

STANDING COMMITTEE REPORT NO. 19-151

RE: P.C. NO. 19-301/J&GO

SUBJECT: FY 2017 BUDGET

AUGUST 02, 2016

The Honorable Wesley W. Simina  
Speaker, Nineteenth Congress  
Federated States of Micronesia  
Second Regular Session, 2015

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was jointly referred Presidential Communication No. 19-301, begs leave to report as follows:

Presidential Communication No. 19-301 concerns the National Government's proposed budget for fiscal year 2017 as set forth in the National Government Fiscal Year 2017 Proposed Budget ("Budget Book"). Pursuant to rule 7, section 4(b) of the Official Rules of Procedure of the Nineteenth Congress of the Federated States of Micronesia, your Committee has limited its review to those portions of the proposed budget relating to matters under its jurisdiction. These are:

**I. Operations:**

- A. Department of Justice
- B. Office of the Public Defender
- C. National Judiciary
- D. Agencies, Boards, Authorities, Commissions & Corporations
  - 1. National Postal Services
- E. Special Programs
  - 1. National Election Commission Office

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**II. Grants, Subsidies and Contributions:**

- A. Department of Justice
  - 1. States Joint Law Enforcement
  - 2. Police Academy
  - 3. Ammunition for Sidearm and Long Rifles
  - 4. Fuel Subsidy
- B. States Judiciaries
- C. Micronesian Legal Services Corporation
- D. General Election (March 7, 2017)

**III. Capital and Human Resources Development:**

- A. Department of Justice
  - 1. Slipping of FSS Independence
  - 2. Satellite Phone and Usage Billings
  - 3. Patrol Boats Major Maintenance Project
  - 4. Anti-Human Trafficking Enforcement, Campaign, and Investigation
- B. States Judiciaries
  - 1. Renovation of Chuuk State Supreme Court
- C. National Election Commission Office
  - 1. Voter ID Card and New Registration Project

This report and all previous and subsequent reports by this Committee should be treated as policy for this Nation as defined by the Congress. It is your Committee's intent that any commentary found in this report should be treated as policy for the guidance of the relevant departments, agencies, and offices.

Your Committee conducted a series of public hearings following the convening of the Fourth Regular Session of the Nineteenth Congress on May 11, 2016. The report and recommendations that follow are based upon the information contained in the Budget Book and the input provided by witnesses at those hearings.

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Your Committee's findings and recommendations follow:

**DISCUSSION OF FY 2017 BUDGET**

The appropriations discussed below are presented, by department, office, and agency, in the order in which they appear in the Budget Book. The figures given for each department, office, and agency include the figures from the budget book for the total amount appropriated by law for FY 2016, as set forth in Public Law No. 19-32, as amended, and the amount recommended by EBRC for each entity for FY 2017.

Your committee makes the following recommendations.

**I. OPERATIONS**

**A. Department of Justice**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	2,351,938	2,428,499	2,383,171
Travel	158,548	164,212	164,212
Contract	309,160	261,006	261,006
OCE	329,125	296,213	296,213
Fixed Assets	181,800	36,750	36,750
<b>Total</b>	<b>3,330,571</b>	<b>3,186,680</b>	<b>3,141,352</b>
22# positions	132	137	137

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Detail by Division

**1. Administration, Office of the Secretary**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	126,032	133,102	126,032
Travel	21,710	21,710	21,710
Contract	46,000	46,000	46,000
OCE	22,600	20,340	20,340
Fixed Assets	11,000	0	0
<b>Total</b>	<b>227,342</b>	<b>221,152</b>	<b>214,082</b>
# positions	5	5	5

**Personnel** – Your Committee notes that the EBRC recommendation is an increase of \$7,070 over the FY 2016 line. In line with the general budget policies of Congress that no salary increases shall be granted for FY 2017, \$126,032 is approved.

**Travel** – Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC. Your committee requested that the Department provide it with information about travel sponsored by outside organizations (e.g. How often? How Much? By which organization?).

**Contractual Services** – Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**Other Current Expenses** – Your Committee approves the EBRC recommendation that is 10% below the FY 2016 line.

