

STANDING COMMITTEE REPORT NO. CC-SCR-04-15

DATE: June 20 2022

RE: Proposal No. 04-69

The Honorable Redley Killion
President
Fourth Constitutional Convention of the
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear Mr. President:

Your Committee on Government Structure and Function, to which was referred Delegate Proposal No. 04-69, entitled;

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.

begs leave to report as follows:

The intent and purpose of the proposal is to make the citizenship requirement of Article IX, Section 9, consistent with the citizenship requirement of Article X, Section 4:

The current language of Article IX, Section 9 is:

“A person is ineligible to be a member of Congress unless he is at least 30 years of age on the day of election and has been a citizen of the Federated States of Micronesia for at least 15 years, and a resident of the state from which he is elected for at least 5 years. A person convicted of a felony by a state or national government court is ineligible to be a member of Congress. The Congress may modify this provision or prescribe additional qualifications; knowledge of the English language may not be a qualification.”

The current language of Article X, Section 4 is:

“A person shall be ineligible to become President unless he is a member of Congress for a 4-year term, a citizen of the Federated States of Micronesia **by birth**, and a resident of the Federated States of Micronesia for at least 15 years.” (Bold added).

Your Committee believes that the citizenship requirement to be a member of Congress and to be the President should be the same. Article X, Section 4 requires the President to be a citizen “by birth.” A person is a citizen of the FSM “by birth” if “one or both” of their parents are a citizen

of the FSM. Under Article III of the FSM Constitution, a citizen who is born in the FSM is not automatically a citizen of the FSM. Only those persons born in the FSM who have at least one parent who is a FSM citizen is a FSM citizen.¹

Article IX, Section 2(c) grants Congress the power to regulate naturalization and citizenship, meaning that Congress has the power to enact a statute that creates a process by which an individual can become a naturalized citizen. Your Committee believes that the ability to hold the office of Senator in the FSM Congress, as well as FSM President, should be limited to individuals who are FSM citizens by birth.

Your Committee believes that it is important for those individuals who are elected to the highest offices in this country to have knowledge of the values, customs and traditions of the community that they represent and understand the issues facing that community as well as the issues facing the FSM as a whole. In order to ensure that Senators and the President have this understanding and knowledge, your Committee believes that it is important that the individuals running for these offices live in the FSM for a minimum period of time prior to their running for office. Your Committee debated whether this residency period should be a period of 10 years or a shorter period of 5 years. Your Committee determined that the shorter period of 5 years will ensure that the candidate has the requisite knowledge to understand the community that they represent and still allow individuals the flexibility to pursue educational and work opportunities abroad prior to running for office.

The 5 year residency period is a consecutive period. The individual running for office must be living in the FSM for the immediate 5 years preceding their run for office. The residency period should be measured from the date the individual files to be a candidate for office.

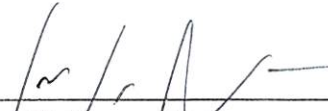
A FSM citizen who is living and working in the FSM outside of their home community remains a resident of their home community. For example, a FSM citizen from Kosrae who moves to Pohnpei to serve in the national government remains a resident of Kosrae. It is the intent of your Committee that these individuals be eligible to run for the office of Senator representing their home community.

For the reasons stated herein, your Committee on Government Structure and Function is in accord with the intent and purpose of the committee proposal attached hereto and recommends its passage on First Reading, and that it be placed on the Calendar for Second Reading for review


¹ Upon ratification of Committee Proposal 04-05, which will amend Article III to allow for dual citizenship, the definition of citizen by birth will remain the same.

by your Committee of the Whole, then placed on the Calendar for Final Reading after review by your Committee on Style and Arrangement.

Respectfully submitted,




Victor Nabeyan, Chairman



Akillino Susaia, Vice Chairman




Nickson Bossy

Myron Hashiguchi



Marcus Samo

James Naich



Canney Palsis

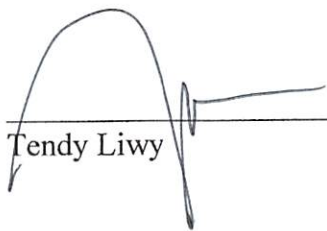
Roger Arnold



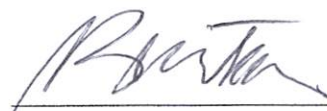
Yoslyn Sigrah



Ricky Cantero



Tendy Liwy



Berney Martin

Andrew Yatilman

Committee Proposal No. 04-11
Committee on Government Structure and Functions
Standing Committee Report No. CC-SCR-04-15

ARTICLE IX

Section 9. A person is ineligible to be a member of Congress unless he is at least 30 years of age on the day of election, a citizen of the Federated States of Micronesia by birth, and a resident of the state from which he is elected, or a resident of the Federated States of Micronesia for at least 5 years. A person convicted of a felony by a state or national government court is ineligible to be a member of Congress. The Congress may modify this provision or prescribe additional qualifications; knowledge of the English language may not be a qualification.

Date: June 20, 2022

Offered by: Committee on Government Structure and
Functions