



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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COMMITTEE ON
JUDICIARY AND
GOVERNMENTAL OPERATIONS

STANDING COMMITTEE REPORT NO. 24-03

RE: C.R. NO. 24-10/ J&GO

SUBJECT: NOMINATION OF MR. LUCAS M. CUPPS TO SERVE AS THE
INDEPENDENT PROSECUTOR OF THE OFFICE OF THE INDEPENDENT
PROSECUTOR OF THE FEDERATED STATES OF MICRONESIA.

MAY 12, 2025

The Honorable Esmond B. Moses
Speaker, Twenty-Fourth Congress
Federated States of Micronesia
First Regular Session, 2025

Dear Speaker,

Your Committee on Judiciary and Governmental Operations, to which
was referred Congressional Resolution No. 24-10, entitled:

"A RESOLUTION TO CONFIRM THE NOMINATION OF MR. LUCAS M. CUPPS TO
SERVE AS THE INDEPENDENT PROSECUTOR OF THE OFFICE OF THE
INDEPENDENT PROSECUTOR OF THE FEDERATED STATES OF MICRONESIA.",

begs leave to report as follows:

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

Mr. Lucas M. Cupps has been nominated by the President of the
Federated States of Micronesia to serve as the Independent
Prosecutor of the Office of the Independent Prosecutor of the
Federated States of Micronesia. Article X, section 2(d) of the
Constitution of the Federated States of Micronesia and title 44,
section 302 of the Code of the Federated States of Micronesia
(Annotated), provides that this nomination is subject to the
advice and consent of the Congress of the Federated States of
Micronesia.

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EDUCATION AND PROFESSIONAL EXPERIENCE

Presidential Communication No. 24-17 accompanied C.R. No. 24-10 and included Mr. Lucas M. Cupps' curriculum vitae. Mr. Cupps is originally from the Haven, Kansas, where he graduated from high school. After high school, Mr. Cupps attended Yale College where he earned his bachelor's degree in Political Science.

Mr. Cupps went on to earn his Juris Doctor from Yale Law School in 2003. In law school, Mr. Cupps was a (Yale) President's Public Service Fellow. He also was a faculty research assistant, worked for the disability law and public defense law clinics, and was the Staff Editor for *Yale Journal on Regulation*.

After graduating from law school, Mr. Cupps moved to Seattle where he worked as a public defender for The Defender's Association for two years. He then went to work at Seattle University School of Law as a Legal Writing Professor for two years. The writing program at Seattle University School of Law was the #1 ranked program in legal writing, research, and written analysis and in persuasion and advocacy during the time Mr. Cupps was employed as a Legal Writing Professor.

Mr. Cupps then moved to New Zealand where he worked as a Senior Enforcement Advisor. In that role, which was at the height of the mortgage crisis, he analyzed defaulting residential and commercial mortgages to flag issues and assembled detailed document portfolios for mortgage sales, amongst other tasks. He also completed reviews of commercial mortgage portfolios to identify trends and imminent defaults. Mr. Cupps was responsible for instructing a team of solicitors, agents, and appraisers to maximize the recovery amounts.

Mr. Cupps next moved to Canada, where he worked as a Deputy Registrar and Director of Investigations. In that role he managed the investigations committee to ensure compliance with professional rules. He also opined upon legal, political, and

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strategic issues affecting health regulation and labor mobility in British Columbia. He was also tasked with analyzing novel legal issues to ensure accurate responses in administrative appeals.

Mr. Cupps, after his years abroad, returned to Seattle University School of Law where he assumed the role of the Director of the Center for Professional Development. He developed a turnaround strategy for the department that had been previously underperforming. Under Mr. Cupps' tutelage, the law school department leveraged underutilized technology to expand its capacity to assist the students.

Mr. Cupps moved on from his role at Seattle University School of Law to accept a job with the Congress of the Federated States of Micronesia as a Staff Attorney. He staffed the committees on Judiciary & Governmental Operations and Transportation & Communication. During his tenure at the Congress of the Federated States of Micronesia, he staffed the Committee on the Transportation & Communication during the \$84 million dollar World Bank funded project to liberalize and restructure the FSM telecommunications sector.