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**Fixed Assets** – Your Committee approves the EBRC recommendation, which is a significant decrease from the FY 2017 line.

**2. Division of Litigation**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	144,131	192,177	144,131
Travel	41,795	41,795	41,795
Contract	12,000	12,000	12,000
OCE	10,000	9,000	9,000
Fixed Assets	0	0	0
<b>Total</b>	<b>207,926</b>	<b>254,972</b>	<b>206,926</b>
# positions	3	4	3

**Personnel** – Your Committee notes that the EBRC recommendation is an increase of \$48,046 over the FY 2016 line consisting entirely of a request for an additional staff attorney. In line with the general budget policies of Congress that no new positions shall be approved for FY 2017, \$144,131 is approved. However, your committee encourages the Department of Justice to revisit this request with the Committee in the future if the need for additional staff becomes acute.

**Travel** – Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**Contractual Services** – Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**Other Current Expenses** – Your Committee approves the EBRC recommendation that is 10% below the FY 2016 line.

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**Fixed Assets** – There is no fixed asset request.

**3. Division of Law**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	192,174	192,175	192,175
Travel	30,656	33,656	33,656
Contract	0	0	0
OCE	10,000	9,000	9,000
Fixed Assets	0	5,000	5,000
<b>Total</b>	<b>232,830</b>	<b>239,831</b>	<b>239,831</b>
# positions	4	4	4

**Personnel** – Your Committee notes that the EBRC recommendation is virtually identical to the FY 2016 line. This amount is approved.

**Travel** – Your Committee notes that the EBRC recommendation is an increase of \$3,000 over the FY 2016 line. This amount is approved.

**Contractual Services** – There is no contractual services request.

**Other Current Expenses** – Your Committee approves the EBRC recommendation that is 10% below the FY 2016 line.

**Fixed Assets** – The EBRC recommendation is for an increase of \$5,000 to purchase office furniture and two laptop computers. This amount is approved.

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**4. Registrar of Corporations**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	37,930	38,667	48,455
Travel	19,596	19,596	19,596
Contract	18,596	5,000	5,000
OCE	10,800	9,720	9,720
Fixed Assets	21,800	0	0
<b>Total</b>	<b>108,722</b>	<b>72,983</b>	<b>82,771</b>
# positions	2	2	3

**Personnel** - Your Committee notes that the EBRC recommendation is an increase of \$737 over the FY 2016 line. At the hearing, the Registrar requested that your Committee move \$8,275 plus COLA and fringe benefits (\$10,525) into personnel from contractual services. This amount would fund the Registrar's secretary whom has already been hired on contract using funds saved when the Office moved from leased premises back to Palikir. Due to the importance of this office to generating annual local revenues for the National Government, the new position is approved for a total personnel amount of \$48,455.

**Travel** - Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**Contractual Services** - Your Committee notes that the EBRC recommendation is a significant decrease from the FY 2016 line. At the hearing, it was explained that the \$20,000 for the lease and the \$1,200 for janitorial service are no longer needed as the Office has moved back to Palikir. The EBRC recommendation is approved.

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**Other Current Expenses** – Your Committee approves the EBRC recommendation that is 10% below the FY 2016 line.

**Fixed Assets** – Your Committee approves the EBRC recommendation, which is a significant decrease from the FY 2016 line.

**5. Division of Immigration and Labor**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	510,866	506,265	506,265
Travel	20,356	23,020	23,020
Contract	77,758	77,758	77,758
OCE	110,522	99,470	99,470
Fixed Assets	80,000	22,000	22,000
<b>Total</b>	<b>799,502</b>	<b>728,513</b>	<b>728,513</b>
# positions	37	37	37

**Personnel** – Your Committee notes that the EBRC recommendation is a decrease of \$4,601 from the FY 2016 line. This amount is approved.

**Travel** – Your Committee notes that the EBRC recommendation is an increase of \$2,664 over the FY 2016 line. This recommended increase would permit the Chief of Immigration and Labor to travel to Yap to meet with personnel to provide needed technical assistance. This amount is approved.

