to say, "Oh those are their activities." So, those things have been broken up in detail – if you look at the current budget, it's very, very much in detail. Once the money is confirmed by the President, then the anticipator's expectation is that those activities can be implemented – makes it easier for us and for the Campaign Team. So, all of these things were constructed and prescribed in advance in anticipation of us being part of the campaign process.

**President Killion:** Thank you, Delegate Cantero, for that information as former Chairman of the pre-Convention Committee. Those are very useful and pertinent information

supporting what we had just agreed on by motion. Thank you. Any other miscellaneous business?

**Delegate Sigrah:** Mr. President?

**President Killion:** Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you very much, Mr. President. I was hoping that I could hear some discussion on maybe giving us some heads-up on what to tell – at least if not the leadership – the constituents when do they get to vote on the proposals. Do we tell them we just have to wait until the President says so or can we get an idea? Is it going to be March, next year? Or is it some time before the year ends? Thank you.

**President Killion:** Thank you, Chairperson Sigrah. That authoritative power fully rests with the President. Once we finish our task, we're going to transmit our proposals, and the President's office – the President himself will make that Declaration. First forming the Education Committee Task Force and then, hopefully, the date. Some kind of target date for the referendum. That's going to be the function of the Executive branch.

**Delegate Sigrah:** Thank you, Mr. President. Is it wishful thinking to ask the President of FSM if we can put it not with the Congress election? Is it just wishful thinking or is it worth to ask – make that special request? Thank you.

**President Killion:** Thank you very much. That is a very important issue. As we had discussed with the President – our Officers in the past – the merits or the demerits for having the referendum on the same date as the National Election in March – on having a stand on a different date. And, of course, we can only make recommendations on that. Final decisions shall be made

–

**Delegate Albert:** Recess.

**President Killion:** – by them.

**Delegate Albert:** Recess, please.

**President Killion:** Thank you. I call for a short recess.

President Killion declared the Convention recessed at 1:39 p.m., subject to call of the Chair.

## RECESS

The Convention reconvened at 1:46 p.m.

**President Killion:** I now call back our session to order. Now we are on Miscellaneous. Any other miscellaneous business?

## ANNOUNCEMENTS

**President Killion:** If none, any announcements from anyone? -outgoing Chairman, Chairperson? -Committees, Delegations? If none, Floor Leader?

**Floor Leader Yatilman:** Mr. President, I move that the 4<sup>th</sup> FSM Constitutional Convention adjourns *sine die*.

**Delegate Nabeyan:** Second.

**President Killion:** It has been moved and seconded that our 4<sup>th</sup> FSM Constitutional Convention that started January 2020 will be adjourning on this day, June 28, 2022. Any other discussion? If none, again, before I declare, I thank you all for your time and your efforts for participating in this very important 4<sup>th</sup> FSM Constitutional Convention that we had these two and half years. Thank you. Kalahngan.

[Applause].

**Delegate Mori:** Waiooo.

**President Killion:** Sorry, I haven't said anything, so we need to vote on the motion as made to adjourn *sine die*.

**Delegate Mori:** Oh.

**President Killion:** Otherwise – we cannot continually leave on as indefinite, right?

**Delegate Nabeyan:** Yup.

**President Killion:** It'd be nice. Okay, so now we have to vote on the main motion.

**Delegate Arnold:** [Inaudible].

**President Killion:** Yes, Delegate Arnold? You want to say something before we adjourn *sine die* or -? Your light is on.

**Delegate Arnold:** Thank you, Mr. President. I just want to say thank you to everyone. This has been a wonderful experience for me. There were a lot of very important [inaudible] that were said before, and I [inaudible] everyone in the same sentiment. So, again, thank you all. Thank you very much.

**President Killion:** Thank you. Thank you very much, Delegate Arnold.

**Delegate Mori:** Thank you.

**President Killion:** Alright, since we're ready to vote on the main motion to adjourn *sine die*, all those –

**Delegate Cantero:** Sir, can I just –

**President Killion:** Yes.

**Delegate Cantero:** First of all, the gavel; I volunteer to be the custodian of the gavel on all your behalves, and it will be in a glass shelf proudly displayed if that's acceptable. I will take care of it really, really well if that is acceptable to you, Mr. President. I just wanted to register that I'm a bit – and I think the sentiment is around the table as well. How can we be a bit more strategic knowing that it's likely that a special election will be held prior to – let's say – March with the main referendum. With that knowledge just being in service right now, I'm just a bit concerned of the impact to the rest of the proposals. I support it completely, but I'm just a bit concerned on that getting our people to the ballot boxes maybe once or twice in a very short time frame can be a bit difficult, but I'm just a bit concerned on that. So, if it is possible – do you think it's truly wise to have that special referendum be held as soon as possible? -to have it a bit more further apart from the main proposals? I'm just throwing this out – I'm just concerned about it.

**Delegate Sigrah:** Yes, definitely.

**Delegate Cantero:** You know – I'm just concerned about it because I think it's important for us to talk about it and whichever decision we decide to do, I think it should be reflected in the letter as well – our suggestion to the President. I'm just concerned that having those two elections right close to each other will be a bit more strategically unbalanced towards to the other proposals. I'm sorry, but I just got to table this thing because I'm a bit concerned over it. The sooner we can get the two proposals out – the threshold and the eligibility – the sooner we get that out, the sooner we can get the results, the sooner we can focus more on the other proposals – let's say – in March. And also, if we delay beyond March, the longer it may lose its rightfulness, so my thinking is that March is the best time to target those – but I'm just concerned over the fact of having too many of these and getting our people to the referendum multiple times in very short timeframe. Just wanted to say that.

**Delegate Sigrah:** Mr. President.

**President Killion:** Thank you. Yes, Chairperson Sigrah.

**Delegate Sigrah:** Thank you. Yes, I share the concern raised by Cantero. Although I don't want to be strategic – I'm just trying to be realistic – and the fact of the matter is that you throw it with the March election, and it's all about the Congress. And with all due respect, they visit the people in the community, and it's about their agenda more than proposals that we once-upon-a-time worked on so hard – we sweated over it for what? -two and a half years or so? So, we have to be strategic in trying to see how we can champion those proposals all the way to the very end, and I agree that we should have a referendum ahead of – a separate elections or votings on those proposals. Thank you.

**Delegate Nabeyan:** Mr. President.

**President Killion:** Thank you. Yes.

**Delegate Nabeyan:** Can we go in recess?

**President Killion:** Yes. I call for a short recess.

President Killion declared the Convention recessed at 1:52 p.m., subject to call of the Chair.

### RECESS

The Convention reconvened at 1:56 p.m.

**President Killion:** I now call back our session to order. Now we're back after a short recess. We need to vote on the main motion. The motion to that we recess *sine die*. Let's vote. All those in favor of the motion, say "Aye." All those opposed? So, it's unanimous. Therefore, our 4<sup>th</sup> FSM Constitutional Convention is now –

**Delegate Mori:** Waiooo.

**President Killion:** – recessed oh adjourned *sine die*. Thank you all. See you tonight.

[Applause].

President Killion declared the Convention adjourned *sine die* at 1:57 p.m.

Respectfully submitted,

/s/

Krystal S. Saimon

Journal Clerk

# ADOPTED PROPOSED AMENDMENTS

- 1) Dual Citizenship: (A III, Sections 1-5)
- 2) Revenue Sharing of Fishing Fees- 50% for the States (70%:30% internal distribution): (A IX, Section 2(m))
- 3) Presidential Veto Override Requirements: (A IX, Section 2(q))
- 4) Revenue Distribution formula for minerals and other non-living resources exploited from seabed and subsoil beyond 12 miles: (A IX, Section 6)
- 5) Eligibility Requirements to run for FSM Congress:(A IX, Section 9)
- 6) State competent courts to have exclusive jurisdiction re. land issues: (A XI, Section 6)
- 7) Establishment of a new Office of Independent Prosecutor: (A XII, Section 4-new)
- 8) To lower the Amendment Threshold to the Constitution: (A XIV, Section 1)

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

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March 21, 2020

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

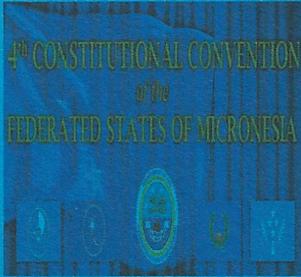
Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-05, which was adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Sections 1, 2, 3, 4 & 5 of Article III of the FSM Constitution.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> Constitutional Convention

Enclosures



FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY - MARCH, 2020

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## A PROPOSAL

RELATING TO DUAL CITIZENSHIP.

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OFFERED BY: COMMITTEE ON CIVIL LIBERTIES AND TRADITIONS

DATE: MARCH 11, 2020

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FIRST READING: – MARCH 11, 2020

SECOND READING: - MARCH 12, 2020

FINAL READING: – MARCH 13, 2020

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Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

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A PROPOSAL

Relating to dual citizenship.

BE IT RESOLVED BY THE CONSTITUTIONAL CONVENTION:

1 Article III of the Constitution of the Federated States of  
2 Micronesia shall read as follows:

3 Section 1. A person who is a citizen of the Trust Territory  
4 immediately prior to the effective date of this Constitution and a  
5 domiciliary of a District ratifying this Constitution is a citizen  
6 and national of the Federated States of Micronesia.

7 Section 2. A person born of parents one or both of whom are  
8 citizens of the Federated States of Micronesia is a citizen and  
9 national of the Federated States by birth.

10 Section 3. Citizenship of another country shall not affect a  
11 person's Federated States of Micronesia citizenship, as provided  
12 under Section 2.

13 Section 4. A person who has knowingly renounced his  
14 citizenship of the Federated States of Micronesia shall remain a  
15 national of the Federated States of Micronesia, except as may be  
16 provided by law. A national of the Federated States of Micronesia  
17 may regain his citizenship of the Federated States of Micronesia  
18 in accordance with the residency requirement and other conditions  
19 as may be prescribed by law.

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Section 5. This Article shall be applied retroactively.

ADOPTED: March 13, 2020

  
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Redley Killion  
President  
FSM Constitutional Convention

Attest by:   
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Kapilly Capelle  
Convention Secretary  
FSM Constitutional Convention

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

June 30, 2022

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei State FSM 96941

Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-13, CCD1 duly adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Section 2(m) of Article IX of the FSM Constitution to provide for revenue derived from fishing be shared with the States.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

Enclosures

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



JANUARY- MARCH, 2020 AND JUNE, 2022

## A PROPOSAL

TO PROVIDE FOR REVENUE DERIVED FROM FISHING FEES BE SHARED WITH THE STATES.

OFFERED BY: COMMITTEE ON PUBLIC FINANCE AND REVENUE

DATE: JUNE 27, 2022

FIRST READING: MARCH 03, 2020

SECOND READING: JUNE 24, 2022

FINAL READING: JUNE 27, 2022

KAPILLY CAPELLE  
CONVENTION SECRETARY  
4<sup>TH</sup> FSM CONSTITUTIONAL CONVENTION

A Proposal

Relating to amending Article IX, Section 2(m) of the Constitution of the Federated States of Micronesia to provide that revenue derived from fishing fees are shared with the States.

