

STANDING COMMITTEE REPORT NO. 22-19

RE: PRESIDENTIAL COMMUNICATION NO. 21-533

SUBJECT: FY 2022 BUDGET/J&GO

SEPTEMBER 20, 2021

The Honorable Wesley W. Simina
Speaker, Twenty-Second Congress
Federated States of Micronesia
Second Regular Session, 2021

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was jointly referred Presidential Communication No. 21-533 transmitting the National Government's proposed FY 2022 budget, begs leave to report as follows:

Presidential Communication No. 21-533 was transmitted to Congress with the *National Government Fiscal Year 2022 Recommended Budget* ("Budget Book"). Pursuant to rule 7, section 4(b), of the Official Rules of Procedure of the Twenty-Second Congress of the Federated States of Micronesia, your Committee has limited its review to those portions of the budget under its jurisdiction. These are:

- I. Department of Justice
 - A. Office of the Secretary
 - B. Division of Litigation
 - C. Division of Anti-Human Trafficking Services
 - D. Division of Law
 - E. Registrar of Corporations Unit
 - F. Division of Immigration and Passport Services
 - G. Division of Labor
 - H. Division of Investigation and Protective Services
 - I. Division of Border Control and Maritime Surveillance
- II. Office of the Public Defender

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- III. National Judiciary
- IV. National Postal Services
- V. National Election Commissioner
- VI. Grants, Subsidies & Contributions
 - A. Department of Justice
 - 1. State Joint Law Enforcement
 - 2. Police Academy
 - 3. Fuel Subsidy
 - 4. Ammunitions
 - 5. Organization for the Prohibition of Chemical Weapons (OPCW)
 - 6. Comprehensive Nuclear Test Ban Treaty Organization (CTBT)
 - 7. Interpol
 - 8. World Intellectual Property Organization (WPO)
 - B. Other Grants, Subsidies & Contributions
 - 1. State Judiciaries
 - 2. National Law Day
 - 3. Micronesian Legal Services Corporation
- VII. Capital and Human Resource Development
 - A. Department of Justice
 - 1. Anti-Human Trafficking Enforcement, Campaign and Investigation
 - 2. Victim Shelter and Services
 - 3. Patrol Boat Maintenance
 - 4. DOJ Satellite Phone
 - 5. HT Annual Conference
 - 6. Anti-Trafficking Shelters
 - 7. Law Reform Initiative
 - B. National Election Commission Office
 - 1. Voter ID and New Voter Registration

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

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Your Committee held a public hearing on the FY 2022 budget on September 2, 2021. Present at the hearing were representatives from the Department of Justice, the Office of the Public Defender, the National Judiciary, the National Postal Services, the National Election Commission Office, the Office of Personnel, and the Office of the President. Your Committee deliberated on the findings and all information gathered, and held a final mark-up session on September 6, 2021. This Standing Committee Report reflects the recommendations of your Committee on Judiciary and Governmental Operations regarding the proposed FY 2022 budget under its jurisdiction.

Throughout this report, the amount in columns titled "FY21 Amended Appropriation" refer to the amounts appropriated in Fiscal Year 2021 through June 2021 (as of Public Law No. 22-01). The amounts in columns titled "FY22 Executive Recommendation" refers to the recommendations provided by EBRC in Presidential Communication No. 21-533.

Your Committee notes that the 21st Congress passed an amendment regarding the professional premium, and a salary increase that took effect on July 1, 2021, and the personnel line items in all departments will subsequently see an increase from FY 2021 to FY 2022. Your Committee further notes that in FY 2021 all travel was decreased by 70% to reflect the limited travel due to the COVID-19 pandemic; for FY 2022 the Executive recommends increasing travel by 60% from FY 2021 appropriations. In this report, your Committee recommends maintaining FY 2022 travel funding at FY 2021 levels; your Committee supports only limited domestic travel, and stresses that unnecessary travel should be avoided in recognition and awareness of the health concerns of the COVID-19 pandemic.

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DEPARTMENT OF JUSTICE

DEPARTMENT OF JUSTICE: TOTAL OPERATIONS

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	3,397,043	3,754,174	4,072,911	4,015,412
Travel	112,440	127,440	210,587	112,440
Contract	611,962	611,962	1,070,920	750,920
OCE	513,643	513,643	841,128	818,142
Fixed Assets	119,696	119,696	118,000	113,000
Total	4,754,784	5,126,915	6,313,546	5,809,914
Employees	200	214	219	218

The above table reflects the total operations budget of the Department of Justice; each division is addressed in detail below.

