

STANDING COMMITTEE REPORT NO. 23-30

RE: PRESIDENTIAL COMMUNICATION NO. 23-100

SUBJECT: FY 2024 RECOMMENDED BUDGET/J&GO

SEPTEMBER 21, 2023

The Honorable Esmond B. Moses  
Speaker, Twenty-Third Congress  
Federated States of Micronesia  
Second Regular Session, 2023

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred Presidential Communication No. 22-100 transmitting the National Government's revised FY2024 Recommended Budget ("Comparative Sheet"), begs leave to report as follows:

Presidential Communication No. 23-100 was transmitted to Congress on August 17, 2023 with the *FY2024 Budget Comparative Sheet*. Presidential Communication No. 22-422 was transmitted to Congress on March 31, 2023 with the *National Government Fiscal Year 2024 Recommended Budget* ("Budget Book"). Pursuant to Rule 7, Section 7(b), of the Official Rules of Procedure of the Twenty-Third Congress of the Federated States of Micronesia, your Committee has limited its review to those portions of the budget under its jurisdiction:

I. Operations:

- a. Department of Justice
  - i. Office of the Secretary
  - ii. Division of Litigation
  - iii. Division of Law
  - iv. Division of Anti-Human Trafficking
  - v. Registrar of Corporations

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- vi. Division of Immigration and Passport Services
  - vii. Division of Labor
  - viii. National Police – Division of Investigations and Protection Services
  - ix. Division of Border Control & Maritime Surveillance
  - x. Division of Cyber Security & Intelligence Services
- b. Office of the Public Defender
  - c. National Judiciary (FSM Supreme Court)
  - d. Agencies, Boards, Authorities, Commissions & Corporations
    - i. National Postal Services
  - e. Special Programs
    - i. Office of National Elections
- II. Grants, Subsidies and Contributions:
- a. Department of Justice
    - i. States Joint Law Enforcement
    - ii. Police Academy
    - iii. DOJ Fuel Subsidy
    - iv. World Intellectual Property Organization
    - v. Interpol Membership & Activities
    - vi. Ammunition for Sidearm and Long Rifles
    - vii. Organization for the Prohibition of Chemical Weapons
    - viii. Comprehensive Nuclear Test Ban Treaty Organization
    - ix. State Police Fuel Subsidy
  - b. States Judiciaries
  - c. Micronesian Legal Services Corporation
  - d. FSM Law Day
- III. Capital and Human Resources Development
- a. Department of Justice
    - i. Anti-Human Trafficking Enforcement, Campaign and Investigation
    - ii. Victim Shelter & Services
    - iii. Boat Maintenance
    - iv. Satellite Phone & Billing

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- v. Cyber Security Acquisition of Intelligence Infrastructure & Hardware
- vi. COVID-19 Law Enforcement & Emergency Response
- vii. Chuuk State Supreme Court Parking Lot Fencing
- viii. Office of the Independent Prosecutor
- b. National Election Commission Office
  - i. Voter ID Card and New Voter Registration Project

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.

Your Committee held a public hearing on the Fiscal Year 2024 Recommended Budget on May 24, 2023 with the National Postal Services, Office of the Public Defender and Office of National Elections, and a public hearing on July 17, 2023 with the FSM Supreme Court.

Due to budgetary constrictions, the Committee deferred to the Executive's revised recommended FY2024 budget for the FSM Department of Justice and did not hold a budget hearing.

**Summary of J&GO Committee May 24, 2023 Public Hearing:**

On May 24, 2022, the Committee on Judiciary and Governmental Operations held a budget hearing with the National Postal Services, Office of the Public Defender, and Office of National Elections a the Fiscal Year 2024 Recommended Budget.

J&GO Committee Members present at the hearing were: Chairman Tiwiter Aritos, Speaker Esmond B. Moses, Senator Joseph J. Urusemal, Senator Issac V. Figir, and Senator Perpetua S. Konman.

The witnesses present at the hearing were: Finance Officer Juliet Jimmy with the National Postal Services, Acting Chief Public Defender Timoci Romanu and the Administrative Officer of the Office of the Public Defender, and Director Ausen T. Lambert

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and Assistant Director Esmeralda M. Panuelo of the Office of National Elections.

*National Postal Services*

The Committee Chairman opened the hearing by welcoming the witnesses, congressional members, staff, and public present at the hearing. The Committee Chairman detailed a summary of the FY2024 Budget and changes in the budget based on the FY2022 Approved Budget. The Committee Chairman asked the witnesses to justify the FY2024 Budget and changes in the FY2024 budget in comparison to FY2023 Approved Budget for the National Postal Services.

Finance Officer Juliet Jimmy testified that the National Postal Services slight increase in personnel budget is due to the request for an increase in salary for a postal clerk in Yap and the reclassification of the custodian from contractual services to under the PSS.

Chairman questioned the Postal Services on the office vacancies, namely the stock controller position which has remained vacant since FY22. Chairman also inquired into the rationale for the proposed creation of a new position, the Assistant Postmaster General at the office in Pohnpei.

Finance Officer testified that the stock controller position in Chuuk was recently filled by an internal transfer of a postal clerk from Pohnpei to Yap. Postmaster added that the office is seeking to create 3 new postal clerk aid positions to help support the postal workers staffing the post offices. Postmaster General explained that the postal workers are overburdened with trying to serve customers and conduct the administrative tasks of the post office.

