

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 4th 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 take 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.