A. Administration – Office of the Secretary

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	147,853	196,268	167,778	167,778
Travel	9,513	9,513	22,197	9,513
Contract	256,000	256,000	226,000	256,000
OCE	20,340	20,340	20,340	20,340
Fixed Assets	10,000	10,000	-0-	-0-
Total	443,706	492,121	436,315	453,631
Employees	6		6	6

Contract: Your Committee recommends funding this line item at the same level as FY 2021, to reflect the total cost of the contract of the FSM legal attaché in New York at \$180,000, which includes salary, housing, travel, and insurance expenses.

Your Committee's recommended funding for FY 2022 for Administration – Office of the Secretary is **\$453,631**.

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B. Division of Litigation

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	403,234	423,574	469,616	469,616
Travel	24,457	24,457	57,066	24,457
Contract	9,500	9,500	10,700	10,700
OCE	9,000	9,000	19,000	14,000
Fixed Assets	5,000	5,000	-0-	-0-
Total	451,191	471,531	556,382	518,773
Employees	11		11	11

Contract: Your Committee recommends funding the small increase requested for transcripts and witness expenses.

OCE: Your Committee notes the costs of office supplies, materials, and communication have increased, and recommends funding part of the requested increase under OCE.

Your Committee's recommended funding for FY 2022 for the Division of Litigation is **\$518,773**.

C. Division of Anti-Human Trafficking Services

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	50,696	101,392	106,201	106,201
Travel	5,700	5,700	5,700	5,700
Contract	-0-	-0-	100,000	-0-
OCE	-0-	-0-	25,000	25,000
Fixed Assets	-0-	-0-	3,000	3,000
Total	56,396	107,092	239,901	139,901
Employees	5		5	5

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Your Committee notes this was a newly created Division in FY 2021.

Contract: Your Committee does not recommend funding the requested amount of \$100,000 for a Psychiatrist at this time; further, your Committee would prefer any such position be located in the Department of Health.

OCE: Your Committee notes this is a first-time request as a new Division, and recommends funding the requested amount. Additionally, your Committee recommends these funds be available to pay any outstanding amounts and arrears from FY 2021.

Your Committee's recommended funding for FY 2022 for the Division of Anti-Human Trafficking Services is **\$139,901**.

D. Division of Law

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	304,847	351,835	409,334	351,835
Travel	26,855	26,855	62,633	26,855
Contract	5,000	5,000	265,000	20,000
OCE	7,500	7,500	7,500	7,500
Fixed Assets	5,000	5,000	10,000	10,000
Total	349,202	396,190	754,497	416,190
Employees	6		7	6

Personnel: Your Committee does not recommend funding the new Assistant Attorney General position requested by the Division.

Contract: Your Committee notes that the Division has requested \$120,000 for an expert on the Law of the Sea and \$120,000 for an expert on Aviation/Airspace Law. A similar request was made in FY 2021, and your Committee again does not recommend funding these amounts, and notes that the Legal Attaché in New York provides assistance in these areas. Your Committee may reconsider these

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requests in the future. Your Committee recommends funding \$20,000 under contract for website maintenance.

Fixed Assets: Your Committee notes and appreciates that the Department overall has requested less in fixed assets in FY 2022 than appropriated in FY 2021, and recommends the small increase requested under this Division for office furniture.

Your Committee's recommended funding for FY 2022 for the Division of Law is **\$416,190**.

E. Registrar of Corporations

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	76,238	76,238	79,706	79,706
Travel	5,879	5,879	13,717	5,879
Contract	15,000	15,000	15,000	15,000
OCE	9,720	9,720	9,720	9,720
Fixed Assets	6,800	6,800	-0-	-0-
Total	113,637	113,637	118,143	110,305
Employees	4		4	4

Your Committee's recommended funding for FY 2022 for the Registrar of Corporation is **\$110,305**.

F. Division of Immigration and Passport Services

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	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	566,717	566,717	653,770	653,770
Travel	6,906	6,906	16,114	6,906
Contract	77,758	77,758	77,758	77,758
OCE	113,383	113,383	170,718	151,582
Fixed Assets	-0-	-0-	-0-	-0-
Total	764,764	764,764	918,360	890,016
Employees	37		41	41

Personnel: Your Committee recommends funding the four new positions requested under this Division. Your Committee notes that there have been citizen concerns regarding the length of time required to review and process passport applications; your Committee expects to see improvement in these services with the addition of four new FSMIP Officers.

OCE: Your Committee recommends funding the full amount of \$39,960 requested for the Border Management System National Security; your Committee notes the importance of updating the system and keeping FSM borders secure. Your Committee notes the costs of supplies, communication, and utilities have increased, and recommends funding part of the requested increase for those items under OCE.