**Contractual Services** – Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC. At the hearing, the Secretary advised that \$14,000 is no longer needed for the lease of a separate office in Kolonia. He requested that this savings be used instead for janitorial services for the offices in Kosrae, Yap, and Chuuk.



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**Other Current Expenses** – Your Committee approves the EBRC recommendation that is 10% below the FY 2016 line.

**Fixed Assets** – Your Committee approves the EBRC recommendation, which is a significant decrease from the FY 2016 line.

**6. National Police**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	1,340,805	1,366,113	1,366,113
Travel	24,435	24,435	24,435
Contract	154,806	120,248	120,248
OCE	165,203	148,683	148,683
Fixed Assets	69,000	9,750	9,750
<b>Total</b>	<b>1,754,249</b>	<b>1,669,229</b>	<b>1,669,229</b>
# positions	81	85	85

**Personnel** – Your Committee notes that the EBRC recommendation is an increase of \$25,308 over the FY 2016 line, which includes the conversion of four long-standing contract employees to the Public Service System. Your Committee approves the EBRC recommendation.

**Travel** – Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**Contractual Services** – Your Committee approves the EBRC recommendation, which is a significant decrease from the FY 2016 line reflecting the conversion of four contract positions to the Public Service System as noted above.

**Other Current Expenses** – Your Committee approves the EBRC recommendation, which is a significant decrease from the FY 2016 line. At the hearing, the Budget Office provided a correct figure

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for the mandatory 10% reduction from FY 2016: \$148,683. This amount is approved.

**Fixed Assets** – Your Committee approves the EBRC recommendation, which is a significant decrease from the FY 2016 line.

**B. Office of the Public Defender**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	663,970	674,454	663,970
Travel	72,812	70,812	70,812
Contract	73,239	101,050	101,050
OCE	77,900	77,900	86,900
Fixed Assets	30,500	6,000	21,000
<b>Total</b>	<b>918,421</b>	<b>930,216</b>	<b>943,732</b>
# positions	26	28	26

**Personnel** – Your Committee notes that the EBRC recommendation is an increase of \$10,484 over the FY 2016 line. In line with the general budget policies of Congress that no new positions shall be approved for FY 2017, \$663,970 is approved. However, your Committee encourages the Office of the Public Defender to revisit this request with the Committee in the future if the need for additional staff becomes acute. With respect to existing staff, your Committee would encourage the Office to remind all staff about the prohibition on outside employment, “which is not compatible with the full and proper discharge of the responsibilities of [their] positions.”

**Travel** – Your Committee approves the EBRC recommendation, which is a decrease of \$2,000 from the FY 2016 line.

**Contractual Services** – Your Committee notes that the EBRC recommendation is an increase of \$27,811 over the FY 2016 line. The

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majority of this increase (\$18,000) is for a new Internship Program while the remainder is for vehicle maintenance and an increase in the Kosrae office lease amount. This amount is approved, but your Committee would request that the Office of the Public Defender provide periodic updates to your Committee on the status of the program (e.g. number of interns hired, time periods worked, projects completed, etc.).

**Other Current Expenses** – Your Committee notes this is the same amount as the FY 2016 line. However, your Committee is adding back the \$9,000 requested by the Office of the Public Defender to augment its communications budget to ensure effective communication with public defender clients, especially those in Chuuk, who rely solely on cell phones. In addition, your Committee notes its concern that OCE bills for this office often remain outstanding and/or are not processed in a timely manner. Your Committee therefore encourages the Office of the Public Defender to authorize its invoices to be processed in the local FSM Finance office in each state to ensure timely payment of OCE bills. Also, to the extent that some FY 2016 OCE bills remain unpaid as of September 30, 2016, your Committee authorizes the Office of the Public Defender to use OCE funds from FY 2017 to pay these bills.

**Fixed Assets** – Your Committee notes the EBRC recommendation is a significant decrease from the FY 2016 line. However, to ensure effective representation in cases from Pohnpei involving marine protected areas (MPAs), your Committee restores the amount of \$15,000 for a boat for the Pohnpei office. Consequently, a total of \$21,000 is approved.