BE IT RESOLVED BY THE FOURTH FSM CONSTITUTIONAL CONVENTION:

1            Article IX, Section 2(m) of the Constitution of the  
2 Federated States of Micronesia shall read as follows:

3

4            **Section 2.** The following powers are expressly delegated to  
5 Congress:

6

7            (m) to regulate the ownership, exploration, and  
8 exploitation of natural resources within the marine space of the  
9 Federated States of Micronesia beyond 12 miles from island  
10 baselines; provided that

11

12            (i) not less than fifty percent (50%) of all revenue  
13 collected from all forms of fishing fees are  
14 shared with the State governments;

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16            (ii) seventy percent (70%) of the revenue shared with  
17 the State governments pursuant to paragraph (i)  
18 shall be shared among the State governments based  
19 on population as determined by the most recent  
20 census, and thirty percent (30%) of the revenue  
21 shared with the State governments pursuant to

1                                    paragraph (i) shall be shared equally among the  
2                                    State governments; and

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4                                    (iii) all funds shared pursuant to paragraphs (i) and  
5                                    (ii) shall be paid into the State treasuries;

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9    Adopted: June 27, 2022

  
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Redley Killion  
President  
Fourth FSM Constitutional Convention

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Kapilly Capelle  
Convention Secretary  
Fourth FSM Constitutional Convention

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

June 30, 2022

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei State FSM 96941

Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-03 duly adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Section 2 of Article IX of the FSM Constitution relating to Congressional votes required to override a Presidential veto.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

Enclosures

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



JANUARY- MARCH, 2020 AND JUNE, 2022

## A PROPOSAL

RELATING TO CONGRESSIONAL VOTES REQUIRED TO OVERRIDE A  
PRESIDENTIAL VETO.

OFFERED BY: COMMITTEE ON GOVERNMENT STRUCTURE AND FUNCTION

DATE: JUNE 23, 2022

FIRST READING: MARCH 04, 2020

SECOND READING: JUNE 09, 2022

FINAL READING: JUNE 23, 2022

KAPILLY CAPELLE

CONVENTION SECRETARY

4<sup>TH</sup> FSM CONSTITUTIONAL CONVENTION

A Proposal

Relating to votes required to override a Presidential veto.

BE IT RESOLVED BY THE FOURTH FSM CONSTITUTIONAL CONVENTION:

1 Article IX, Section 2(q) of the Constitution of the  
2 Federated States of Micronesia shall read as follows:

3  
4 **Section 2.** The following powers are expressly delegated to  
5 Congress:

6  
7 (q) to override a Presidential veto by not less than a 2/3  
8 vote of all the members elected from congressional districts  
9 in each state followed by a 3/4 vote of all the members elected  
10 at large; and

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14 Adopted: June 23, 2022

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Redley Killion  
President  
Fourth FSM Constitutional Convention

Attest by:

  
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Kapilly Capelle  
Convention Secretary  
Fourth FSM Constitutional Convention

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

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June 30, 2022

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei State FSM 96941

Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-06, CCD2 duly adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Section 6 of Article IX of the FSM Constitution relating to the distribution of net revenue derived from seabed and subsoil minerals and other resources exploited beyond 12 miles from island baselines.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

Enclosures

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



JANUARY- MARCH, 2020 AND JUNE, 2022

## A PROPOSAL

Relating to the distribution of net revenue derived from seabed and subsoil minerals and other resources exploited beyond 12 miles from island baselines.

**OFFERED BY: COMMITTEE ON PUBLIC FINANCE AND REVENUE**

**DATE: JUNE 23, 2022**

**FIRST READING: MARCH 12, 2020**

**SECOND READING: JUNE 21, 2022**

**FINAL READING: JUNE 23, 2022**

**KAPILLY CAPELLE  
CONVENTION SECRETARY**

**4<sup>TH</sup> FSM CONSTITUTIONAL CONVENTION**

A Proposal

Relating to the distribution of net revenue derived from seabed and subsoil minerals and other non-living resources exploited from the jurisdiction of the Federated States of Micronesia beyond 12 miles from island baselines.

BE IT RESOLVED BY THE FOURTH FSM CONSTITUTIONAL CONVENTION:

1            Article IX, Section 6 of the Constitution of the  
2 Federated States of Micronesia shall read as follows:

3  
4            **Section 6.** Net revenue derived from seabed and subsoil  
5 minerals and other non-living resources exploited from the  
6 jurisdiction of the Federated States of Micronesia beyond 12  
7 miles from island baselines shall be divided equally between the  
8 national government and the appropriate state government or  
9 state governments. Where two or more state governments are  
10 entitled to such net revenue, such state governments shall be  
11 entitled to fifty percent (50%), divided equally among them.  
12 Congress shall give effect to this provision by statute in a  
13 manner consistent with international treaty obligations of the  
14 Federated States of Micronesia.

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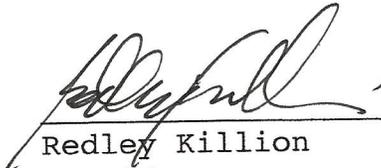
18 Adopted: June 23, 2022

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Redley Killion  
President  
Fourth FSM Constitutional Convention

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Attest by:

  
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Kapilly Capelle  
Convention Secretary  
Fourth FSM Constitutional Convention

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

June 30, 2022

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei State FSM 96941

Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-11, CCD2 duly adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Section 9 of Article IX of the FSM Constitution to establish consistency on eligibility criteria including residency requirements in the FSM to run for Congress.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

Enclosures

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



JANUARY- MARCH, 2020 AND JUNE, 2022

## A PROPOSAL

TO ESTABLISH CONSISTENT ELIGIBILITY CRITERIA INCLUDING  
RESIDENCY REQUIREMENTS WITHIN THE FSM TO RUN FOR  
CONGRESS.

OFFERED BY: COMMITTEE ON GOVERNMENT STRUCTURE AND FUNCTION

DATE: JUNE 27, 2022

FIRST READING: JUNE 22, 2022

SECOND READING: JUNE 24, 2022

FINAL READING: JUNE 27, 2022

KAPILLY CAPELLE

CONVENTION SECRETARY

4<sup>TH</sup> FSM CONSTITUTIONAL CONVENTION

A Proposal

To amend Article IX, Section 9, of the Constitution of the Federated States of Micronesia to create consistency between the eligibility requirements to run for Congress and to be elected President and to require residency within the FSM to be eligible to run for Congress.

BE IT RESOLVED BY THE FOURTH FSM CONSTITUTIONAL CONVENTION:

1            Article IX, Section 9 of the Constitution of the  
2 Federated States of Micronesia shall read as follows:

3  
4            **Section 9.** A person is ineligible to be a member of  
5 Congress unless he is at least 30 years of age on the day of  
6 election, a citizen of the Federated States of Micronesia by  
7 birth, a domiciliary of the State from which he is elected, and  
8 has been residing in the Federated States of Micronesia for at  
9 least 5 years. A person convicted of a felony by a state or  
10 national government court is ineligible to be a member of  
11 Congress. The Congress may modify this provision or prescribe  
12 additional qualifications; knowledge of English language may not  
13 be a qualification.

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Adopted: June 27, 2022

  
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Redley Killion  
President  
Fourth FSM Constitutional Convention

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Attest by:



Kapilly Capelle

Convention Secretary

Fourth FSM Constitutional Convention

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

June 30, 2022

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei State FSM 96941

Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-07, CCD2 duly adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Section 6 (b) of Article XI of the FSM Constitution to provide exclusive jurisdiction to the competent State Courts in cases where an interest of land is at issue.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

Enclosures

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION *of the* FEDERATED STATES OF MICRONESIA



JANUARY- MARCH, 2020 AND JUNE, 2022

## A PROPOSAL

To provide for exclusive jurisdiction to the competent State Courts in cases where an interest of land is at issue.

**OFFERED BY: COMMITTEE ON GENERAL PROVISIONS**

**DATE: JUNE 13, 2022**

**FIRST READING: MARCH 13, 2020**

**SECOND READING: JUNE 03, 2022**

**FINAL READING: JUNE 13, 2022**

**KAPILLY CAPELLE**

**CONVENTION SECRETARY**

**4<sup>TH</sup> FSM CONSTITUTIONAL CONVENTION**

A Proposal

Relating to providing exclusive jurisdiction of cases where an interest of land is at issue in the State Courts.

BE IT RESOLVED BY THE FOURTH FSM CONSTITUTIONAL CONVENTION:

1            Article XI, Section 6 of the Constitution of the Federated  
2 States of Micronesia shall read as follows:

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4            **Section 6.**

5

6            (a) The trial division of the Supreme Court has original  
7 and exclusive jurisdiction in cases affecting officials of  
8 foreign governments, disputes between states, admiralty or  
9 maritime cases, and in cases in which the national government is  
10 a party except where an interest in land is at issue.

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12            (b) The national courts, including the trial division of  
13 the Supreme Court, have concurrent original jurisdiction in  
14 cases arising under this Constitution; national law or treaties;  
15 and in disputes between a state and a citizen of another state,  
16 between citizens of different states, between a state or a  
17 citizen thereof, and a foreign state, citizen, or subject;  
18 except that the competent state courts shall have exclusive  
19 jurisdiction in cases where an interest in land is at  
20 issue.

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22            (c) When jurisdiction is concurrent, the proper court may

1 be prescribed by statute.

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5 Adopted: June 13, 2022

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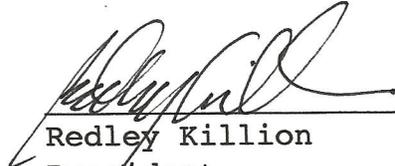
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\_\_\_\_\_  
Redley Killion  
President  
Fourth FSM Constitutional Convention

Attest by:

  
\_\_\_\_\_  
Kapilly Capelle  
Convention Secretary  
Fourth FSM Constitutional Convention

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

June 30, 2022

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei State FSM 96941

Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-09, CCD1 duly adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Article XII of the FSM Constitution by adding a new Section 4 to establish a new FSM Office of Independent Prosecutor.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

Enclosures



# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



JANUARY- MARCH, 2020 AND JUNE, 2022

## A PROPOSAL

To establish a new FSM Office of Independent Prosecutor

OFFERED BY: COMMITTEE ON GOVERNMENT STRUCTURE AND FUNCTION

DATE: JUNE 23, 2022

FIRST READING: JUNE 14, 2022

SECOND READING: JUNE 16, 2022

FINAL READING: JUNE 23, 2022

A handwritten signature in blue ink, appearing to read 'Kapilly', is written over a horizontal line.

KAPILLY CAPELLE  
CONVENTION SECRETARY  
4<sup>TH</sup> FSM CONSTITUTIONAL CONVENTION

A Proposal

Relating to creating a new Section 4 of Article XII to establish a new FSM Office of Independent Prosecutor; providing for appointment, exclusive authority, removal and other purposes.

BE IT RESOLVED BY THE FOURTH FSM CONSTITUTIONAL CONVENTION:

1            Article XII of the Constitution of the Federated States  
2 of Micronesia shall read as follows:

3

4            **Section 4.**

5

6            (a) The Office of the Independent Prosecutor is hereby  
7 established.