Your Committee's recommended funding for FY 2022 for the Division of Immigration and Passport Services is **\$890,016**.

G. Division of Labor

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	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	175,212	175,212	183,453	183,453
Travel	3,150	3,150	3,150	3,150
Contract	10,000	10,000	87,758	82,758
OCE	41,000	41,000	55,000	55,000
Fixed Assets	20,000	20,000	-0-	-0-
Total	249,362	249,362	329,361	324,361
Employees	10		10	10

Contract: Your Committee notes that this Division was newly created in FY 2021, but is still sharing office space with the Division of Immigration and Passport Services. The Division of Labor has requested \$77,758 under contract to secure its own office space in Kosrae, Chuuk, and Yap, and your Committee recommends funding this request. Your Committee notes that the \$5,000 requested for ports of entries is in error, as that amount is appropriated under the Division of Immigration, and deletes that amount from this line item.

OCE: Your Committee recommends funding the requested increase under OCE as your Committee recognizes there may be additional costs for the new and separate office spaces.

Your Committee's recommended funding for FY 2022 for the Division of Labor is \$324,361.

H. Division of Investigation and Protective Services

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	1,059,333	1,059,333	906,642	906,642
Travel	35,239	35,239	20,530	20,530
Contract	184,219	184,219	184,219	184,219
OCE	173,500	173,500	234,500	200,000
Fixed Assets	16,500	16,500	-0-	-0-
Total	1,454,082	1,454,082	1,345,891	1,311,391
Employees	53		53	53

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Personnel: Your Committee notes that there is a decrease in personnel from FY 2021, as less overtime expenses are expected in FY 2022.

OCE: Your Committee notes the Division has requested an increase of \$61,000 under OCE for office supplies, communications, POL, and uniforms. Your Committee recognizes some of these costs have increased, and recommends funding part of the requested increase. Your Committee notes that the Division may request supplemental funds in the future if there is an urgent need for funds.

Your Committee's recommended funding for FY 2022 for the Division of Investigation and Protective Services is **\$1,311,391**.

I. Division of Border Control and Maritime Surveillance

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	803,525	994,217	1,096,411	1,096,411
Travel	9,450	9,450	9,450	9,450
Contract	64,485	64,485	104,485	104,485
OCE	139,200	139,200	299,350	335,000
Fixed Assets	-0-	-0-	105,000	100,000
Total	1,016,660	1,207,352	1,614,696	1,645,346
Employees	68	82	82	82

Personnel: Your Committee notes that the funding for 14 new positions was approved in the FY 2021 supplemental, and raises the employee count for this Division accordingly.

Contract: The Division has requested in an increase under contract to obtain their own office space since the Division split with the Division of Investigation and Protective Services in FY 2021 but are still housed together. Your Committee recommends funding the requested amount.

OCE: Your Committee recommends funding \$335,000 in OCE for this Division; this amount includes \$150,000 for provisions, and your

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Committee recommends the remaining funds be available to pay any outstanding amounts and arrears from prior years.

Fixed Assets: Your Committee recommends funding fixed assets in the amount of \$100,000; this amount includes funding for two vehicles with towing capacity, one each in Pohnpei and Chuuk, and one computer and printer each for the Chuuk and Kosrae offices.

Your Committee's recommended funding for FY 2022 for the Division of Border Control and Maritime Surveillance is **\$1,645,346**.

I. OFFICE OF THE PUBLIC DEFENDER

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	744,801	754,023	875,393	971,457
Travel	42,751	42,751	73,519	42,751
Contract	111,350	111,350	128,394	128,394
OCE	86,900	86,900	86,900	86,900
Fixed Assets	5,000	5,000	40,000	46,900
Total	990,082	999,304	1,204,206	1,276,402
Employees	26		26	26

Personnel: Your Committee notes that the increase in personnel reflects the amount requested by the Office at the public hearing; this amount reflects the salary increases that occurred in FY 2021 and an increase for two employees at the central office who have taken on additional responsibilities.

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Contract: Your Committee notes that at the public hearing the Office requested a total of \$161,305 under contract to include new office space to separate the Central and Pohnpei offices and for office renovations; your Committee does not recommend funding those requests at this time.

Fixed Assets: Your Committee notes that at the public hearing the Office requested a total of \$46,900 under fixed assets, to include a new vehicle for the Kosrae office and four computers for the internship programs and three new computers for a special project in Kosrae to scan and digitally save all files. Your Committee recommends funding these requests.

