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.

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Special Committee shall
report its findings to Congress and make recommendations for further action including, if warranted, the appointment of a Special Prosecutor; and

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

Date: 9/25/10

Introduced by: /s/ Paliknoa K. Welly

Paliknoa K. Welly