8

9            (b) The President shall appoint an Independent Prosecutor,  
10 with the advice and consent of 2/3 of the members of Congress,  
11 to serve for a term of six (6) years and until a successor is  
12 appointed and confirmed. The Independent Prosecutor shall not  
13 be reappointed to a consecutive term. The President shall  
14 appoint the first Independent Prosecutor within one hundred  
15 eighty (180) days of the effective date of this section.

16

17            (c) If the President does not appoint the Independent  
18 Prosecutor within the one hundred eighty (180) days, the Chief  
19 Justice shall immediately appoint an acting Independent  
20 Prosecutor to serve until a successor is appointed by the  
21 President with the advice and consent of Congress.

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2            (d) The Independent Prosecutor has the exclusive authority  
3 to:

4                    (i)    investigate and prosecute any person or entity,  
5                                whether private or public, or any official of  
6                                the national, state, or local government for  
7                                the commission of any national offense relating  
8                                to national funds;

9

10                   (ii)    investigate and prosecute any official of the  
11                                national government for the commission of any  
12                                national offense involving public corruption;  
13                                and  
14                                and  
15                                and  
16                                and

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18                   (iii)    investigate and prosecute any person for any  
19                                offense of obstruction or perjury committed in  
20                                connection with an investigation or prosecution  
21                                by the Independent Prosecutor.

22

23 In the event of a conflict of interest inhibiting the  
24 investigation or prosecutorial capability of the Independent  
25 Prosecutor or the office, the Chief Justice shall appoint  
26 special counsel to investigate and prosecute the specific cases  
27 that are affected by such conflict of interest.

28

29            (e) The Independent Prosecutor may compel witness testimony  
30 and production of documents by subpoena, effect lawful search

1 and seizure, and exercise such other powers as may be necessary  
2 to the investigation or prosecution. The powers and  
3 qualifications of the Independent Prosecutor may be prescribed  
4 by statute.

5  
6 (f) The Office of the Independent Prosecutor shall be  
7 independent of administrative control. The Office shall be  
8 adequately funded by Congress. No statute, regulation, or  
9 directive shall be enacted or enforced which has the effect of  
10 reducing or eliminating the independence, power, or capability  
11 of that Office. The compensation of the Independent  
12 Prosecutor and staff shall not be reduced during the term in  
13 office. The Independent Prosecutor shall report at least once a  
14 year to the President and Congress.

15  
16 (g) The Independent Prosecutor may be removed from office  
17 for good cause by the President with a 2/3 vote of the members  
18 of Congress. Upon removal of the Independent Prosecutor or  
19 vacancy in the position, the Chief Justice shall immediately  
20 appoint an acting Independent Prosecutor to serve until a  
21 successor is appointed by the President with the advice and  
22 consent of 2/3 of the members of Congress.

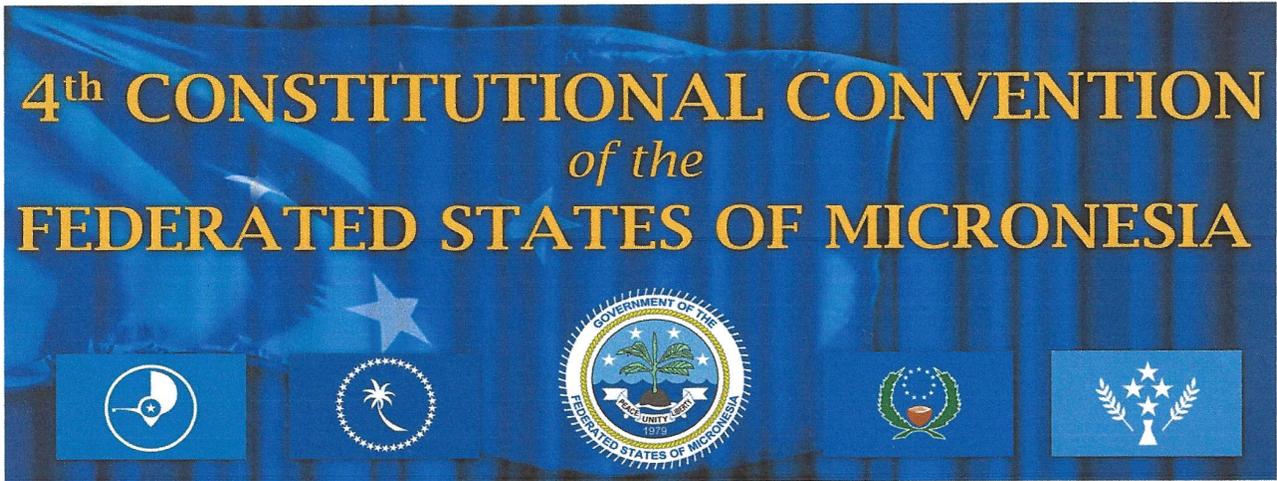
23  
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26 Adopted: June 23, 2022

  
\_\_\_\_\_  
Redley Killion  
President  
Fourth FSM Constitutional Convention

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Attest by: *K. Capelle*  
Kapilly Capelle  
Convention Secretary  
Fourth FSM Constitutional Convention

# 4<sup>th</sup> CONSTITUTIONAL CONVENTION of the FEDERATED STATES OF MICRONESIA



Palikir, Pohnpei  
Convention Secretariat

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March 21, 2020

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

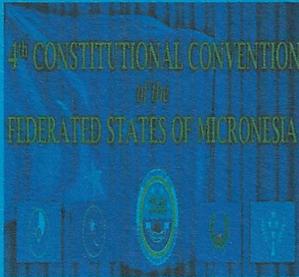
Dear President Panuelo:

Pursuant to Section 8(3) of Public Law No. 21-19, as amended, I herewith transmit a certified copy of Committee Proposal No. 4-04, which was adopted by the Fourth Constitutional Convention of the Federated States of Micronesia, seeking to amend Section 1 of Article XIV of the FSM Constitution.

Sincerely,

  
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> Constitutional Convention

Enclosures



FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY - MARCH, 2020

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## A PROPOSAL

RELATING TO AMENDING THE CONSTITUTION.

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OFFERED BY: COMMITTEES ON GENERAL PROVISIONS AND STYLE AND  
ARRANGEMENT

DATE: MARCH 3, 2020 AND MARCH 12, 2020

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FIRST READING: MARCH 7, 2020

SECOND READING: MARCH 10, 2020

FINAL READING: MARCH 12, 2020

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A handwritten signature in blue ink, appearing to read "Kapilly Capelle".

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Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

A PROPOSAL

Relating to amending the Constitution.

BE IT RESOLVED BY THE CONSTITUTIONAL CONVENTION:

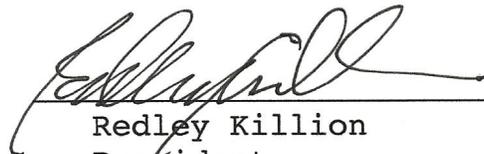
1 Section 1 of Article XIV. An amendment to this Constitution  
2 may be proposed by a constitutional convention, popular  
3 initiative, or Congress in a manner provided by law. A proposed  
4 amendment shall become a part of the Constitution when approved by  
5 2/3 of the votes cast on that amendment in each of 3/4 of the  
6 states. If conflicting constitutional amendments submitted to the  
7 voters at the same election are approved, the amendment receiving  
8 the highest number affirmative votes shall prevail to the extent  
9 of such conflict.

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12 ADOPTED: March 12, 2020

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Redley Killion  
President  
FSM Constitutional Convention

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Attest by:

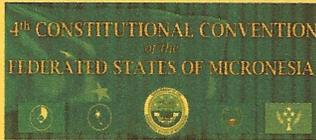


Kapilly Capelle  
Convention Secretary  
FSM Constitutional Convention

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**ADOPTED  
CONVENTION  
RESOLUTIONS**



FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA  
SESSION I  
JANUARY 07 - 22, 2020

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A  
RESOLUTION

EXPRESSING GRATITUDE AND APPRECIATION TO HIS EXCELLENCY DAVID W. PANUELO PRESIDENT OF THE FSM AND THE HONORABLE YOSIWO P. GEORGE VICE PRESIDENT OF THE FSM FOR MAKING SOME OF THEIR STAFF, OFFICES, AND EQUIPMENT AVAILABLE FOR USE BY THE FOURTH CONSTITUTIONAL CONVENTION OF THE FEDERATED STATES OF MICRONESIA.

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INTRODUCED BY DELEGATE: CINDY S. MORI

DATE: JANUARY 16, 2020

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ADOPTED: JANUARY 17, 2020

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Kapily Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

A RESOLUTION

Expressing gratitude and appreciation to His Excellency David W. Panuelo President of the FSM and the Honorable Yosiwo P. George Vice President of the FSM for making some of their staff, offices, and equipment available for use by the Fourth Constitutional Convention of the Federated States of Micronesia.

1           WHEREAS, the Fourth Constitutional Convention of the  
2 Federated States of Micronesia which convened on January 7<sup>th</sup> in  
3 Palikir, Pohnpei required assistance for its operations and  
4 meetings; and

5           WHEREAS, President David W. Panuelo and Vice President Yosiwo  
6 P. George, recognizing the importance of the Constitutional  
7 Convention, have made available some of their staff, offices, and  
8 equipment for use by the Convention for its operations and  
9 meetings; and

10           WHEREAS, it is the sense of the Convention that its  
11 appreciation for these generous acts by the President and Vice  
12 President should be formally conveyed; now, therefore,

13           BE IT RESOLVED by the Fourth Constitutional Convention of  
14 the Federated States of Micronesia, 2020, that the Convention does  
15 hereby express its gratitude and appreciation to His Excellency  
16 David W. Panuelo President of the Federated States of Micronesia  
17 and the Honorable Yosiwo P. George Vice President of the Federated

1 States of Micronesia for having made available some of their  
2 staff, offices, and equipment for use by the Convention;

3 BE IT FURTHER RESOLVED that certified copies of this  
4 resolution be transmitted to His Excellency David W. Panuelo  
5 President of the FSM; the Honorable Yosiwo P. George Vice  
6 President of the FSM; the Honorable Dennis K. Yamase Chief Justice  
7 of the FSM Supreme Court; the Honorable Wesley W. Simina Speaker  
8 of the Twenty-first Congress and Members of the Twenty-first  
9 Congress of the Federated States of Micronesia; the Honorable  
10 Johnson S. Elimo Governor of the State of Chuuk; the Honorable  
11 Reed B. Oliver Governor of the State of Pohnpei; the Honorable  
12 Henry S. Falan Governor of the State of Yap; the Honorable Carson  
13 K. Sigrah Governor of the State of Kosrae; the Honorable Isiro  
14 Choram President of the Chuuk State Senate; the Honorable  
15 Innocente I. Oneisom Speaker of the Chuuk State House of  
16 Representatives; the Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup>  
17 Pohnpei State Legislature; the Honorable Vincent A. Figir Speaker  
18 of the Yap State Legislature; the Honorable Chang William Speaker  
19 of the Kosrae Legislature; the Honorable Camillo Noket Chief  
20 Justice of the Chuuk State Court; the Honorable Tulensa W. Palik  
21 Chief Justice of the Kosrae State Court; the Honorable Nelson  
22 Joseph Chief Justice of the Pohnpei State Court; the Honorable  
23 Cyprian Manmaw Chief Justice of the Yap State Court; and to the  
24 President and officers of the Fourth Constitutional  
25 Convention of the Federated States of Micronesia.

