

STANDING COMMITTEE REPORT NO. 20-03

RE: C.B. NO. 20-04/J&GO

SUBJECT: PLACING THE OFFICE OF ENVIRONMENT AND
EMERGENCY MANAGEMENT AS AN FSM NATIONAL
GOVERNMENT DEPARTMENT

MAY 18, 2017

The Honorable Wesley W. Simina
Speaker, Twentieth Congress
Federated States of Micronesia
First Regular Session, 2017

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 20-04, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAWS NOS. 18-33 AND 19-29, BY AMENDING SECTIONS 203 AND 204 THEREOF, TO DISSOLVE THE OFFICE OF ENVIRONMENT AND EMERGENCY MANAGEMENT AND PROPERLY PLACE IT AS ONE OF THE DEPARTMENTS AT THE FSM NATIONAL GOVERNMENT, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

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

Public Hearing

Your Committee held a public hearing on the bill on May 16, 2017.

Present at the hearing to testify were the following: The Director of the Office of Environment and Emergency Management (OEEM) and a

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staff member; a representative from the Department of Justice; and a representative from the Office of the President.

Your Chairman opened the hearing and welcomed the witnesses.

Your Chairman explained that the impetus for the bill consisted of previously conveyed concerns that, because the status of "Director" is not universally recognized as equal to that of "Secretary", the OEEM Director had experienced difficulty in being properly credentialed at both international and regional meetings. Consequently, the government of the FSM had at times not been able to fully advocate for its positions in some forums.

Prior to hearing from the witnesses your Chairman gave members the opportunity to make prefatory comments. It was expressed that perhaps it would have been advisable to have a representative from the Department of Foreign Affairs present given the fact that the work of that office touches upon the substance of the bill. It was also expressed that perhaps a "pro" of the bill is that the OEEM Director would no longer need to go through the lengthy credentialing process in order to participate at relevant forums.

Your Chairman then asked the OEEM Director to comment on the bill.

The Director began by explaining that it was perhaps awkward for him to be seen to be advocating for an elevation of his own department. But he explained that he could share with your Committee his prior experiences with problems in obtaining credentials for conferences and forums in which the interests of the FSM were at issue. He also explained that prior to the public hearing, he attended a meeting with the Vice President in which the bill was discussed. He previewed that during that meeting a slight change in the name would be suggested should OEEM become a national government department.

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He then explained that within the United Nations system, the title of "Director" is not considered equivalent to a "ministerial" or "secretary" level. In fact, "Director" is lower in status within the UN system than even "Director General." Consequently, there is always a question as to what exactly is his position within the FSM national government and whether he is empowered to speak for the FSM at a meeting (e.g. UN General Assembly, Montreal Protocol, Sendai Conference). He explained that there is also an issue of who is the "head of delegation" for the FSM when he is traveling with a cabinet secretary to a meeting at which he, rather than the secretary, possesses the relevant expertise. He did acknowledge that finally at the regional meeting level, organizations are beginning to recognize and properly credential his role. However, the UN arena remains and will continue to be problematic not only with respect to proper credentialing but also with extension of comparable levels of courtesy and protocol.

The representative from the Office of the President explained that the President fully supports the bill. He explained that the OEEM Director is in charge of the issue of climate change, which is an important issue. In response to concerns raised by your Chairman as to any budgetary impact, it was his position that the President did not anticipate any budgetary impact.

Members inquired as to why the President was now in support of the bill when he had previously opposed an identical bill in the 19th Congress. The representative from the Office of the President explained that he could not speak as to why the President had changed his mind.

Members asked the witnesses to speak further to any potential budgetary impact of the bill. For example, would the conversion from "director" to "secretary" necessitate a salary increase? would additional staff need to be hired?

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The OEEM Director explained at this point that during his meeting with the Vice President it was discussed to suggest changing the name of the new department to the "Department of Environment, Climate Change, and Emergency Management." Consequently, a new division of "Climate Change" would be created and led by an assistant secretary along with perhaps two new staff. He explained that the reason to separate climate change from environment is because climate change is not just an environmental issue. It is widely recognized as a crosscutting issue impacting education, health, security, energy, etc.

Members and the witnesses then engaged in a discussion to better understand and specify the anticipated budgetary impact. It was generally recognized that there would be the need for an increased budget; however, the figures discussed ranged from \$100,000 to upwards of \$200,000. The difficulty in establishing a precise figure emanated from the fact that no reorganization plan has been created to determine whether functions and divisions from other departments may move into the new department, followed by their existing appropriations.

The OEEM Director explained that there is an ongoing ADB funded executive reorganization study, which further clouds the budget issue. The fact that there are many sources of international funding available for climate change related issues (e.g. Green Climate Fund) also complicated the issue as it might be a situation where more money would flow into the new department once the FSM was seen to have clearly made climate change a priority issue.

The OEEM Director concluded by thanking your Committee for the chance to comment on the bill.

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Conclusion

Your Committee would like to offer the following technical amendments to C.B. No. 20-04:

1. Page 1, bill title: after "19-29" insert the words "and 19-63";
2. Page 2, line 1: after "Environment" insert the words "Climate Change,";
3. Page 2, lines 22-23: delete "Office of Statistic, Budget, Overseas Development Assistance and COMPACT Management";
4. Page 2, line 25: delete "~~{(4)}~~";
5. Page 3, line 2: delete "~~{(5)}~~ (4)" and insert "(3)" in lieu thereof.

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 20-04 and recommends its adoption in the form attached hereto.

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Respectfully submitted,

/s/ Robson U. Romolow
Robson U. Romolow, Chairman

/s/ Dion G. Neth
Dion G. Neth, Vice Chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, Member

/s/ Isaac V. Figir
Isaac V. Figir, Member

/s/ Esmond B. Moses
Esmond B. Moses, Member

/s/ Wesley W. Simina
Wesley W. Simina, Member

/s/ Paliknoa K. Welly
Paliknoa K. Welly, Member