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A BILL FOR AN ACT

To amend section 108 of title 4 of the Code of the Federated States of Micronesia to provide for the compensation of Justices of the FSM Supreme Court, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 108 of title 4 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 108. ~~Salaries~~ Compensation of the judiciary.

4 (1) Salaries. The Chief Justice of the Supreme Court of
5 the Federated States of Micronesia shall receive a salary of
6 \$40,000 per annum. The Associate Justices of the Supreme
7 Court shall receive a salary of \$38,000 per annum.

8 (2) Overtime compensation. No Justices of the Supreme
9 Court shall be entitled to any form of additional compensation
10 for any work performed in excess of 40 hours per week.

11 (3) Health insurance. Justices of the Supreme
12 Court and their dependents shall be entitled to
13 participate in the National Government group health
14 insurance program in effect during their tenure in office,
15 under the same terms and conditions which apply to members
16 of the National public service system.

17 (4) Housing. Furnished housing and utilities shall be
18 provided without cost to each Justice of the Supreme Court and
19 his spouse and dependents.

20 (5) Vehicle. Each Justice of the Supreme Court shall be
21 provided with an automobile at his duty station, which shall be
22 used primarily for official business.

23 (6) Educational allowance. There shall be provided an
24 educational allowance to reimburse the Chief Justice for the
25 expenses required to provide tuition and room and board for the

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1 high school education of one dependent, and for one economy class
2 round trip air fare for said dependent per annum, for travel
3 between Ponape and Honolulu, Hawaii. However, under no
4 circumstances shall the Chief Justice be entitled to an annual
5 educational allowance in excess of \$15,000. This benefit shall
6 terminate in June 1985, and the Chief Justice shall be
7 entitled to no additional educational allowance for his
8 dependents after that time. No other dependents of the Chief
9 Justice or any other Justice of the Supreme Court shall be
10 entitled to educational allowances at any time.

11 (7) Retirement.

12 (a) Individual trust funds shall be established for
13 each Justice of the Supreme Court to provide for retirement
14 and survivor benefits for the Justices upon their retirement
15 or death, whichever comes first. Annual contributions shall
16 be made to these trust funds, PROVIDED that the amounts
17 contributed shall equal but not exceed an amount which, when
18 added to each Justice's individual annual salary, would cause
19 the salary and trust fund payments for any fiscal year to
20 exceed the amount of their individual annual salaries adjusted
21 for each fiscal year by the percentage change in the United
22 States Gross National Product Implicit Price Deflator, using
23 the beginning of fiscal year 1981 as the base; and PROVIDED
24 FURTHER that in no event shall funds deposited pursuant to
25 this subsection, or any earnings therefrom, be payable to

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1 any Justice, his spouse, or his dependents prior to his death
2 or retirement from the position of Chief Justice or Associate
3 Justice of the Supreme Court.

4 (b) The provisions of this subsection shall not
5 apply to any Justice who terminates his service as a Justice
6 of the Supreme Court due to impeachment or removal for cause.

7 (8) Family travel allowance.

8 (a) The Chief Justice and his spouse and dependents
9 shall be entitled to an annual travel allowance in an amount
10 equal to that which would be required to provide one economy
11 class round trip air fare between Ponape and the Chief Justice's
12 point of recruitment for the Chief Justice, his spouse, and
13 their dependents. This travel allowance shall not be cumulative,
14 and any travel right not taken within 6 months after the
15 completion of the fiscal year in which the travel right accrues
16 shall lapse.

17 (b) At such time as the Chief Justice and his
18 spouse have no dependents, the travel allowance shall become
19 biennial instead of annual, and shall be payable only with
20 respect to the Chief Justice and his spouse. No Associate
21 Justice of the Supreme Court shall be eligible for any family
22 travel allowance.

23 (9) Home leave benefits. The provisions of Public Law No.
24 2-37, prohibiting Government-paid interim-employment home
25 transportation costs for National Government officials and

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1 employees, shall not apply to this section.

2 (10) Sick leave and annual leave.

3 (a) Sick leave shall accrue to the credit of each
4 Justice of the Supreme Court at the rate of 4 hours per
5 biweekly pay period, and annual leave shall accrue at the
6 rate of 6 hours per biweekly pay period, PROVIDED, however,
7 that no payment for accumulated sick leave may be made to any
8 Justice and accumulated annual leave in excess of 240 hours
9 shall lapse.