1 ADOPTED: January 17, 2020

Date: January 17, 2020

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Certified by:



Redley Killion  
President  
FSM Constitutional Convention

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Attest by:



Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

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FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA  
SESSION I  
JANUARY 07 - 22, 2020

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A  
RESOLUTION

EXPRESSING GRATITUDE AND APPRECIATION TO THE HONORABLE WESLEY W. SIMINA SPEAKER OF THE TWENTY-FIRST CONGRESS AND MEMBERS OF THE TWENTY-FIRST CONGRESS FOR MAKING SOME OF THEIR STAFF, OFFICES, AND EQUIPMENT AVAILABLE FOR USE BY THE FOURTH CONSTITUTIONAL CONVENTION OF THE FEDERATED STATES OF MICRONESIA.

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INTRODUCED BY DELEGATE: SALVADOR IRIARTE

DATE: JANUARY 16, 2020

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ADOPTED: JANUARY 17, 2020

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

FOURTH CONSTITUTIONAL CONVENTION OF THE FSM

JANUARY — MARCH, 2020

CONVENTION RESOLUTION NO. CC-RES-4-02

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A RESOLUTION

Expressing gratitude and appreciation to the Honorable Wesley W. Simina Speaker of the Twenty-first Congress and Members of the Twenty-first Congress for making some of their staff, offices, and equipment available for use by the Fourth Constitutional Convention of the Federated States of Micronesia.

1           WHEREAS, the Fourth Constitutional Convention of the  
2 Federated States of Micronesia which convened on January 7<sup>th</sup> in  
3 Palikir, Pohnpei required assistance for its operations and  
4 meetings; and

5           WHEREAS, Speaker Wesley W. Simina and Members of the  
6 Twenty-first Congress, recognizing the importance of the  
7 Constitutional Convention, have made available some of their  
8 staff, offices, and equipment for use by the Convention for its  
9 operations and meetings; and

10           WHEREAS, it is the sense of the Convention that its  
11 appreciation for these generous acts by the Speaker and Members  
12 should be formally conveyed; now, therefore,

13           BE IT RESOLVED by the Fourth Constitutional Convention of  
14 the Federated States of Micronesia, 2020, that the Convention does  
15 hereby express its gratitude and appreciation to Speaker Wesley W.  
16 Simina and Members of the Twenty-first Congress of the Federated  
17 States of Micronesia for having made available some of their  
18 staff, offices, and equipment for use by the Convention;

1 BE IT FURTHER RESOLVED that certified copies of this  
2 resolution be transmitted to His Excellency David W. Panuelo  
3 President of the FSM; the Honorable Yosiwo P. George Vice  
4 President of the FSM; the Honorable Dennis K. Yamase Chief Justice  
5 of the FSM Supreme Court; the Honorable Wesley W. Simina Speaker  
6 of the Twenty-first Congress and Members of the Twenty-first  
7 Congress of the Federated States of Micronesia; the Honorable  
8 Johnson S. Elimo Governor of the State of Chuuk; the Honorable  
9 Reed B. Oliver Governor of the State of Pohnpei; the Honorable  
10 Henry S. Falan Governor of the State of Yap; the Honorable Carson  
11 K. Sigrah Governor of the State of Kosrae; the Honorable Isiro  
12 Choram President of the Chuuk State Senate; the Honorable  
13 Innocente I. Oneisom Speaker of the Chuuk State House of  
14 Representatives; the Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup>  
15 Pohnpei State Legislature; the Honorable Vincent A. Figir Speaker  
16 of the Yap State Legislature; the Honorable Chang William Speaker  
17 of the Kosrae Legislature; the Honorable Camillo Noket Chief  
18 Justice of the Chuuk State Court; the Honorable Tulensa W. Palik  
19 Chief Justice of the Kosrae State Court; the Honorable Nelson  
20 Joseph Chief Justice of the Pohnpei State Court; the Honorable  
21 Cyprian Manmaw Chief Justice of the Yap State Court; and to the  
22 President and officers of the Fourth Constitutional  
23 Convention of the Federated States of Micronesia.

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1 ADOPTED: January 17, 2020

Date: January 17, 2020

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Certified by:



Redley Killion  
President  
FSM Constitutional Convention

Attest by:



Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention



FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA  
SESSION I  
JANUARY 07 - 22, 2020

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A  
RESOLUTION

EXPRESSING GRATITUDE AND APPRECIATION TO THE HONORABLE DENNIS K. YAMASE CHIEF JUSTICE OF THE FSM SUPREME COURT FOR MAKING SOME OF HIS STAFF AND THE COURT LIBRARY AVAILABLE FOR USE BY THE FOURTH CONSTITUTIONAL CONVENTION OF THE FEDERATED STATES OF MICRONESIA.

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INTRODUCED BY DELEGATE: VICTOR NABEYAN

DATE: JANUARY 16, 2020

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ADOPTED: JANUARY 17, 2020

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

FOURTH CONSTITUTIONAL CONVENTION OF THE FSM

JANUARY — MARCH, 2020

CONVENTION RESOLUTION NO. CC-RES-4-03

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A RESOLUTION

Expressing gratitude and appreciation to the Honorable Dennis K. Yamase Chief Justice of the FSM Supreme Court for making some of his staff and the Court Library available for use by the Fourth Constitutional Convention of the Federated States of Micronesia.

1           WHEREAS, the Fourth Constitutional Convention of the  
2 Federated States of Micronesia which convened on January 7<sup>th</sup> in  
3 Palikir, Pohnpei required assistance for its operations and  
4 meetings; and

5           WHEREAS, Chief Justice Dennis K. Yamase, recognizing the  
6 importance of the Constitutional Convention, has made available  
7 some of his staff and the Court Library for use by the  
8 Convention for its operations; and

9           WHEREAS, it is the sense of the Convention that its  
10 appreciation for these generous acts by the Chief Justice should  
11 be formally conveyed; now, therefore,

12           BE IT RESOLVED by the Fourth Constitutional Convention of  
13 the Federated States of Micronesia, 2020, that the Convention  
14 does hereby express its gratitude and appreciation to Chief  
15 Justice Yamase for having made available some of his staff and  
16 the Court Library for use by the Convention;

17           BE IT FURTHER RESOLVED that certified copies of this  
18 resolution be transmitted to His Excellency David W. Panuelo  
19 President of the FSM; the Honorable Yosiwo P. George Vice

1 President of the FSM; the Honorable Dennis K. Yamase Chief Justice  
2 of the FSM Supreme Court; the Honorable Wesley W. Simina Speaker  
3 of the Twenty-first Congress and Members of the Twenty-first  
4 Congress of the Federated States of Micronesia; the Honorable  
5 Johnson S. Elimo Governor of the State of Chuuk; the Honorable  
6 Reed B. Oliver Governor of the State of Pohnpei; the Honorable  
7 Henry S. Falan Governor of the State of Yap; the Honorable Carson  
8 K. Sigrah Governor of the State of Kosrae; the Honorable Isiro  
9 Choram President of the Chuuk State Senate; the Honorable  
10 Innocente I. Oneisom Speaker of the Chuuk State House of  
11 Representatives; the Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup>  
12 Pohnpei State Legislature; the Honorable Vincent A. Figir Speaker  
13 of the Yap State Legislature; the Honorable Chang William Speaker  
14 of the Kosrae Legislature; the Honorable Camillo Noket Chief  
15 Justice of the Chuuk State Court; the Honorable Tulensa W. Palik  
16 Chief Justice of the Kosrae State Court; the Honorable Nelson  
17 Joseph Chief Justice of the Pohnpei State Court; the Honorable  
18 Cyprian Manmaw Chief Justice of the Yap State Court; and to the  
19 President and officers of the Fourth Constitutional Convention of  
20 the Federated States of Micronesia.

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1 ADOPTED: January 17, 2020

Date: January 17, 2020

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Certified by: 

Redley Killion

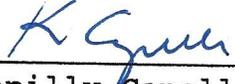
President

FSM Constitutional Convention

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Attest by: 

Kapilly Capelle

Convention Secretary

4<sup>th</sup> FSM Constitutional Convention

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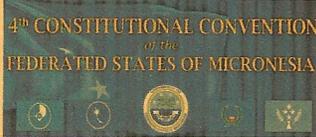
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FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA  
SESSION I  
JANUARY 07 - 22, 2020

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A  
RESOLUTION

REQUESTING HIS EXCELLENCY DAVID W. PANUELO PRESIDENT OF THE FEDERATED STATES OF MICRONESIA TO INCLUDE PARTICIPATION AND INVOLVEMENT OF DELEGATES OF THE FOURTH CONSTITUTIONAL CONVENTION IN EDUCATING THE CITIZENS OF THE FEDERATED STATES OF MICRONESIA ON THE PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED BY THE FOURTH CONSTITUTIONAL CONVENTION OF THE FEDERATED STATES OF MICRONESIA.

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INTRODUCED BY DELEGATE: NICKSON BOSSY

DATE: JANUARY 17, 2020

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ADOPTED: JANUARY 20, 2020

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

FOURTH CONSTITUTIONAL CONVENTION OF THE FSM

JANUARY – MARCH, 2020      CONVENTION RESOLUTION NO. CC-RES-4-04, C.C.D.1

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A RESOLUTION

Requesting His Excellency David W. Panuelo President of the Federated States of Micronesia to include participation and involvement of delegates of the Fourth Constitutional Convention in educating the citizens of the Federated States of Micronesia on the proposed constitutional amendments adopted by the Fourth Constitutional Convention of the Federated States of Micronesia.