In 2017, Mr. Cupps moved to Mostar, Bosnia, and Herzegovina to work at the largest IT firm in Bosnia and Herzegovina, the Spark Group. He helped establish a US based financial holding company for the Spark Group's collective of LLCs. He researched concepts such as the feasibility of the creation of the first employee-owned credit-savings organization in Bosnia and the impact of blockchain technology and cryptocurrency to the Spark Group's business model.

Mr. Cupps returned to Micronesia, in 2018, when he accepted a position with Ramp & Mida Law Firm, a position as Counsel Attorney, which he currently holds. He has represented numerous clients both in the FSM and those looking to enter the business market of the FSM. During his time at Ramp & Mida he has travelled extensively through the FSM on behalf of his clients.

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Mr. Cupps has successfully taken on challenges throughout his professional career. He has dedicated the past decade of his life's work to the advancement of the citizens, businesses, and government of the Federated States of Micronesia. Your Committee finds Mr. Cupps's impressive educational and professional achievements relevant and suitable for an Independent Prosecutor.

Your Committee on Judiciary and Governmental Operations has reviewed C.R. No. 24-10 and P.C. No. 24-17 and finds that Mr. Lucas M. Cupps has outstanding credentials, which qualify him for this appointment.

PUBLIC HEARING

Your Committee on Judiciary and Governmental Operations held a hearing on May 21, 2025, on the nomination of Mr. Lucas M. Cupps to serve as the Independent Prosecutor of the Office of the Independent Prosecutor of the Federated States of Micronesia. Witnesses at the hearing included the nominee, Lucas M. Cupps; Department of Justice Attorney, Jesse Mihkel; and Office of the President, Special Assistant Belan Yoma.

Chairman Choor opened the hearing by thanking the witnesses and committee members for attending. He then asked the nominee, Mr. Cupps to give his opening remarks. Mr. Cupps also thanked all the attendees for being present and gave the following prepared statement:

"My respects to you, Mr. Chairman, Members, Staff, and everyone present in the hearing room.

And thank you for making the time to hold this hearing so that I may answer your questions and so that we may have a dialogue about this very important new position of the Independent Prosecutor, which was specifically created by the people of the FSM.

Before I answer any questions you may have, I wanted to share a few thoughts that occurred to me as I contemplated the possibility of taking up this immense responsibility.

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First, although I have always been warmly welcomed here to what Kasio Mida kindly refers to as "my second home" and despite having worked in the FSM for 10 years, I am keenly aware that I am not a Micronesian. I offer my technical legal skills to serve the people of the FSM, but I deploy them in a social, linguistic, and cultural context that is foreign to me. As such, I have found that I am much more professionally—and personally—successful if I act with humility, extend sincere respect to all, and try to listen and learn from Micronesians—the people who know this place better than I ever will.

Second, it is this approach to working in the FSM that I think will be needed to answer a key question facing the Office of the Independent Prosecutor: what is the purpose of this office?

From my perspective, the answer to this question is not so simple, straightforward, or obvious. Consider the fact that the creation of such an office has been the subject of at least two Constitutional Conventions spanning at least 20 years. Indeed, even in the most recent Constitutional Convention, at least 5 separate proposals related to the Independent Prosecutor were submitted by various delegates from 3 of the 4 states. The rationales offered for each proposal were hardly uniform or identical. The Standing Committee Report recommending the adoption of the amendment to create the Office of the Independent Prosecutor offered its own formulation of the purpose of the office. And during floor debates on the amendment several delegates articulated even more variations as to what the purpose of the office is or should be.

So, should the purpose of the Office of the Independent Prosecutor simply be to seize upon its freedom from political pressure by the President and Congress to just investigate and prosecute misuse of national funds?

Or should the purpose be to act as "the beacon of justice for the FSM people [by ensuring that] corruption and abuse of power

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are not going to be the political culture of the FSM in the future"?

Should the office also strive to offset its operational costs by reducing the amount of misused funds and potentially saving money for the national government?

Or should it strive to broadly promote "transparency and accountability", which are "of critical importance to the economic and political development" of the FSM?

As you can see, one of the key tasks for the first Independent Prosecutor will be to articulate a vision and mission for the office in order to achieve a variety of purposes.

Third, after that vision and mission are articulated, comes the hardest part: how might an independent prosecutor go about creating an office to achieve such varied purposes?

What philosophy might he use to guide him? What tools might he employ?

