

## 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.