Your Committee's recommended funding for FY 2022 for the Office of the Public Defender is **\$1,276,402**.

II. NATIONAL JUDICIARY

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	1,026,561	1,075,606	1,220,556	1,343,038
Travel	55,793	55,793	185,978	55,793
Contract	237,300	237,300	394,300	394,300
OCE	176,315	176,315	228,050	228,050
Fixed Assets	54,000	54,000	60,000	60,000
Total	1,549,969	1,599,014	2,088,884	2,081,181
Employees	42		42	44

Personnel: Additional information was submitted to your Committee prior to the public hearing bringing the total amount requested under personnel to \$1,343,038. This amount includes the pay increases that took effect in FY 2021 for the Justices and staff of the Court, and two new positions, an Archive Manager and Bailiff in Yap. Your Committee recommends funding these requests.

Contract: Your Committee notes the increase requested under contractual services is primarily to fund necessary building

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renovations in all four states; your Committee recognizes the importance of these renovations and recommends funding the full amount requested.

OCE: Your Committee recommends funding the full OCE amount requested.

Fixed Assets: Your Committee recommends funding the amount requested, which includes a new vehicle for the Yap office, two multiple purpose scanner/copiers, one each for the Kosrae and Chuuk office, and office furniture.

Your Committee's recommended funding for FY 2022 for the National Judiciary is **\$2,081,181**.

III. NATIONAL POSTAL SERVICE

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	546,818	572,258	591,352	609,752
Travel	22,214	22,214	51,833	22,214
Contract	187,119	187,119	187,119	187,119
OCE	175,950	175,950	175,950	175,950
Fixed Assets	-0-	-0-	30,000	80,000
Total	932,101	957,541	1,036,254	1,075,035
Employees	40	41	41	41

Personnel: Your Committee notes that the recommended budget includes an increase in salary for the Postmaster General and a new position that was funded in an FY 2021 supplemental; your Committee hereby adjusts the employee cap accordingly. Further, your Committee understands that as exempt employees, the Postmasters would not have been eligible for the PSS salary increase. Your Committee recommends funding these positions up to \$25,000, subject to individual contract negotiations.

Fixed Assets: Your Committee notes that \$30,000 was requested under

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fixed assets, to purchase four used mail trucks. Your Committee does not believe this amount is sufficient to purchase four adequate vehicles, and recommends funding \$80,000 for the purchase of four vehicles; your Committee notes that the funds should be used to purchase enclosed vehicles, rather than open flat-bed trucks, in order to protect the mail from inclement weather.

Your Committee's recommended funding for FY 2022 for the National Postal Service is **\$1,075,035**.

IV. NATIONAL ELECTION COMMISSION OFFICE

	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Personnel	252,040	265,840	288,083	338,678
Travel	6,905	6,905	16,112	6,905
Contract	59,153	59,153	61,676	64,708
OCE	82,963	82,963	82,963	82,963
Fixed Assets	25,000	25,000	-0-	-0-
Total	426,061	439,861	448,834	493,254
Employees	13		14	14

Personnel: Your Committee notes that one new position is requested for this Office, an Electoral Aide to be located in the Central office but to provide assistance and support to the state offices. Your Committee recommends funding this new position. At the public hearing the Office requested total funding for personnel at \$338,678, this amount would include a salary increase for all employees. As the employees of the Office are ungraded and on one-year contracts, they were not eligible for the PSS salary increase; your Committee recommends funding the requested amount as these employees should likewise receive an increase in salary.

Your Committee's recommended funding for FY 2022 for the National Election Commission Office is **\$493,254**.

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V. Grants, Subsidies and Contributions

Your Committee recommends funding Grants, Subsidies and Contributions in the amounts listed in the table below.

GRANTS, SUBSIDIES & CONTRIBUTIONS	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Department of Justice				
State Jt. Law Kosrae	75,000	75,000	75,000	100,000
State Jt. Law Pohnpei	200,000	200,000	200,000	225,000
State Jt. Law Chuuk	200,000	200,000	200,000	275,000
State Jt. Law Yap	75,000	75,000	75,000	100,000
Police Acad.	100,000	100,000	324,380	100,000
Fuel Subsidy	550,000	550,000	550,000	550,000
Ammunitions	25,000	25,000	25,000	25,000
OPCW	7,962	7,962	7,962	7,962
CBTB	13,708	13,708	13,708	13,708
Interpol	-0-	30,000	50,000	30,000
WPO	-0-	-0-	3,250	-0-
Other Grants, Subsidies, and Contributions				
Kosrae State Judiciary	40,000	40,000	40,000	50,000
Pohnpei State Judiciary	60,000	60,000	60,000	70,000
Chuuk State Judiciary	110,000	110,000	110,000	120,000
Yap State Judiciary	40,000	40,000	40,000	50,000
National Law Day	50,000	50,000	50,000	100,000
MLSC	250,000	250,000	250,000	250,000

