CONGRESS OF THE FEDERATED STATES OF MICRONESIA
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COMMITTEE ON
JUDICIARY AND
GOVERNMENTAL OPERATIONS

STANDING COMMITTEE REPORT NO. 21-72

RE: C.B. NO. 21-146/J&GO

SUBJECT: TO ESTABLISH PRESIDENT TOSIWO NAKAYAMA DAY

NOVEMBER 20, 2020

The Honorable Wesley W. Simina
Speaker, Twenty-First Congress
Federated States of Micronesia
Ninth Special Session, 2020

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 21-146, entitled:

> "A BILL FOR AN ACT TO AMEND SECTION 601 OF TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, TO ESTABLISH PRESIDENT TOSIWO NAKAYAMA DAY ON NOVEMBER 23, AS A NATIONAL HOLIDAY AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of this bill are expressed in its title.

Testimony During the Hearing
Participating in today's hearing were: Chairman Romolow, Speaker Simina, Chief Leo Falcam, Jun Bacalondo, Lorin Roberts, and Tosiwo Nakayama, Jr.

Chairman Romolow noted that the bill had been introduced during 3rd regular session. It was deferred for further review and to add additional language to support the bill.

The bill is to designate a President's Day on the birthday of the

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FSM's first President, honoring all FSM Presidents. A floor amendment has been drafted, which was read to the witnesses.

The President has not been consulted directly by Chief of Staff. He notes that this is a timely decision by Congress honoring all Presidents. Chief supports this and has high confidence that the President will also support the bill.

Speaker Simina asked if DOJ anticipated any legal issues with the bill. Chief Bacalando responded that he does not see any issue legally. He has not had the opportunity to discuss with Secretary Gallen, but he does not foresee there being any legal issues, and he noted that it is within the discretion of Congress to amend the code in this manner.

Speaker Simina asked what the financial impact of adding another National holiday would be. Chief of Staff does not foresee a financial figure, and from a management perspective he noted that November is a heavy holiday month. He expressed that he could not foresee a direct financial impact, but November creates some challenges with the number of holidays.

Lorin Roberts expressed that he has been part of the government since the 70s. He supports the bill and notes that this is a good nation building effort to celebrate independence, membership in UN, etc. It acknowledges the progress FSM has made as a sovereign nation.

Much of the hearing was dedicated to celebrating many of the accomplishment of President Nakayama. Of note are:

> On November 23, 1931, Tosiwo Nakayama was born on Piherarh Island in Namonwito Atoll and hails from Onoun (formerly Ulul) in the state of Chuuk.
>
> Tosiwo Nakayama is a Founding Father of the Micronesian region and the first President of the Federated States of Micronesia.

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He was one of the pioneering giants in the Pacific islands that charted and navigated the course of independence and nation building in the Micronesian archipelago. Nakayama's firm belief that Micronesians should be governed by Micronesians was the impetus behind his life's work and helped the FSM become an independent and self-governing Nation.

The name Tosiwo Nakayama is spoken with great deference throughout the Micronesian islands as it symbolizes a leader of great wisdom and greater humility. It is a name prominent in the studies of the region's politics, governance and constitutionalism.

Tosiwo Nakayama was instrumental in the political and mental transition from Trust Territory of the Pacific Islands to and the eventual acceptance and ownership of Micronesia to the Federated States of Micronesia.

More than any other individual, Tosiwo Nakayama is credited with managing the 1975 complex, sensitive political negotiations on Saipan that resulted in constitutional drafts for the Micronesian states and districts seeking political autonomy from the United States.

As a proponent of independence, President Nakayama was a key player in the lengthy negotiations with the U.S. government and throughout the islands that culminated in the Compact of Free Association and the eventual creation of the FSM.

In closing the hearing, the Nakayama family expresses their profound gratitude for the honor to President Nakayama.

Chairman expressed appreciation to everyone for attending the hearing.

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Your Committee would like to offer the following amendments to read as follows:

1. Page 1, title section, after "establish", delete "President Tosiwo Nakayama Day" and insert "President's Day".
2. Page 1, title section, after "23rd", insert "on the Birthday of the nation's first President, Tosiwo Nakayama".
3. Page 2, line 12, delete number (8), and insert "(8) in honor of the first President of the Federated States of Micronesia, President Tosiwo Nakayama, who spent a lifetime in public service on a local, state and national level, and in honor of all President's who have served the Federated States of Micronesia, the twenty-third day of November of each year, President Tosiwo Nakayama's birthday, which is hereby designated as President's Day."

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 21-146 and recommends its passage on First Reading and that it be placed on the Calender for Second and Final Reading in the form attached hereto as C.B. No. 21-146, C.D.1.

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Respectfully submitted,

Robson U. Romolow, Chairman

Peter M. Christian, Vice Chairman

Tiwiter Aritos, member

Isaac V. Figir, member

Ferny S. Perman, member

Paliknoa K. Welly, member

Wesley W. Simina, Member

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TWENTY-FIRST CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 2020 C.B. NO. 21-146, C.D.1

A BILL FOR AN ACT

To amend section 601 of title 1 of the Code of the Federated States of Micronesia (Annoted), as amended, to establish [~~President Tosiwo Nakayama~~] Presidents Day on November 23rd on the birthday of the nations first President, Tosiwo Nakayama, as a national holiday, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Section 601 of title 1 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

"Section 601. National Holidays.

The following days shall be observed as national holidays throughout the Federated States of Micronesia:

(1) the first day of January of each year, which is hereby designated as New Year's Day;

(2) the tenth day of May of each year, which is hereby designated as Federated States of Micronesia Day to commemorate the effective date of the Constitution of the Federated States of Micronesia;

(3) the third day of November of each year, which is hereby designated as Independence Day to commemorate the termination of the United Nations Trusteeship Agreement as it applied to the Federated States of Micronesia and the commencement of full self-government for the people of the Federated States of Micronesia;

(4) the eleventh day of November of each year, which is hereby designated as Veterans Day to commemorate those who have honored their country through service in the armed forces of the United States of America;

(5) the twenty-fifth day of December of each year, which is hereby designated as Christmas Day;

(6) the twenty-fourth day of October of each year, which is hereby designated as United Nations Day; [~~and~~]

(7) the thirty-first day of March of each year, which is hereby designated as Micronesian Culture and Tradition Day; and [~~."~~]

[~~(8) the twenty-third day of November of each year, which is hereby designated as President Tosiwo Nakayama Day~~] (8) in honor of the first President of the Federated States of Micronesia, President Tosiwo Nakayama, who spent a lifetime in public service on a local, state and national level, and in honor of all President's who have served the Federated States of Micronesia the twenty-third day of November of each year, President Tosiwo Nakayama's birthday, which hereby designated as Presidents Day."

Section 2. This act shall become law upon approval by President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 2/6/20

Introduced by: /s/ Robson U. Romolow
Robson U. Romolow