1            WHEREAS, pursuant to Article XIV, Section 2 of the  
2 Constitution of the Federated States of Micronesia, in March of  
3 2019, a majority of the citizens of the Federated States of  
4 Micronesia voted "yes" to the question "Shall there be a  
5 convention to revise or amend the Constitution?"; and

6            WHEREAS, pursuant to the enabling statute, Public Law 21-19,  
7 the Fourth Constitutional Convention of the Federated States of  
8 Micronesia convened on January 7, 2020, in Palikir, Pohnpei, to  
9 consider proposed amendments to the FSM Constitution, and the  
10 Convention anticipates that it will propose one or more amendments  
11 to the Constitution; and

12            WHEREAS, Public Law 21-19, Section 8(1) requires that the  
13 amendments approved by the Convention shall be voted on in a  
14 referendum to be held in March 2021 or earlier in a referendum  
15 called by the FSM President if one or more of the proposals will  
16 effect the general election; and

17            WHEREAS, it is important that the citizens of the FSM be  
18 appropriately educated about the proposed amendments to the

1 Constitution so that they can more knowingly cast their ballot on  
2 the proposed amendments; and

3 WHEREAS, it is the understanding of the Convention that the  
4 FSM President has the discretionary power and authority to  
5 designate and empower a task force to educate the FSM people on  
6 the proposed amendments to the FSM Constitution; and

7 WHEREAS, the Delegates to the Constitutional Convention will  
8 have knowledge of the purpose and intent of the proposed  
9 amendments and how such amendments will amend the FSM  
10 Constitution; now, therefore,

11 BE IT RESOLVED that this Fourth Constitutional Convention of  
12 the Federated States of Micronesia respectfully requests His  
13 Excellency David W. Panuelo to consider designating delegates of  
14 the Fourth Constitutional Convention to serve on any Committee,  
15 Task Force, or other group or entity created to engage in public  
16 education of the proposed constitutional amendments to the FSM  
17 Constitution;

18 BE IT FURTHER RESOLVED that certified copies of this  
19 resolution be transmitted to His Excellency David W. Panuelo  
20 President of the FSM; the Honorable Yosiwo P. George Vice  
21 President of the FSM; the Honorable Dennis K. Yamase Chief Justice  
22 of the FSM Supreme Court; the Honorable Wesley W. Simina Speaker  
23 of the Twenty-first Congress and Members of the Twenty-first  
24 Congress of the Federated States of Micronesia; the Honorable  
25 Johnson S. Elimo Governor of the State of Chuuk; the Honorable

1 Reed B. Oliver Governor of the State of Pohnpei; the Honorable  
2 Henry S. Falan Governor of the State of Yap; the Honorable Carson  
3 K. Sigrah Governor of the State of Kosrae; the Honorable Isiro  
4 Choram President of the Chuuk State Senate; the Honorable  
5 Innocente I. Oneisom Speaker of the Chuuk State House of  
6 Representatives; the Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup>  
7 Pohnpei State Legislature; the Honorable Vincent A. Figir Speaker  
8 of the Yap State Legislature; the Honorable Chang William Speaker  
9 of the Kosrae Legislature; the Honorable Camillo Noket Chief  
10 Justice of the Chuuk State Court; the Honorable Tulensa W. Palik  
11 Chief Justice of the Kosrae State Court; the Honorable Nelson  
12 Joseph Chief Justice of the Pohnpei State Court; the Honorable  
13 Cyprian Manmaw Chief Justice of the Yap State Court; and to the  
14 President and officers of the Fourth Constitutional  
15 Convention of the Federated States of Micronesia.

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1 ADOPTED: January 20, 2020

Date: January 28, 2010

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Certified by:

*Redley Killion*

Redley Killion

President

FSM Constitutional Convention

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Attest by:

*Kapilly Capelle*

Kapilly Capelle

Convention Secretary

4<sup>th</sup> FSM Constitutional Convention

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FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA  
SESSION I  
JANUARY 07 - 22, 2020

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A  
RESOLUTION

RELATING TO THE SCHEDULE OF THE FOURTH FSM CONSTITUTIONAL  
CONVENTION.

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INTRODUCED BY DELEGATE: ANDREW R. YATILMAN

DATE: JANUARY 17, 2020

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ADOPTED: JANUARY 18, 2020

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

A RESOLUTION

Relating to the schedule of the Fourth FSM Constitutional Convention.

1           WHEREAS, the Congress of the Federated States of Micronesia  
2 duly passed Public Law No. 21-19, as amended, which provides in  
3 section 6(1)(a) that the Fourth FSM Constitutional Convention may  
4 call recesses, if necessary; and

5           WHEREAS, the Fourth Constitutional Convention has determined  
6 that a recess is necessary to enable Delegates to meet with their  
7 constituents to discuss the work of this Constitutional  
8 Convention; now, therefore,

9           BE IT RESOLVED by the Fourth Constitutional Convention of the  
10 Federated States of Micronesia, 2020, that this Convention go on  
11 recess from January 23, 2020, through February 23, 2020;

12           BE IT FURTHER RESOLVED that certified copies of this  
13 resolution be transmitted to His Excellency David W. Panuelo  
14 President of the FSM; the Honorable Yosiwo P. George Vice  
15 President of the FSM; the Honorable Dennis K. Yamase Chief Justice  
16 of the FSM Supreme Court; the Honorable Wesley W. Simina Speaker  
17 of the Twenty-first Congress and Members of the Twenty-first  
18 Congress of the Federated States of Micronesia; the Honorable  
19 Johnson S. Elimo Governor of the State of Chuuk; the Honorable  
20 Reed B. Oliver Governor of the State of Pohnpei; the Honorable

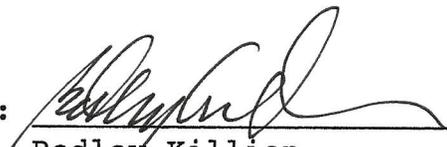
1 Henry S. Falan Governor of the State of Yap; the Honorable Carson  
2 K. Sigrah Governor of the State of Kosrae; the Honorable Isiro  
3 Choram President of the Chuuk State Senate; the Honorable  
4 Innocente I. Oneisom Speaker of the Chuuk State House of  
5 Representatives; the Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup>  
6 Pohnpei State Legislature; the Honorable Vincent A. Figir Speaker  
7 of the Yap State Legislature; the Honorable Chang William Speaker  
8 of the Kosrae Legislature; the Honorable Camillo Noket Chief  
9 Justice of the Chuuk State Court; the Honorable Tulensa W. Palik  
10 Chief Justice of the Kosrae State Court; the Honorable Nelson  
11 Joseph Chief Justice of the Pohnpei State Court; the Honorable  
12 Cyprian Manmaw Chief Justice of the Yap State Court; and to the  
13 President and officers of the Fourth Constitutional Convention of  
14 the Federated States of Micronesia.

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1 ADOPTED: January 18, 2020

Date: January 28, 2020

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Certified by:   
Redley Killion  
President  
FSM Constitutional Convention

Attest by:   
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention



FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA  
SESSION I  
JANUARY 07 - 22, 2020

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A  
RESOLUTION

EXPRESSING AND EXTENDING SINCERE GRATITUDE AND GREAT APPRECIATION TO THE PEOPLE OF POHNPEI WHO HAVE SHOWN GENEROUS AND KIND GESTURES OF GREAT HOSPITALITY THROUGH THEIR TRADITIONAL AND STATE LEADERS TO THE DELEGATES OF THE FOURTH FSM CONSTITUTIONAL CONVENTION.

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INTRODUCED BY DELEGATE: NICKSON BOSSY

DATE: JANUARY 22, 2020

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ADOPTED: JANUARY 22, 2020

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Kapilly Capelle  
Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

A RESOLUTION

Expressing and extending sincere gratitude and great appreciation to the people of Pohnpei who have shown generous and kind gestures of great hospitality through their traditional and State leaders to the Delegates of the Fourth FSM Constitutional Convention.

1           WHEREAS, the Fourth Constitutional Convention of the  
2 Federated States of Micronesia convened on January 7<sup>th</sup> in Palikir,  
3 Pohnpei with Delegates from all four FSM States present; and

4           WHEREAS, the people of Pohnpei have shown kind, respectful,  
5 generous, and great gestures of hospitality to delegates of the 4<sup>th</sup>  
6 FSM Constitutional Convention through their traditional, State, and  
7 National officials; now, therefore,

8           BE IT RESOLVED by the Fourth FSM Constitutional Convention  
9 that it expresses and extends sincere gratitude and great  
10 appreciation to the people of Pohnpei for their generous, kind,  
11 and great gestures of hospitality shown through their traditional,  
12 State, and National leaders.

13           BE IT FURTHER RESOLVED that certified copies of this  
14 resolution be transmitted to His Excellency David W. Panuelo  
15 President of the FSM; the Honorable Yosiwo P. George Vice  
16 President of the FSM; the Honorable Dennis K. Yamase Chief Justice  
17 of the FSM Supreme Court; the Honorable Wesley W. Simina Speaker  
18 of the Twenty-first Congress and Members of the Twenty-first  
19 Congress of the Federated States of Micronesia; the Honorable

1 Johnson S. Elimo Governor of the State of Chuuk; the Honorable  
2 Reed B. Oliver Governor of the State of Pohnpei; the Honorable  
3 Henry S. Falan Governor of the State of Yap; the Honorable Carson  
4 K. Sigrah Governor of the State of Kosrae; the Honorable Isiro  
5 Choram President of the Chuuk State Senate; the Honorable  
6 Innocente I. Oneisom Speaker of the Chuuk State House of  
7 Representatives; the Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup>  
8 Pohnpei State Legislature; the Honorable Vincent A. Figir Speaker  
9 of the Yap State Legislature; the Honorable Chang William Speaker  
10 of the Kosrae Legislature; the Honorable Camillo Noket Chief  
11 Justice of the Chuuk State Court; the Honorable Tulensa W. Palik  
12 Chief Justice of the Kosrae State Court; the Honorable Nelson  
13 Joseph Chief Justice of the Pohnpei State Court; the Honorable  
14 Cyprian Manmaw Chief Justice of the Yap State Court; and to the  
15 President and officers of the Fourth Constitutional Convention of  
16 the Federated States of Micronesia.

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CONVENTION RESOLUTION NO. CC-RES-4-06

1 ADOPTED: January 22, 2020

Date: January 28, 2020

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Certified by: *Redley Killion*

Redley Killion  
President  
FSM Constitutional Convention

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Attest by: *Kapilly Capelle*

Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

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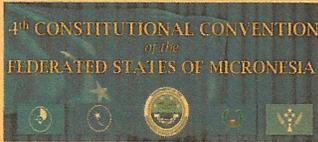
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FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA  
SESSION I  
JANUARY 07 - 22, 2020

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A  
RESOLUTION

EXPRESSING CONGRATULATIONS TO THE HONORABLE REED B. OLIVER, THE HONORABLE FELICIANO M. PERMAN, THE HONORABLE AUSEN T. LAMBERT AND MEMBERS OF THE 10<sup>TH</sup> POHNPEI STATE LEGISLATURE AND GRATITUDE AND APPRECIATION TO POHNPEI STATE FOR THE INVITATION TO THE DELEGATES TO THE FOURTH CONSTITUTIONAL CONVENTION OF THE FEDERATED STATES OF MICRONESIA TO ATTEND THE 2020 JOINT INAUGURATION OF THE GOVERNOR-ELECT, LT. GOVERNOR-ELECT, AND MEMBERS OF THE 10<sup>TH</sup> POHNPEI STATE LEGISLATURE.

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INTRODUCED BY DELEGATE: CANNEY L. PALSIS

DATE: JANUARY 21, 2020

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ADOPTED: JANUARY 22, 2020

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

A RESOLUTION

Expressing congratulations to the Honorable Reed B. Oliver, the Honorable Feliciano M. Perman, the Honorable Ausen T. Lambert and members of the 10<sup>th</sup> Pohnpei State Legislature and gratitude and appreciation to Pohnpei State for the invitation to the Delegates to the Fourth Constitutional Convention of the Federated States of Micronesia to attend the 2020 Joint Inauguration of the Governor-elect, Lt. Governor-elect, and members of the 10<sup>th</sup> Pohnpei State Legislature.