I recently had the privilege to undertake a "Four States Tour", which allowed me to spend a week in each of the states over the course of a month. This Tour reminded me how diverse and culturally distinct each state is.

However, it has lately occurred to me that perhaps a unifying idea we can all support is this:

Let's agree to work together to build a culture of fiscal transparency and accountability in the FSM that benefits everyone.

Let's embrace a wide variety of tools, philosophies, and levers to build this culture: Investigations and prosecutions, yes; but also

- An "Education first, prosecution second" approach

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- Sentencing reform including mandatory minimum sentences or bars to holding future political office
- Restorative justice
- Written guidance on acceptable expenditure and documentation practices
- Traditional apologies
- Plea agreements that prioritize restitution over incarceration to "make the general fund whole"

It is exciting to realize that how the Office of the Independent Prosecutor goes about fulfilling its various purposes can involve a wide variety of approaches, tools, and levers for action.

In closing, we have a rare opportunity given to us by the FSM people to build from scratch a new institution that will best serve the people and the country at this specific point in the FSM's development.

It will be a challenging and difficult task, but should I have the honor of being confirmed as the Independent Prosecutor, it is a task I would embrace with enthusiasm, thoughtfulness, and humility.

Thank you."

Chairman Choor opened the floor up to members for any questions they may have. Senator Gouland asked Mr. Cupps how he was approached by the President for this nomination. Mr. Cupps relayed that the President's Office contacted him before a trip he was taking to the four states on behalf of a client and extended the offer.

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Chairman Choor asked if any of the witnesses would like to testify on behalf or against the nominee. Special Assistant to the President, Belan Yoma, testified that Mr. Cupps has the full support of the President's Office in being nominated for this vital role. Senator Gouland stated that the nominee, if confirmed, needs to begin work as soon as possible as the cases are piling up.

Senator Abello-Alfonso added that "the Office of the Independent Prosecutor was created by law, as Mr. Cupps voiced very eloquently, and we are proud to have passed the law. That was the first step, we should now follow through with what we started."

Mr. Cupps noted that in 46 years the Federated States of Micronesia have had four Constitutional Conventions, while the United States in its 248 years have had only one. He pointed out that being able to hold multiple Constitutional Conventions in such a short time speaks to the strength of this nation.

Chairman Choor asked Department of Justice Attorney, Jesse Mihkel, if they had any comments regarding Mr. Cupps nomination. Mr. Mihkel stated that the Department of Justice fully support the nominee. Chairman Choor asked if the Congress was in line with the requirements of the Constitution on the proper procedure to appoint an Independent Prosecutor. Mr. Mihkel stated that the Committee and Congress were in fact in line with the requirements of appointing the Independent Prosecutor.

Chairman Choor asked Mr. Cupps when he would be relocating to the FSM, if confirmed. Mr. Cupps stated that he would transition to the FSM as soon as possible. He stated that he still has obligations to his present clients and present firm that would need to be wrapped up, he has some personal affairs in the US that would need attended to, and he needs to negotiate his contract with the National Government, but gave September 1, 2025, as a tentative date to be in the FSM permanently. He stated that some of the preliminarily work in setting up the office can be done

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while abroad so he may be able to start working before September 1, 2025, if confirmed.

Senator Abello-Alfonso asked if the President's Office considered an FSM citizen or if there are any requirements to hire an FSM citizen. Mr. Yoma stated that he cannot speak to whom was considered for the position but that there is no language in the Constitution requiring an FSM citizen be appointed. He reiterated that Mr. Cupps has the education, the experience, is a member in good standing with the FSM Bar Association and has worked in the FSM for the past decade, therefore the President's Office fully supports his nomination.

Senator Sigrah asked the nominee if he has any experience as a prosecutor. Mr. Cupps replied that he does not have experience as a prosecutor, but he has worked as a public defender which requires you to know how a prosecutor thinks in order to zealously defend your client. He highlighted some of the approaches he outlined in his opening statement as examples of his prosecutorial philosophy.

Senator Sigrah asked, if confirmed, how he would work with the Public Auditor. Mr. Cupps replied that the Standing Committee Reports from the recent Constitutional Convention spoke to this very issue. He stated that they envisioned the Independent Prosecutor working very closely with the Public Auditor. He mentioned that the Standing Committee Reports contained criticism that the Public Auditor was unable to take the next step after issuing the reports and the Office of the Independent Prosecutor would fill that gap. Mr. Cupps stated that his approach aligns with the instructions contained in those Standing Committee Reports and will work closely with the Public Auditor.