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Presidents' Day	-0-	-0-	-0-	75,000
TOTAL	1,796,670	1,826,670	2,074,300	2,141,670

Joint Law Enforcement: Your Committee recommends increasing the amounts for State Joint Law Enforcement for FY 2022 to reflect the current needs. Your Committee recommends that the allottee of these funds remain the state governors, but emphasizes that the expended funds must comply with the intent of the law and all applicable regulations. Your Committee notes that \$75,000 of the Chuuk State appropriation shall be used for Weno Municipal Police.

Police Academy: Due to the travel limitations imposed by COVID-19, your Committee does not recommend increasing funds for the Police Academy at this time. Your Committee may reconsider this request in the future if a detailed plan is presented regarding the anticipated training schedule and outcomes.

Interpol: Your Committee recommends funding of \$30,000 for the membership costs, and does not recommend any additional amount requested for international travel and reiterates the travel concerns related to the COVID-19 pandemic.

WPO: Your Committee notes that the FSM is not a member of the WPO at this time.

State Judiciaries: Your Committee recommends increasing funding by \$10,000 for each State Judiciary.

National Law Day: Your Committee recommends increasing funding for National Law Day to \$100,000. Your Committee notes that during the COVID-19 pandemic, laptops have been provided to the participants to facilitate the event being held remotely. Your Committee understands that the laptops have been useful in assisting students in preparing for the debates, and students have requested that the laptops continue to be provided when the event resumes in-person. Your Committee also notes that there has been an additional request that

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states having more than five schools participating be allowed to have two teams participate in the national debate. Your Committee recognizes this has been a popular event with measurable outcomes, students have worked diligently in preparation for the event, and some have pursued legal careers. Your Committee recommends funding National Law Day at \$100,000.

Presidents' Day: Your Committee recommends funding \$75,000 for recognition and celebration of the new national holiday on November 23.

VI. Capital and Human Resource Development

Your Committee recommends funding Capital and Human Resources Development in the amount listed in the table below.

CAPITAL AND HUMAN RESOURCE DEVELOPMENT	FY21 Original Appropriation	FY21 Amended Appropriation	FY22 Executive Recommendation	FY22 Committee Recommendation
Department of Justice				
Anti-Human Trafficking Enforcement	125,000	125,000	125,000	125,000
Victim Shelter and Services	100,000	100,000	200,000	100,000
Patrol Boat Maintenance	150,000	150,000	150,000	150,000
Slipping FSM Independence	750,000	-0-	-0-	-0-
DOJ Sat Phone	10,000	10,000	10,000	10,000
HT Annual Conf.	50,000	50,000	50,000	50,000
Victim Shelter - Chuuk	50,000	50,000	-0-	-0-
Anti-Trafficking Shelters - Pohnpei/Kosrae/Yap	150,000	150,000	150,000	-0-

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Law Reform Initiatives	-0-	-0-	75,000	-0-
National Election Commission Office				
Voter ID and New Registration	50,000	50,000	50,000	50,000
TOTAL	1,435,000	685,000	810,000	485,000

Anti-Trafficking Shelters: Your Committee notes that \$150,000 was appropriated in FY 2021 and did not lapse. Your Committee does not recommend funding this amount again as your Committee is uncertain that the FY 2021 appropriation has been expended.

Law Reform Initiative: Your Committee does not recommend funding the request at this time.

VII. CONCLUSION

Your Committee on Judiciary and Governmental Operations has reviewed the proposed Fiscal Year 2022 budget for those portions of the budget under its jurisdiction, and carefully scrutinized all of the information provided in the Budget Book and by the Department of Justice, Office of the Public Defender, National Judiciary, National Postal Service, and the National Election Commission Office, including information related to Grants, Subsidies and Contributions and Capital and Human Resource development under the jurisdiction of your Committee.

Based on the information provided and its deliberations, your Committee recommends appropriations in the sums set forth above in the columns titled "FY22 Committee Recommendation," subject to the availability of funds and concurrence of your Committee on Ways and Means.

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Respectfully submitted,

/s/ Robson U. Romolow
Robson U. Romolow, chairman

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

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

/s/ Tiwiter Aritos
Tiwiter Aritos, member

Isaac V. Figir, member

Paliknoa K. Welly, member

/s/ Ferny S. Perman
Ferny S. Perman, member