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**C. National Judiciary**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	837,024	850,627	850,627
Travel	157,791	161,525	161,525
Contract	177,694	170,694	182,694
OCE	190,806	178,025	178,025
Fixed Assets	36,100	32,000	32,000
<b>Total</b>	<b>1,399,415</b>	<b>1,392,871</b>	<b>1,404,871</b>
# positions	33	35	35

**Personnel** - Your Committee notes that the EBRC recommendation is an increase of \$13,603 over the FY 2016 line. Given the importance of a well functioning National Judiciary, your Committee approves the request for the inclusion of two new positions (i.e. Deputy Assistant Chief Clerk and Administrative Assistant). Your Committee would also like to encourage the National Judiciary to look into the ongoing issue of whether judicial salaries are sufficient at current levels.

**Travel** - Your Committee notes that the EBRC recommendation is an increase of \$3,734 over the FY 2016 line, which is attributable to the need for the law librarian based in Pohnpei to travel to the other states to help maintain each state's law library. This amount is approved.

**Contractual Services** - Your Committee notes that the EBRC recommendation is a decrease of \$7,000 from the FY 2016 line. At the hearing, the National Judiciary requested an additional \$12,000, which is necessary to renew the software license that supports the judiciary's new data management system. Consequently, the amount of \$182,694 is approved.

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**Other Current Expenses** - Your Committee approves the EBRC recommendation that is a decrease from the FY 2016 line.

**Fixed Assets** - Your Committee notes this is a decrease of \$4,100 from the FY 2016 line, and approves it as recommended by EBRC.

**D. Agencies, Boards, Authorities, Commissions & Corporations**

**1. National Postal Services**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	508,346	511,809	508,346
Travel	50,165	50,165	50,165
Contract	145,317	145,317	161,867
OCE	124,500	112,050	112,050
Fixed Assets	40,000	0	0
<b>Total</b>	<b>868,328</b>	<b>819,341</b>	<b>832,428</b>
# positions	40	40	40

**Personnel** - Your Committee notes that the EBRC recommendation is an increase of \$3,463 over the FY 2016 line. In line with the general budget policies of Congress that no salary increases shall be granted for FY 2017, \$508,346 is approved.

**Travel** - Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**Contractual Services** - Your Committee notes this is the same amount as the FY 2016 line. However, due to the volume of mail in Chuuk, your committee approves an additional \$16,550 to hire two additional contract workers in Chuuk.

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**Other Current Expenses** - Your Committee approves the EBRC recommendation that is 10% below the FY 2016 line.

**Fixed Assets** - Your Committee approves the EBRC's recommendation of \$0 having previously approved \$40,000 for vehicle purchases in FY 2016.

**E. Special Programs**

**1. National Election Commission Office**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Personnel	222,637	235,090	235,090
Travel	17,637	17,637	17,637
Contract	59,477	59,477	59,477
OCE	74,303	66,873	66,873
Fixed Assets	66,000	21,000	21,000
<b>Total</b>	<b>440,054</b>	<b>400,077</b>	<b>400,077</b>
# positions	12	13	13

**Personnel** - Your Committee notes that the EBRC recommendation is an increase of \$12,453 over the FY 2016 line. Given the importance of smooth elections to the health of a democracy, your committee approves the EBRC recommendation for the inclusion of a new clerical position.

**Travel** - Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**Contractual Services** - Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

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**Other Current Expenses** – Your Committee approves the EBRC recommendation that is 10% below the FY 2016 line.

**Fixed Assets** – Your Committee approves the amount recommended by EBRC, which is to purchase two copiers – one for Pohnpei and one for Chuuk.

## II. Grants, Subsidies and Contributions

### A. Department of Justice

#### 1. States Joint Law Enforcement

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Kosrae	30,000	30,000	30,000
Pohnpei	50,000	50,000	50,000
Chuuk	50,000	50,000	100,000
Yap	30,000	30,000	30,000

Your Committee notes these are the same amounts as the FY 2016 lines and approves them, with the exception of Chuuk, as recommended by EBRC. At the hearing, the Department of Justice raised the need to increase Chuuk's grant to \$100,000 given the need to prosecute increased numbers of firearm cases. This increased amount is approved.

