

A RESOLUTION

Requesting that the Speaker of the Sixteenth Congress of the Federated States of Micronesia establish a Special Committee for the purpose of investigating apparent violations by the Executive Branch of the Financial Management Act and the National Public Service System Act.

1 WHEREAS, Congress has become aware that the Executive Branch
2 has expended funds and hired staff during Fiscal Year 2010 in
3 apparent violation of the Financial Management Act, 55 F.S.M.C.
4 201, et seq., and the National Public Service System Act, 52
5 F.S.M.C. 111 et seq.; and

6 WHEREAS, Congress has heard testimony and otherwise received
7 information indicating, inter alia, that the Registrar of
8 Corporations reclassified staff positions without adequate
9 funding; that the Division of Immigration and the National Police
10 made overtime payments with monies allocated to regular salaries;
11 that the National Department of Education spent funds that had not
12 been appropriated; that grant funds were spend without
13 Congressional authorization; that the Department of Finance issued
14 payroll checks for the National Department of Education despite no
15 funds being available in the relevant personnel budget; and that
16 the position of Chief of the National Police was filled without
17 being recruited by advertisement; and

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21 WHEREAS, such actions are in apparent violation of the

1 Financial Management Act's prohibition on authorizing or making
2 any expenditure in excess of the sum made available by law, or in
3 advance of the availability of funds, or for purposes other than
4 those for which an allotment has been made, 55 F.S.M.C. 221, and
5 of the National Public Service System Act's requirement that
6 positions be recruited by advertisement for the period and by the
7 media which are appropriate in the circumstances, 52 F.S.M.C. 32;
8 and

9 WHEREAS, on September 22, 2010, Congress passed Resolution
10 No. 16-129, expressing its profound concern at such violations of
11 the Financial Management Act and the National Public Service
12 System Act; now, therefore,

13 BE IT RESOLVED by the Sixteenth Congress of the Federated
14 States of Micronesia, Fifth Regular Session, 2010, that Congress
15 hereby requests that the Speaker establish a Special Committee for
16 the purpose of investigating alleged violations of the Financial
17 Management Act and the National Public Service System Act by the
18 Executive Branch; and

19 BE IT FURTHER RESOLVED that the Special Committee shall have
20 the authority to retain outside counsel to act as Special Counsel
21 to the Committee; and

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25 BE IT FURTHER RESOLVED that the Special Committee shall

1 report its findings to Congress and make recommendations for
2 further action including, if warranted, the appointment of a
3 Special Prosecutor; and

4 BE IT FURTHER RESOLVED that that certified copies of this
5 resolution be transmitted to the President of the Federated States
6 of Micronesia.

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8 Date: 9/25/10 Introduced by: /s/ Paliknoa K. Welly
Paliknoa K. Welly

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