1           WHEREAS, the Fourth Constitutional Convention of the  
2 Federated States of Micronesia convened on January 7<sup>th</sup> in Palikir,  
3 Pohnpei with Delegates from all four FSM States present; and

4           WHEREAS, an invitation from the Chair of the Pohnpei State  
5 Overall Inauguration Committee, Daisy N. Cantero, was sent to  
6 Redley Killion, President of the Convention, inviting all  
7 Delegates to the Convention to attend the 2020 Joint Inauguration  
8 of the Governor-elect, Lt. Governor-elect, and members of the 10<sup>th</sup>  
9 Pohnpei Legislature; and

10           WHEREAS, it is the sense of the Convention that its  
11 appreciation for this generous act by Pohnpei State, the newly  
12 elected and inaugurated Governor, the Honorable Reed B. Oliver,  
13 Lt. Governor, the Honorable Feliciano M. Perman, the members of  
14 the 10<sup>th</sup> Pohnpei Legislature, and the Overall Inauguration  
15 Committee should be formally conveyed; now, therefore,

1 BE IT RESOLVED by the Fourth Constitutional Convention of the  
2 Federated States of Micronesia, 2020, that the Convention does  
3 hereby express its congratulations to the Honorable Reed B. Oliver  
4 Governor of the State of Pohnpei, the Honorable Feliciano M.  
5 Perman Lt. Governor of the State of Pohnpei, and the Honorable  
6 Ausen T. Lambert Speaker of the Pohnpei State Legislature and the  
7 members of the 10<sup>th</sup> Pohnpei State Legislature for their election to  
8 public office;

9 BE IT FURTHER RESOLVED by the Fourth Constitutional  
10 Convention of the Federated States of Micronesia, 2020, that the  
11 Convention does hereby express its gratitude and appreciation to  
12 Governor Reed B. Oliver, Lt. Governor Feliciano M. Perman, the  
13 members of the 10<sup>th</sup> Pohnpei Legislature, the Overall Inauguration  
14 Committee, and Pohnpei State for having invited the Delegates to  
15 the Fourth Constitutional Convention to the 2020 Joint  
16 Inauguration;

17 BE IT FURTHER RESOLVED that certified copies of this  
18 resolution be transmitted to His Excellency David W. Panuelo  
19 President of the FSM; the Honorable Yosiwo P. George Vice  
20 President of the FSM; the Honorable Dennis K. Yamase Chief Justice  
21 of the FSM Supreme Court; the Honorable Wesley W. Simina Speaker  
22 of the Twenty-first Congress and Members of the Twenty-first  
23 Congress of the Federated States of Micronesia; the Honorable  
24 Johnson S. Elimo Governor of the State of Chuuk; the Honorable  
25 Reed B. Oliver Governor of the State of Pohnpei; the Honorable

1 Henry S. Falan Governor of the State of Yap; the Honorable Carson  
2 K. Sigrah Governor of the State of Kosrae; the Honorable Isiro  
3 Choram President of the Chuuk State Senate; the Honorable  
4 Innocente I. Oneisom Speaker of the Chuuk State House of  
5 Representatives; the Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup>  
6 Pohnpei State Legislature; the Honorable Vincent A. Figir Speaker  
7 of the Yap State Legislature; the Honorable Chang William Speaker  
8 of the Kosrae Legislature; the Honorable Camillo Noket Chief  
9 Justice of the Chuuk State Court; the Honorable Tulensa W. Palik  
10 Chief Justice of the Kosrae State Court; the Honorable Nelson  
11 Joseph Chief Justice of the Pohnpei State Court; the Honorable  
12 Cyprian Manmaw Chief Justice of the Yap State Court; and to the  
13 President and officers of the Fourth Constitutional  
14 Convention of the Federated States of Micronesia.

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1 ADOPTED: January 22, 2020

Date: January 17, 2020

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Certified by: \_\_\_\_\_

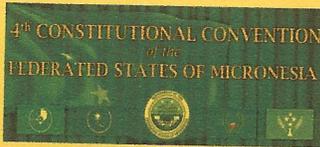


Redley Killion  
President  
FSM Constitutional Convention

Attest by: \_\_\_\_\_



Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention



FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY – MARCH, 2020

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A  
RESOLUTION

RELATING TO THE EXTENSION OF THE FOURTH FSM CONSTITUTIONAL  
CONVENTION.

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INTRODUCED BY DELEGATE: ANDREW YATILMAN

DATE: MARCH 12, 2020

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ADOPTED: MARCH 12, 2020

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

THE FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY – MARCH, 2020

CONVENTION RESOLUTION NO. CC-RES-04-09

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A RESOLUTION

Relating to the extension of the Fourth FSM Constitutional Convention.

1       WHEREAS, the Congress of the Federated States of Micronesia  
2 duly passed Public Law No. 21-19, as amended, which provides in  
3 section 6(1)(a) that the Fourth FSM Constitutional Convention may  
4 call recesses, if necessary; and

5       WHEREAS, the Fourth Constitutional Convention has determined  
6 that a recess is necessary to enable Delegates to meet with their  
7 constituents to discuss the work of this Constitutional  
8 Convention; now, therefore,

9       BE IT RESOLVED by the Fourth Constitutional Convention of the  
10 Federated States of Micronesia, 2020, that this Convention go on  
11 recess from January 23, 2020, through February 23, 2020;

12       BE IT FURTHER RESOLVED that certified copies of this  
13 resolution be transmitted to His Excellency David W. Panuelo  
14 President of the Federated States of Micronesia; the Honorable  
15 Yosiwo P. George Vice President of the Federated States of  
16 Micronesia; the Honorable Dennis K. Yamase Chief Justice of the  
17 FSM Supreme Court; the Honorable Wesley W. Simina Speaker of the  
18 Twenty-first Congress and Members of the Twenty-first Congress of  
19 the Federated States of Micronesia; the Honorable Johnson S. Elimo

1 Governor of the State of Chuuk; the Honorable Isiro Choram  
2 President of the Chuuk State Senate; the Honorable Innocente I.  
3 Oneisom Speaker of the Chuuk State House of Representatives; the  
4 Honorable Camillo Noket Chief Justice of the Chuuk State Supreme  
5 Court; the Honorable Carson K. Sigrah Governor of the State of  
6 Kosrae; the Honorable Chang William Chief Justice of the Kosrae  
7 State Supreme Court; the Honorable Tulensa W. Palik Speaker of the  
8 Kosrae State Legislature; the Honorable Reed B. Oliver Governor of  
9 the State of Pohnpei; the Honorable Ausen T. Lambert Speaker of  
10 the 10<sup>th</sup> Pohnpei State Legislature; the Honorable Nelson A. Joseph  
11 Chief Justice of the Pohnpei State Supreme Court; the Honorable  
12 Henry S. Falan Governor of the State of Yap State; the Honorable  
13 Vincent A. Figir Speaker of the Yap State Legislature; the  
14 Honorable Cyprian J. Manmaw Chief Justice of the Yap State Supreme  
15 Court; and to the President and officers of the Fourth  
16 Constitutional Convention of the Federated States of Micronesia.

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1 ADOPTED: March 12, 2020

Date: March 21, 2020

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Certified by: 

Redley Killion

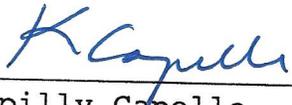
President

FSM Constitutional Convention

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Attest by: 

Kapilly Capelle

Convention Secretary

4<sup>th</sup> FSM Constitutional Convention

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FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY – MARCH, 2020

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A  
RESOLUTION

RELATING TO THE RECESS OF THE FOURTH FSM CONSTITUTIONAL  
CONVENTION DUE TO THE NOVEL CORONAVIRUS PANDEMIC DECLARED BY  
THE WORLD HEALTH ORGANIZATION.

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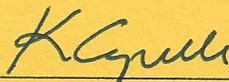
INTRODUCED BY DELEGATE: ANDREW YATILMAN

DATE: MARCH 13, 2020

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ADOPTED: MARCH 13, 2020



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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

THE FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY - MARCH, 2020

CONVENTION RESOLUTION NO. CC-RES-04-10, C.C.D.1

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A RESOLUTION

Relating to the recess of the Fourth FSM Constitutional Convention due to the novel coronavirus pandemic declared by the World Health Organization.

1       WHEREAS, the Congress of the Federated States of Micronesia  
2 duly passed Public Law No. 21-19, as amended, which provides in  
3 section 6(1)(a) that the Fourth FSM Constitutional Convention may  
4 call recesses, if necessary; and

5       WHEREAS, on March 11, 2020, the World Health Organization  
6 (WHO) declared novel coronavirus, also known as COVID-19, a  
7 pandemic with more than 121,000 confirmed cases in 118 countries;  
8 and

9       WHEREAS, on March 6, 2020, the first positive case of novel  
10 coronavirus was identified in Hawaii, and on March 8, 2020, the  
11 second positive case of novel coronavirus was identified in  
12 Hawaii; and

13       WHEREAS, on March 11, 2020, two patients were being evaluated  
14 for novel coronavirus in Guam; and

15       WHEREAS, on March 11, 2020, the Honorable Reed B. Oliver,  
16 Governor of Pohnpei State, issued Constitutional Emergency Order  
17 No. 20-01 declaring a state of emergency for the State of Pohnpei  
18 in response to the imminent threat of COVID-19.

1           WHEREAS, given the declared state of emergency in the State  
2 of Pohnpei due to the global COVID-19 pandemic, the Fourth FSM  
3 Constitutional Convention has determined that a recess is both  
4 prudent and necessary to insure the health and safety of the  
5 Delegates to and staff of the Fourth FSM Constitutional  
6 Convention; now, therefore,

7           BE IT RESOLVED by the Fourth Constitutional Convention of the  
8 Federated States of Micronesia, 2020, that this Convention go on  
9 recess beginning March 13, 2020; and

10          BE IT FURTHER RESOLVED that the Fourth FSM Constitutional  
11 Convention remain on recess until the novel coronavirus pandemic  
12 has subsided; and

13          BE IT FURTHER RESOLVED that the Fourth FSM Constitutional  
14 Convention return to session at the call of the Convention  
15 President; and

16          BE IT FURTHER RESOLVED that certified copies of this  
17 resolution be transmitted to His Excellency David W. Panuelo  
18 President of the Federated States of Micronesia; the Honorable  
19 Yosiwo P. George Vice President of the Federated States of  
20 Micronesia; the Honorable Dennis K. Yamase Chief Justice of the  
21 FSM Supreme Court; the Honorable Wesley W. Simina Speaker of the  
22 Twenty-first Congress; Wasalapalap Isipahu, Nanmwariki of  
23 Madolenihmw, Chairman of Pohnpei Traditional Chiefs Council; His  
24 Majesty Iso Nahnken of Nett Salvador Iriarte Parliamentarian of  
25 Pohnpei Traditional Chiefs Council; the Honorable Bruno Tharngan

1 Chairman of the Council of Pilung; the Honorable Ramon Peyal  
2 Chairman of the Council of Tamol; the Chairman of Chuuk Council of  
3 Chiefs; the Honorable Johnson S. Elimo Governor of the State of  
4 Chuuk; the Honorable Isiro Choram President of the Chuuk State  
5 Senate; the Honorable Innocente I. Oneisom Speaker of the Chuuk  
6 State House of Representatives; the Honorable Camillo Noket Chief  
7 Justice of the Chuuk State Supreme Court; the Honorable Carson K.  
8 Sigrah Governor of the State of Kosrae; the Honorable Tulensa W.  
9 Palik Speaker of the Kosrae Legislature; the Honorable Chang  
10 William Chief Justice of the Kosrae State Supreme Court; the  
11 Honorable Reed B. Oliver Governor of the State of Pohnpei; the  
12 Honorable Ausen T. Lambert Speaker of the 10<sup>th</sup> Pohnpei State  
13 Legislature; the Honorable Nelson A. Joseph Chief Justice of the  
14 Pohnpei State Supreme Court; the Honorable Henry S. Falan Governor  
15 of the State of Yap State; the Honorable Vincent A. Figir Speaker  
16 of the Yap State Legislature; the Honorable Cyprian J. Manmaw  
17 Chief Justice of the Yap State Supreme Court; and to the President  
18 and Secretary of the Fourth Constitutional Convention of the  
19 Federated States of Micronesia.