#### 2. Police Academy

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	0	180,000	180,000

At the hearing, it was explained that no organized program of training has been provided to either national or state law enforcement since 2013. Your Committee strongly supports this effort

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to provide comprehensive training to law enforcement personnel and recommends that such training be conducted in each of the four states on a revolving annual basis.

**3. Ammunition for Sidearm and Long Rifles**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	0	25,000	25,000

Your Committee notes that \$25,000 had been approved for this item in FY 2015, but no funds had been approved in FY 2016. The EBRC recommendation is approved.

**4. Fuel Subsidy**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	200,000	200,000	100,000

Your Committee notes this is the same amount as the FY 2016 line. However, your Committee is recommending only \$100,000 for the same reason stated in the Ways & Means Standing Committee Report No. 19-127: the Department of Justice can utilize the Maritime Surveillance Revolving Fund (55 F.S.M.C §679) to cover fuel costs.

**B. States Judiciaries**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Kosrae	35,000	35,000	35,000
Pohnpei	55,000	55,000	55,000
Chuuk	55,000	55,000	55,000
Yap	35,000	35,000	35,000



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**C. Micronesian Legal Services Corporation**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	250,000	250,000	250,000

Your Committee notes this is the same amount as the FY 2016 line and approves it as recommended by EBRC.

**D. General Election (March 7, 2017)**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	0	391,840	391,840

Your Committee notes that the EBRC recommendation is actually a decrease from the \$395,247 approved for the last General Election in 2015. This recommended amount is approved.

**III. Capital and Human Resources Development**

**A. Department of Justice**

**1. Slipping of FSS Independence**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	0	750,000	750,000

Your Committee approves this amount for this vessel that has already had its slipping delayed for one year due to FSM hosting the Pacific Island Forum.

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**2. Satellite Phone and Usage Billings**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	0	10,000	0

Your Committee notes that \$25,000 had been approved for this item in FY 2015, but no funds had been approved in FY 2016. Your Committee declines to approve any amount for this item noting that funds are available through either the Maritime Operations Revolving Fund or the Maritime Surveillance Revolving Fund.

**3. Patrol Boats Major Maintenance Project**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	125,000	125,000	125,000

Your Committee approves the EBRC recommendation that is the same as FY 2016.

**4. Anti-Human Trafficking Enforcement, Campaign, and Investigation**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	30,000	150,000	100,000

Your Committee notes that in its original recommendation for FY 2016, no funds had been approved for this item. However, \$30,000 was approved as part of a Supplemental Budget under PL 19-61 in February 2016. At the hearing it was explained that these funds would permit the hiring of a dedicated attorney plus two investigators to focus on stepping up enforcement of existing anti-human trafficking laws. Although your Committee recognizes the importance of this endeavor,

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it would like to proceed in an incremental fashion and monitor the progress made due to such a dramatic increase in appropriations. An amount of \$100,000 is therefore approved at this time.

**B. States Judiciaries**

**1. Renovation of Chuuk State Supreme Court**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
	100,000	---	25,000

Your Committee approves an additional \$25,000 for completion of the renovation especially to address dangerous wiring.

**C. National Election Commission Office**

**1. Voter ID Card and New Voter Registration Project**

	FY 16 Appropriated	FY 17 EBRC Recommended	FY 17 J&GO Recommended
Voter ID Card and New Voter Registration Project	50,000	50,000	50,000

Your Committee approves the EBRC recommendation that is the same as FY 2016.

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**CONCLUSION**

With the modifications identified above, your Committee on Judiciary and Governmental Operations recommends authorizing those portions of the FY 2017 budget relating to matters under its jurisdiction, subject to the availability of funds, as determined by your Committee on Ways and Means.

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Respectfully submitted,

/s/ Tiwiter Aritos  
Tiwiter Aritos, chairman

/s/ Alik L. Alik  
Alik L. Alik, vice chairman

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

/s/ Berney Martin  
Berney Martin, member

/s/ Esmond B. Moses  
Esmond B. Moses, member

Robson U. Romolow, member

/s/ Wesley W. Simina  
Wesley W. Simina, member