

STANDING COMMITTEE REPORT NO. 17-29

RE: C.R. NO. 17-20/T&C

SUBJECT: CONFIRMING THE NOMINATION OF MR. FRANCIS
ITIMAI TO THE POSITION OF SECRETARY OF
THE DEPARTMENT OF TRANSPORTATION,
COMMUNICATION AND INFRASTRUCTURE OF THE
FEDERATED STATES OF MICRONESIA

AUGUST 05, 2011

The Honorable Isaac V. Figir
Speaker, Seventeenth Congress
Federated States of Micronesia
First Special Session, 2011

Dear Mr. Speaker:

Your Committee on Transportation and Communications, to which was referred C.R. No. 17-20, entitled:

"A RESOLUTION TO CONFIRM THE NOMINATION OF MR.
FRANCIS ITIMAI TO THE POSITION OF SECRETARY OF THE
DEPARTMENT OF TRANSPORTATION, COMMUNICATION AND
INFRASTRUCTURE OF THE FEDERATED STATES OF
MICRONESIA.",

begs leave to report as follows:

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

The nomination of Mr. Francis Itimai was transmitted to Congress via Presidential Communication No. 17-38 on July 13, 2011. This communication outlines Mr. Itimai's qualifications to serve as Secretary of the Department of Transportation, Communication and Infrastructure of the Federated States of Micronesia and seeks Congress's confirmation of the nominee.

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The written information provided to your Committee in Presidential Communication 17-38, which included a copy of Mr. Itimai's resume, reveals that Mr. Itimai has served as a Revenue Agent/Auditor for the FSM Department of Finance and Administration for two years (December 1991 to March 1993), as Fisheries Development Specialist for the FSM Department of Resources and Development for two years (March 1993 to April 1995), as Deputy Assistant Secretary for the Department of Economic Affairs for eight years (April 1995 to April 2003), as Director for the Office of Planning and Budget for Yap State Government (April 2003 to January 2007), as Training Coordinator under the FSM Department of Finance in January 2007, and most recently, as Secretary of the Department of Transportation, Communication and Infrastructure.

Mr. Itimai attended Xavier High School in Chuuk State in 1980 and graduated with a high school diploma in 1985. He did his undergraduate studies at the College of Micronesia-FSM in Pohnpei State and later transferred to Park University in Parkville, Missouri, in 1987. In 1990 he graduated from Park University with a Bachelor of Arts Degree majoring in Business Administration. Furthermore, Mr. Itimai has completed other training, and was awarded several certificates of completion, as reflected in his resume.

On Tuesday, August 02, 2011, your Committee held a public hearing for the purpose of reviewing and discussing the nomination of Mr. Itimai to the position of Secretary of the Department of Transportation, Communication and Infrastructure. In attendance at the hearing were: Chairman Peter M. Christian, Senators Joseph J. Urusemal, Yosiwo P. George, Roger S. Mori, and Paliknoa K. Welly. Assistant Secretary Jolden Johnnyboy was present at the hearing.

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During the hearing, Chairman Christian asked the nominee whether he has submitted his resignation letter to the President. The nominee indicated that yes, he did submit his resignation letter to the President; however, according to the nominee the President rejected his resignation. The nominee explained that the reason why the President rejected his resignation letter is based on the legal opinion issued by the Department of Justice claiming that all appointed positions are valid until August 9, 2011.

The Committee expressed its concern regarding the legal opinion because its understanding is that cabinet members served at the pleasure of the outgoing President, and their posts are considered vacant. Your Committee is inclined to think that the nomination of Mr. Itimai is not valid because he was nominated to a position that is not vacated. The nominee informed your Committee that his contract has been extended to expire August 9, 2011.

Senator Urusemal asked the nominee how he was approached on the position. The nominee indicated that the President informed him after all the nominations were submitted to Congress. Senator Urusemal also inquired whether the nominee's family still wants to reside in Pohnpei. The nominee indicated that his family has made few friends in Pohnpei, and they are still willing to reside in Pohnpei.

Senator George inquired with the nominee on areas that need improvement in the Department. The nominee thanked Senator George for his inquiries explaining the various developments in each division under his watch. First, in the Division of Communication, the Department formulated an ICT policy and is also in the process of connecting the fiber optic cable to the three other states. In the Division of Aviation, several AIP projects in Kosrae and Yap were completed along

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with the new firetrucks acquired for each state. The Department is also trying to finish the other AIP projects, and is trying to secure the services of a lawyer to assist in the promulgation of aviation regulations and to review the relevant laws in respect to aviation. In addition, the Department is still working with the Department of Foreign Affairs to bring two Y-12 planes to service the outer islands of the FSM. In the Division of Marine Transportation, the Department is working closely with the Government of Japan to secure two vessels, and is trying to amend the current tariff of the MS Caroline Voyager. In the Division of Infrastructure, the Department is trying to secure funding to improve the outer islands airports.

Senator George inquired whether the nominee had been working closely with the staff of the Project Management Unit (PMU), and whether clearance of outgoing communications from PMU are often routed to him. The nominee indicated that he is working very closely with the PMU Manager, and by law the PMU is a Unit under his watch, and he monitors its operations. Senator George also inquired of the nominee about the future plan in connecting the fiber optic to the three other states. The nominee explained that the Department, with the assistance of other relevant departments and offices, has tried to tap the Compact Infrastructure Sector Grant to source the fiber optic connectivity project, but with no success. Currently, the World Bank is assisting the Government of the Republic of Palau on its fiber optic connectivity, in which Yap State was also included. The Department is also preparing a financial package on the fiber optic connectivity with the World Bank.

Chairman Christian inquired as to whether it is true that the nominee diverted the MS Caroline Voyager to pick up turtle for him. The nominee denied this allegation, and

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informed the Committee that only the President approves any diversion of the vessel. Chairman Christian also echoed the disappointment of some Pohnpeians in regards to the vessel not accommodating students and teachers going to Mwoakiloa and Pingelap. Senator Urusemal commented that each state is scheduled two trips per year, and the Department should adhere to this arrangement. If there is any diversion of the vessel from the usual schedule, the diversion of the vessel should be paid for by the requesting state.

The representative from the President's Office highly supported the nomination, and urges the Committee to support the nomination.

Your Committee urges the nominee, if confirmed by Congress, to establish good working relationships with the staff at the National Government and the counterparts at the State Governments. The Committee also urges the nominee to make fair decisions that may benefit the citizens of this Nation, especially when it comes to the scheduling and diversion of the MS Caroline Voyager.

Your Committee has received favorable support from the staff of the Department, the President's Office and members. Furthermore, your Committee agrees that the nominee has impressive bio data, which qualifies him for the position of Secretary of the Department of Transportation, Communication and Infrastructure.

Your Committee on Transportation and Communications is in accord with the intent and purpose of C.R. No. 17-20 and recommends its adoption.

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Respectfully submitted,

/s/ Peter M. Christian
Peter M. Christian, chairman

/s/ Wesley Simina
Wesley Simina, vice chairman

/s/ Isaac V. Figir
Isaac V. Figir, member

/s/ Yosiwo P. George
Yosiwo P. George, member

/s/ Florencio S. Harper
Florencio S. Harper, member

Berney Martin, member

/s/ Roger S. Mori
Roger S. Mori, member