10 (b) The provisions of sections 2 and 3 of Public
11 Law No. 3-16, prohibiting National Government employees who
12 are exempt from the provisions of the National Public Service
13 System Act from receiving or being credited with annual and
14 sick leave, respectively, shall not apply to this section.

15 (11) Recruitment expenses.

16 (a) Each Justice of the Supreme Court shall be
17 entitled to one shipment of household goods and personal
18 effects from his point of recruitment to his duty station in
19 the Federated States of Micronesia at the time of recruitment,
20 PROVIDED that the weight of such goods and personal effects
21 shall not exceed 5,000 pounds for Justices with a spouse and/
22 or dependents, or 2,500 pounds for Justices without a spouse
23 and/or dependents. Shipment of all such goods and personal
24 effects must commence within 6 months of the date of entry
25 on duty; the payment for any shipment made after said date

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1 shall not be the responsibility of the Government of the
2 Federated States of Micronesia.

3 (b) Each Justice of the Supreme Court shall also
4 be entitled to the cost of storing household goods and personal
5 effects at his point of recruitment for the term of his
6 service as a Justice, PROVIDED that in no event shall the
7 total amount of goods and personal effects shipped or stored
8 at Government expense pursuant to this subsection exceed 7,000
9 pounds for Justices with a spouse and/or dependents, or 3,000
10 pounds for Justices without a spouse and/or dependents.

11 (c) Each Justice of the Supreme Court, his spouse,
12 and their dependents, shall also be entitled to an initial
13 recruitment travel allowance in an amount equal to that
14 which would be required to provide one economy class one-way
15 air fare for the Justice, his spouse, and their dependents,
16 from the Justice's point of recruitment to his duty station.

17 (12) Termination expense.

18 (a) Whenever a Justice of the Supreme Court shall
19 retire or otherwise terminate his service as a Justice of
20 the Court, he, his spouse, and their dependents at the time of
21 said termination, shall be entitled to a travel allowance in
22 an amount equal to that which would be required to provide
23 one economy class one-way air fare for the Justice, his spouse,
24 and their dependents, from his duty station to his point
25 of initial recruitment.

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1 (b) Each such Justice shall also be entitled to
2 Government-paid shipment of his household goods and personal
3 effects from his duty station to his point of initial recruit-
4 ment, or some other place designated by the Justice, PROVIDED
5 that under no circumstances shall the Government be required
6 to pay more for shipping than would be required to ship the
7 goods and effects of the Justice from his duty station to
8 his point of initial recruitment.

9 (c) The weight of all household goods and personal
10 effects shipped at Government expense when a Justice
11 terminates his service as a Justice of the Supreme
12 Court shall not exceed 5,000 pounds for Justices
13 with a spouse and/or dependents, or 2,500 pounds for
14 Justices without a spouse and/or dependents.

15 (d) The provisions of this subsection shall not
16 apply to any Justice who terminates his service as a Justice
17 of the Supreme Court due to impeachment or removal for cause.

18 (13) Life insurance. Life insurance on the life of each
19 Justice of the Supreme Court, in an amount and under terms
20 and conditions comparable to that available to employees of
21 the National Government of the Federated States of Micronesia,
22 shall be provided throughout the period of his service as a
23 Justice, and thereafter for 30 days after the termination of
24 his service as a Justice; PROVIDED, however, that in any
25 event the amount of life insurance shall not be less than

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1 the Justice's annual salary.

2 (14) Dependents. As used in this section, the term
3 "dependents" is limited to the children of Justices and
4 their spouses, PROVIDED that no child shall be considered
5 a dependent after he graduates from undergraduate school, is
6 married, or reaches the age of 22 years, whichever occurs
7 first.

8 (15) Compensation limitations. No Justice of the Supreme
9 Court shall be entitled to any benefits, remuneration, salary,
10 or any other form of compensation except as provided by this
11 section.

12 (16) Retroactivity. The provisions of this section shall
13 be retroactive to the date of confirmation by the Congress of
14 the Federated States of Micronesia of each Justice of the
15 Supreme Court. "

16 Section 2. This act shall become law upon approval by the President
17 of the Federated States of Micronesia or upon its becoming law without
18 such approval.

19
20 Date: October 28, 1983

Introduced by: 
Bethwel Henry