Senator Sigrah asked the nominee how he would handle conflicts of interest. Mr. Cupps replied that "conflicts of interest" is an interesting term and in order to determine how to handle the conflict, one must ask: what is the conflict, then ask, what are the rules governing that conflict. He also gave an example of how different islands in our region culturally differ on what

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constitutes a conflict of interest. The example being that Palau has jury trials despite the close relations of the citizens of Palau.

Chairman Choor yielded the floor to Mr. Cupps for any closing statements.

Mr. Cupps gave the following prepared closing:

"Thank you again for making the time today to hold this hearing.

I am humbled to be considered for such an important position at such a crucial time in the development of the FSM.

I wanted to leave you with a quote I read recently from my law school Dean, which I think encapsulates the mindset I would hope to bring to my work as the FSM's first Independent Prosecutor:

"Our goal is to train lawyers to tackle the toughest problems while maintaining their hope that change is possible. That kind of hope requires courage, imagination, and the ability to recognize the best in others."

I hope you will put your trust in me to tackle this difficult challenge we are all now called upon to face.

Thank you."

Chairman Choor thanked Mr. Cupps for his testimony and wished him all the best.

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CONCLUSION


Upon review of the nominee, his qualifications, and the testimony at the public hearing, your Committee is satisfied that the nominee is fit for service as the Independent Prosecutor of the Office of the Independent Prosecutor of the Federated States of Micronesia.


Therefore, your Committee on Judiciary and Governmental Operations recommends Mr. Lucas M. Cupps be confirmed to serve as the Independent Prosecutor of the Office of the Independent Prosecutor of the Federated States of Micronesia. Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.R. No. 24-10 and recommends its adoption.

Respectfully submitted,

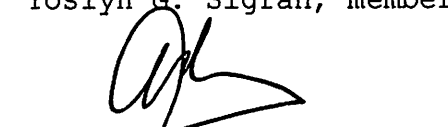

Andy P. Choor, Chairman


Julio M. Marar, member


Jenny W. Mudong, member


Yoslyn G. Sigrah, member


Robson U. Romolow, member


Esmond B. Moses, member


Perpetua S. Konman, member



A RESOLUTION

To confirm the nomination of Mr. Lucas M. Cupps to serve as the Independent Prosecutor of the Office of the Independent Prosecutor of the Federated States of Micronesia.

1 WHEREAS, the President of the Federated States of
2 Micronesia has nominated Mr. Lucas M. Cupps to serve as the
3 Independent Prosecutor of the Office of the Independent
4 Prosecutor of the Federated States of Micronesia; and

5 WHEREAS, Mr. Cupps obtained his Juris Doctorate from Yale
6 Law School in New Haven, Connecticut; and

7 WHEREAS, Mr. Cupps is a member of the FSM Bar Association
8 and in good standing; and

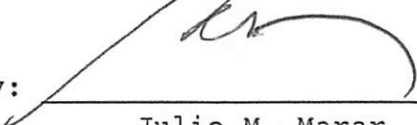
9 WHEREAS, Mr. Cupps is qualified to serve as the
10 Independent Prosecutor based on his educational background and
11 years of experience including as a staff attorney for the
12 Congress of the FSM from 2015-2017, and as an attorney at Ramp
13 & Mida Law Firm; and

14 WHEREAS, the nomination and appointment requires the
15 advice and consent of the Congress of the Federated States of
16 Micronesia pursuant to Article X, Section 2(d) of the
17 Constitution of the Federated States of Micronesia; now,
18 therefore,

19 BE IT RESOLVED by the Twenty-Fourth Congress of the
20 Federated States of Micronesia, First Regular Session, 2025,

1 that Congress hereby confirms the nomination of Mr. Lucas M.
2 Cupps to serve as the Independent Prosecutor of the Office of
3 the Independent Prosecutor of the Federated States of
4 Micronesia; and

5 BE IT FURTHER RESOLVED that certified copies of this
6 resolution be transmitted to the President of the Federated
7 States of Micronesia, the Secretary of the Department of
8 Justice, and Mr. Lucas M. Cupps.

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10 Date: 5/19/25 Introduced by: 
11 Julio M. Marar
12 (by request)
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