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1 ADOPTED: March 13, 2020

Date: March 21, 2020

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Certified by: 

Redley Killion

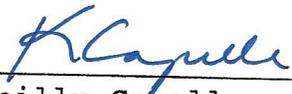
President

FSM Constitutional Convention

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Attest by: 

Kapilly Capelle

Convention Secretary

4<sup>th</sup> FSM Constitutional Convention

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FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY – MARCH, 2020

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A  
RESOLUTION

REQUESTING HIS EXCELLENCY PRESIDENT DAVID W. PANUELO TO CALL FOR A SPECIAL ELECTION ON THE PROPOSED AMENDMENT TO ARTICLE XIV, SECTION 1 OF THE CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA TO LOWER THE PERCENTAGE OF VOTES CAST REQUIRED IN EACH STATE TO ADOPT AMENDMENTS TO THE CONSTITUTION.

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INTRODUCED BY DELEGATE: ANDREW YATILMAN

DATE: MARCH 13, 2020

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ADOPTED: MARCH 13, 2020

Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

THE FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY - MARCH, 2020

CONVENTION RESOLUTION NO. CC-RES-04-11, C.C.D.1

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A RESOLUTION

Requesting His Excellency President David W. Panuelo to call for a special election on the proposed amendment to Article XIV, Section 1 of the Constitution of the Federated States of Micronesia to lower the percentage of votes cast required in each State to adopt amendments to the Constitution.

1           WHEREAS, pursuant to Article XIV, Section 2 of the  
2 Constitution of the Federated States of Micronesia, in March of  
3 2019, a majority of the citizens of the Federated States of  
4 Micronesia voted "yes" to the question "Shall there be a  
5 convention to revise or amend the Constitution?"; and

6           WHEREAS, the Fourth Constitutional Convention of the  
7 Federated States of Micronesia was convened on January 7, 2020, in  
8 Palikir, Pohnpei to consider proposed amendments to the FSM  
9 Constitution pursuant to the enabling statute, Public Law 21-19,  
10 as amended; and

11           WHEREAS, Public Law 21-19, Section 8(1) requires that the  
12 amendments approved by the Convention shall be voted on in a  
13 referendum to be held in March 2021 or during a special election  
14 called for that purpose on an earlier date; and

15           WHEREAS, on March 12, 2020, the Fourth Constitutional  
16 Convention of the Federated States of Micronesia adopted by  
17 unanimous vote a proposed amendment to amend Article XIV, Section  
18 1 of the Constitution of the Federated States of Micronesia to

1 lower the percentage of votes cast required in each State to adopt  
2 amendments to the Constitution from the current 3/4 of the votes  
3 in 3/4 of the States to 2/3 of the votes in 3/4 of the States; and

4 WHEREAS, the 1990 Constitutional Convention adopted 24  
5 proposed constitutional amendments, the 2001 Constitutional  
6 Convention adopted 14 proposed constitutional amendments, and the  
7 FSM Congress has proposed five constitutional amendments for a  
8 total of 43 proposed constitutional amendments voted on in 4  
9 separate referendums; and

10 WHEREAS, of the 43 proposed constitutional amendments, only 4  
11 amendments have been approved by the required 3/4 of the votes  
12 cast in 3 of the 4 States; and

13 WHEREAS, because the proposed amendment to Article XIV,  
14 Section 1 of the Constitution reduces the number of required votes  
15 cast in each state to adopt a constitutional amendment, the  
16 approval of this proposed constitutional amendment will impact the  
17 number of votes needed to pass all future proposed constitutional  
18 amendments;

19 WHEREAS, pursuant to Public Law No. 21-19, the FSM President  
20 has the discretionary power and authority to call for a special  
21 election before the March 2021 general election for the purpose of  
22 adopting constitutional amendments; now, therefore,

23 BE IT RESOLVED that this Fourth Constitutional Convention of  
24 the Federated States of Micronesia respectfully requests His  
25 Excellency David W. Panuelo to consider calling a special election

1 before the March 2021 general election in order for the citizens  
2 of the Federated States of Micronesia to vote on the proposed  
3 amendment to Article XIV, Section 1 of the Constitution to lower  
4 the threshold required to approve a constitutional amendment;

5 BE IT FURTHER RESOLVED that certified copies of this  
6 resolution be transmitted to His Excellency David W. Panuelo  
7 President of the Federated States of Micronesia; the Honorable  
8 Yosiwo P. George Vice President of the Federated States of  
9 Micronesia; the Honorable Dennis K. Yamase Chief Justice of the  
10 FSM Supreme Court; the Honorable Wesley W. Simina Speaker of the  
11 Twenty-first Congress and Members of the Twenty-first Congress of  
12 the Federated States of Micronesia; the Honorable Johnson S. Elimo  
13 Governor of the State of Chuuk; the Honorable Isiro Choram  
14 President of the Chuuk State Senate; the Honorable Innocente I.  
15 Oneisom Speaker of the Chuuk State House of Representatives; the  
16 Honorable Camillo Noket Chief Justice of the Chuuk State Supreme  
17 Court; the Honorable Carson K. Sigrah Governor of the State of  
18 Kosrae; the Honorable Tulensa W. Palik Speaker of the Kosrae State  
19 Legislature; the Honorable Chang William Chief Justice of the  
20 Kosrae State Supreme Court; the Honorable Reed B. Oliver Governor  
21 of the State of Pohnpei; the Honorable Ausen T. Lambert Speaker of  
22 the 10<sup>th</sup> Pohnpei State Legislature; the Honorable Nelson A. Joseph  
23 Chief Justice of the Pohnpei State Supreme Court; the Honorable  
24 Henry S. Falan Governor of the State of Yap; the Honorable Vincent  
25 A. Figir Speaker of the Yap State Legislature; the Honorable

1 Cyprian J. Manmaw Chief Justice of the Yap State Supreme Court;  
2 and to the President and officers of the Fourth Constitutional  
3 Convention of the Federated States of Micronesia.

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7 ADOPTED: March 13, 2020

Date: March 21, 2020

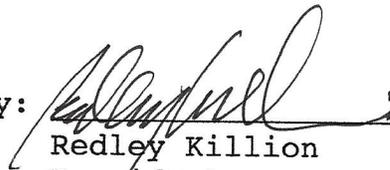
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Certified by:



Redley Killion  
President

FSM Constitutional Convention

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Attest by:



Kapilly Capelle  
Convention Secretary

4<sup>th</sup> FSM Constitutional Convention

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FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA

JUNE 01 -28, 2022

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A  
RESOLUTION

Expressing sincere condolences and sadness of the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia to Mrs. Anna Noket and family of the late Delegate, Honorable Camillo Noket for his untimely passing on May 04, 2020

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INTRODUCED BY: FLOOR LEADER HON. ANDREW YATILMAN

DATE: JUNE 07, 2022

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ADOPTED: JUNE 09, 2022

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

THE FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY-MARCH, 2022 AND JUNE, 2022

CONVENTION RESOLUTION NO. CC-RES-4-12

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A RESOLUTION

Expressing sincere condolences and sadness of the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia to the family of the late Honorable Camillo Noket, Delegate to the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia representing Northern Namoneas Region, Election District No.2 of the State of Chuuk and Chief Justice of the Chuuk State Supreme Court.

1           WHEREAS, the Honorable Camillo Noket was born on July  
2   16, 1943, in Weno, Chuuk, and passed away on May 4, 2020,  
3   age 76; and

4           WHEREAS, Camillo Noket attended Xavier High School  
5   from 1960-1963 and University of Guam from 1963-1964; and

6           WHEREAS, in 1968 he was elected and served as a  
7   Legislator in the Truk State Legislature until 1970, when  
8   he helped co-author the Charter for Truk State; and

9           WHEREAS, in the 1970s, Camillo Noket served on  
10   various Boards and Authorities including, the Chairman of  
11   the Truk Fishing Authority, the Chairman of the Truk  
12   State Foreign Investment Board and a member of the Trust  
13   Territory Personnel Review Board; and

14          WHEREAS, in 1980, Camillo Noket became the first  
15   Micronesian without a law degree to pass the FSM Bar  
16   examination and admitted to practice law in the Supreme  
17   Court of the Federated States of Micronesia; and

18          WHEREAS in 1982, Camillo Noket joined the Micronesian  
19   Legal Services Corporation as a counsel and in 1986 he

1 was promoted to become the Directing Attorney for that  
2 Office in Chuuk until 1990; and

3 WHEREAS, in 1988 Camillo Noket was elected as a  
4 delegate to the Second Chuuk State Constitutional  
5 Convention where he served as the Chairman of the  
6 Standing Committee on Civil Liberties and Traditions; and

7 WHEREAS, in 1990, he was elected by the people of the  
8 Northern Namoneas Region, Election District No. 2 of the  
9 State of Chuuk to the Second Constitutional Convention of  
10 the Federted States of Micronesia where he also served as  
11 the Chairman of the Standing Committee on Civil Liberties  
12 and Traditions; and

13 WHEREAS, in the same year 1990, Camillo Noket was  
14 hired by the FSM National Government as an Assistant  
15 Attorney General with the Department of Justice's  
16 Division of International Law; and

17 WHEREAS, in 1992, he was appointed by the FSM  
18 President and confirmed by the FSM Congress as the FSM  
19 Attorney General until 1998; and

20 WHEREAS, in 1998 he was appointed and confirmed as an  
21 Associate Justice for the Chuuk State Supreme Court; and

22 WHEREAS, in 1999, Camillo Noket opted to accept his  
23 previous position with the Micronesia Legal Services  
24 Corporation in Chuuk as the Directing Attorney where he  
25 served until 2006; and

26 WHEREAS, in 2000, Camillo Noket was again, for the  
27 second time, elected by his people of the Northeren  
28 Namoneas Region, as Delegate to the Third FSM  
29 Constitutional Convention; and

30

1           WHEREAS, in 2006, Camillo Noket was appointed by the  
2 Governor and confirmed by Chuuk Legislature to become the  
3 Chief Justice of the Chuuk State Supreme Court; and

4           WHEREAS, in 2019, he was appointed President of the  
5 Pacific Judicial Council, a regional judicial  
6 organization comprised of the national and states  
7 judiciaries of the FSM, RMI, Palau, CNMI, Guam and US  
8 District Courts of Guam and CNMI; and

9           WHEREAS, in November of 2019, he was again, for the  
10 third time, elected by his people of the Northern  
11 Namoneas Region to the 4<sup>th</sup> Constitutional Convention of  
12 the Federated States of Micronesia until his passing in  
13 May 2020; and

14           WHEREAS, Honorable Camillo Noket was survived by his  
15 wife, Anna Noket and his 5 children; and

16           BE IT RESOLVED that 4<sup>th</sup> Constitutional Convention of  
17 the Federated States of Micronesia hereby expresses its  
18 sincere condolences and sadness to the family of the late  
19 Honorable Camillo Noket at his passing on May 4, 2020;  
20 and

21           BE IT FURTHER RESOLVED that certified copies of this  
22 resolution be transmitted to the President of the  
23 Federated States of Micronesia, Speaker of the 22<sup>nd</sup> FSM  
24 Congress, Chief Justice of the FSM Supreme Court, the  
25 Officers and Chairmen/Chairpersons of State Delegations  
26 of the 4<sup>th</sup> FSM Constitutional Convention, Governor of the  
27 State of Chuuk, Speaker of Chuuk Legislature, President  
28 of Chuuk Senate, Chief Justice of Chuuk State Supreme  
29 Court and Mrs. Anna Noket.

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ADOPTED: June 09, 2020      Date: June 09/2022

Certified by:   
Redley Killion  
President  
4<sup>th</sup> FSM Constitutional Convention

Attest by:   
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention



FOURTH CONSTITUTIONAL CONVENTION  
OF THE  
FEDERATED STATES OF MICRONESIA

JUNE 01 -28, 2022

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A  
RESOLUTION

Expressing sincere condolences and sadness of the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia to Mrs. Elihter E. Sitan and family of the late Delegate, Honorable Peter Sitan for his untimely passing in July, 2020

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INTRODUCED BY: FLOOR LEADER HON. ANDREW YATILMAN

DATE: JUNE 07, 2022

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ADOPTED: JUNE 09, 2022

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Kapilly Capelle

Convention Secretary, 4<sup>th</sup> FSM Constitutional Convention

THE FOURTH CONSTITUTIONAL CONVENTION  
FEDERATED STATES OF MICRONESIA  
JANUARY-MARCH, 2022 AND JUNE, 2022

CONVENTION RESOLUTION NO. CC-RES-4-13

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A RESOLUTION

Expressing sincere condolences and sadness of the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia to the family of the late Honorable Peter Sitan, Delegate to the 4<sup>th</sup> Constitutional Convention of the Federated States of Micronesia representing the Mortlocks Region, Election District No.1 of the State of Chuuk.

1           WHEREAS, Honorable Peter Sitan, was born on April  
2   22, 1954, in the Mortlocks, State of Chuuk, and passed  
3   away in July, 2020 at age 66; and

4           WHEREAS, Peter Sitan attended Mispah High School in  
5   Weno, Chuuk and St. Joseph High School in Hilo, Hawaii  
6   and in 1974 he enrolled at the University of Hawaii, Hilo  
7   Campus where he graduated with a Bachelor's Degree in  
8   Marine Biology and Biological Oceanography in 1978; and

9           WHEREAS, from 1978-1981 Peter Sitan was an Assistant  
10   Fisheries Officer for the Maritime Resources Division in  
11   the State of Chuuk; and

12           WHEREAS, in 1981, Peter Sitan became the Deputy  
13   Director of the FSM Micronesian Maritime Authority (now  
14   known as NORMA); and

15           WHEREAS, in 1986 Peter Sitan was promoted to become  
16   the Executive Director of the FSM Micronesian Maritime  
17   Authority until 1993; and

18           WHEREAS, in 1993, he became the Chief Executive  
19   Officer of the FSM National Fisheries Corporation until  
20   2005; and

1           WHEREAS, in 2005 Peter Sitan was elected to the FSM  
2 Congress as the representative of the Mortlocks Region,  
3 Election District No. 1 of the State of Chuuk where he  
4 served for 3 consecutive two-year terms as a Congressman  
5 ; and

6           WHEREAS, in 2011, Peter Sitan returned to assume his  
7 previous position as the CEO of the FSM National  
8 Fisheries Corporation until his passing in July 2020; and

9           WHEREAS, in November of 2019, he was elected to the  
10 4<sup>th</sup> Constitutional Convention of the Federated States of  
11 Micronesia representing Election District No. 1, the  
12 Mortlocks Region, where he was appointed by the  
13 Convention Officers as the Chairman of the Standing  
14 Committee on Public Finance and Revenue; and

15           WHEREAS, Honorabe Peter Sitan was survived by his  
16 wife, Elihter Edgar and his 3 children, Kimio, Stanley  
17 and Alicia; now, therefore

18           BE IT RESOLVED that the 4<sup>th</sup> Constitutional Convention  
19 of the Federated States of Micronesia hereby expresses  
20 its sincere condolences and sadness to the family of the  
21 late Peter Sitan for his untimely passing in July, 2020;  
22 and

23           BE IT FURTHER RESOLVED that certified copies of this  
24 resolution be transmitted to the President of the  
25 Federated States of Micronesia, Speaker of the 22<sup>nd</sup> FSM  
26 Congress, the Officers and Chairmen/Chairpersons of State  
27 Delegations of the 4<sup>th</sup> FSM Constitutional Convention,  
28 Governor of the State of Chuuk, Speaker of Chuuk  
29 Legislature, President of Chuuk Senate and Mrs. Elihter  
30 Edgar Sitan.

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ADOPTED: June 09, 2020      Date: June 09/2022

Certified by:   
Redley Killion  
President  
4<sup>th</sup> FSM Constitutional Convention

Attest by:   
Kapilly Capelle  
Convention Secretary  
4<sup>th</sup> FSM Constitutional Convention

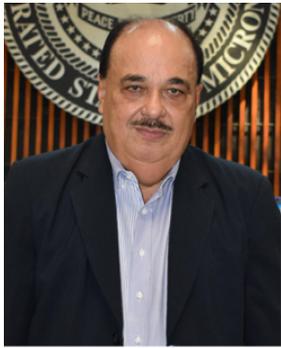
# PHOTOS

DELEGATES

&

STAFF

**THE FOURTH (4<sup>TH</sup>) FEDERATED STATES FOE MICRONESIA CONSTITUTIONAL CONVENTION DELEGATES**



**DELEGATE  
Killion, Redley**

Chuuk State, At Large  
**PRESIDENT**



**DELEGATE  
Iriarte, Salvador  
(Iso Nahnken)**

Pohnpei State, At Large  
**VICE PRESIDENT**



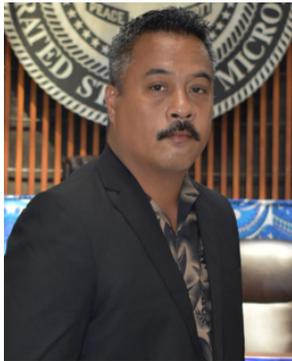
**DELEGATE  
Yatilman, Andrew**

Yap State  
**FLOOR LEADER**



**DELEGATE  
Asher, Johnson A.**

Kosrae State, At Large  
**CHAIRMAN,  
COMM. on Whole**



**DELEGATE  
Albert, Mason**

Pohnpei State, ED #3  
**CHAIRMAN,  
COMM. CL&T**



**DELEGATE  
Bossy, Nickson M.**

Chuuk State, ED #2



**DELEGATE  
Cantero, Ricky F.**

Pohnpei State, ED #3



**DELEGATE  
Choor, Andy P.**

Yap State  
**VICE CHAIRMAN,  
COMM. GP**



**DELEGATE  
Fritz, Jack S.**

Chuuk State  
ED #3



**DELEGATE  
Hashiguchi, Myron I.**

Chuuk State  
ED #3



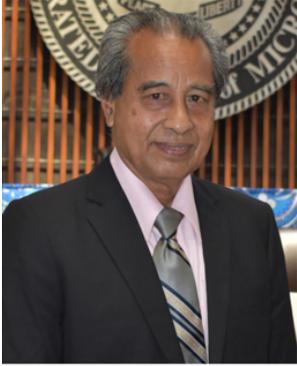
**DELEGATE  
Kanto, Kind K.**

Chuuk State  
ED #4



**DELEGATE  
Liwy, Tendency (Tesiwo)**

Pohnpei State  
**VICE CHAIRMAN,  
PF&R**



**DELEGATE  
Martin, Berney**  
Pohnpei State, ED #2



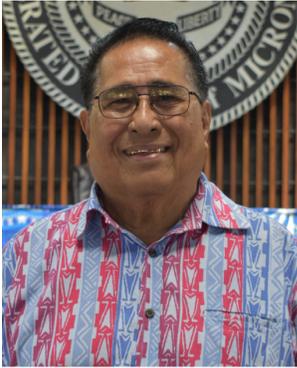
**DELEGATE  
Mori, Cindy Siren**  
Chuuk State, ED #4  
**DELEGATION  
CHAIRPERSON**



**DELEGATE  
Nabeyan, Victor**  
Yap State, At Large  
**CHAIRMAN, GS&F**  
DELEGATION CHAIRMAN



**DELEGATE  
Naich, James A.**  
Chuuk State, ED #5



**DELEGATE  
Noket, Camillo**  
Chuuk State, ED #2  
**VICE CHAIRMAN,**  
COMM. CL&T



**DELEGATE  
Palsis, Canney L.**  
Kosrae State  
**DELEGATION  
CHAIRMAN**



**DELEGATE  
Saimon, Salomon**  
Pohnpei State, ED #2  
**CHAIRMAN,**  
COMM. S&A



**DELEGATE  
Samo, Marcus**  
Chuuk State, ED #1



**DELEGATE  
Sigrah, Yoslyn G.**  
Kosrae State  
**CHAIRPERSON,**  
COMM. GP



**DELEGATE  
Sitan, Peter**  
Chuuk State, ED #1  
**CHAIRMAN,**  
COMM. PF&R



**DELEGATE  
Susaia, Akillino H.**  
Pohnpei State, ED #1  
**VICE CHAIRMAN,**  
COMM. GS&F



**DELEGATE  
Takesy, Asterio R.**  
Chuuk State, ED #5



DELEGATE  
Arnold, Roger  
Chuuk State ED #1

Note: Delegate Camillo Noket and Delegate Peter Sitan passed away in 2020 during an extended recess, (March 14, 2020 to May 31, 2022), due to COVID-19 Pandemic. Their replacements were selected pursuant to the enabling law, PL 21-19.



DELEGATE  
Risin, (Johnny) Joannes  
Chuuk State ED #2

**THE FOURTH (4<sup>TH</sup>) FEDERATED STATES FOF MICRONESIA CONSTITUTIONAL CONVENTION STAFF**



Mr. Kapilly Capelle  
Convention Secretary



Ms. Kathleen M. Burch, Esq.  
Chief Legal Counsel



Mrs. Jessica Reyes  
Chief Clerk



Mr. Belan Yoma  
Deputy Secretary



Mrs. Mary Kilmete  
Administrative Officer



Mr. Dayston Roby  
IT Manager



Mr. Rosen Nowell  
Sergeant-At-Arms.



Ms. Claudia David  
Public Information Officer



Ms. Krystal Saimon  
Journal Clerk/Legal Asst.



Ms. Aldea Edward  
Secretary



Mr. Santos Abraham  
Admin. Asst.



Mr. Les Lokopwe  
IT Technician



Mr. Derrick Iehsi  
IT Webmaster



Group photo for some Delegates and Staff, June 28, 2022

## NOTES