Chairman questioned the Postal Services on the travel budget request of \$30,700 for the purpose of renewing the IGPC Agreement. Chairman asked for the Postal Services to provide a detailed breakdown of costs and estimated timeline for the trip.

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Finance Officer explained the Postal Services travel budget request is for 3 trips to visit post office stations and to complete the IGPC Agreement. The Postmaster General will travel to New Zealand to renew the IGPC Agreement with a private company that manufactures and sells stamps. The IGPC Agreement ensures the continued supply of stamps to the Postal Services, which the FSM sells to customers for mailing postage. The IGPC Agreement will lay out the terms for the cost of printing and FSM's purchase of stamps from the company. During the agreement meeting negotiations, the Postmaster General will also review new stamps and designs from the company.

The IGPC Agreement travel budget will cover the cost of airfare and 1 week per diem in New Zealand. The trip to for the IGPC Agreement coincides with the stamp fair/expo in New Zealand, which the Postmaster General will also attend. The budget is based on prior trip in FY22 where the costs for round-trip airfare to New Zealand was around \$15,000.

The Committee inquired into the need for a renewed IGPC Agreement and how many private companies were considered prior to the selection of the New Zealand company.

Finance Officer testified that the Postal Services have been operating without an formal IGPC Agreement for a couple of years with the private stamp company in Brooklyn, New York. The Postal Services had a longstanding arrangement with the New York company, purchasing stamps for over a decade. However, a couple of years ago, the New York company increased their stamp costs and the former Postmaster General sought to require the New York stamp agent to pay the FSM Postal Services a royalty fees for selling FSM stamps and their designs. No agreement was reached and as a result, the Postal Services began purchasing stamps on an ad-hoc basis based on supply and demand needs from the New York company.

Senator Figir questioned the Postal Services on whether the office through the Office of Personnel put a bid out for contract on a stamp contract.

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Finance Officer testified that no bid was put out for the stamp contract because most of the stamp companies in the industry are affiliated with their former stamp agent at the New York company and so would not work with the FSM. Finance Officer explained that it was the FSM decision not to renew the IGPC Agreement with the New York company due to the royalty fee payment issue. During negotiations with the New York company to renew the IGPC Agreement, the original royalty fee proposed was \$50% with the final royalty fee proposed at 20%. According to the Finance Officer, the former Postmaster General believed that the stamp agent should pay the Postal Services more for selling FSM stamps and their stamp designs in the United States.

Chairman inquired into the status of the \$50,000 capital investment for the construction of the postal service building in Tonoas, Chuuk and estimated timeline for construction completion.

Finance Officer testified that new target date for completion of the post office in Tonoas is June 19, 2024 due to an extension request. The project is about 50% complete and have procured the materials, but the office has not used the \$50,000. The Finance Officer added the Postal Services may use the FY23 CIP funding to cover other contractual service costs in FY24.

Senator Konman questioned the Postal Services on the ability of Chuuk residents to access the Tonoas post office branch and selecting Tonoas as the location to build another branch.

Finance Officer testified that the Tonoas branch project was originally proposed by the former Postmaster General and the office priority is to finish the project. Finance Officer added that the Tonoas branch increases access to postal services because now Chuuk residents do not have to come all the way to Weno, especially if they live in a nearby outer island.

Chairman questioned the Postal Services on the increase budget request of \$19,000 for POL, which is significantly higher than the FY23 funding for POL.

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Finance Officer testified that fuel has increased substantially and they need the budget to ensure postal services vehicles are able to continue operations without interruption.

*Office of the Public Defender*

The Committee Chairman opened the hearing by welcoming the witnesses, congressional members, staff, and public present at the hearing. The Committee Chairman detailed a summary of the FY2024 Budget and changes in the budget based on the FY2022 Approved Budget. The Committee Chairman asked the witnesses to justify the FY2024 Budget and changes in the FY2024 budget in comparison to FY2023 Approved Budget for the Office of the Public Defender.

Acting Chief Public Defender testified that the FY2024 Budget Book contains a lot of discrepancies in comparison to the Office budget request proposal, particularly in regards to the personnel budget. Acting Chief informed the Committee that the Office had requested \$1.23 million for the Office budget, which included salary for a special investigator in Kosrae, which is currently under contract, an administrative assistant, and increase to the salaries of all trial counselors to \$65,000. Acting Chief stated his recommendation to increase the salary of trial counselors was based on the Committee's approval of last year's personnel budget and prepared personnel actions to reflect these salary changes. Acting Chief explained that he intends to make the salaries for the trial counselor position consistent throughout the Office there are some trial counselors that have been working for the Office for over 10 years but still one of lowest PSS salary grades. Another example, is a trial counselor working for Office for over 25 years, but is earning less money than an employee working for 11 years at the Office.

Chairman questioned the Office of the Public Defender on the long-term vacancies at the Office and inquired into the Office efforts to increase recruitment.

Acting Chief provided that the Office announced the positions through the Office of Personnel, but there was issues that

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delayed the processing of the public vacancy announcement, particularly with position pay grade classification based on the other issues with job's description qualifications and duties.

Acting Chief informed the Committee that the vacant position in Chuuk, but the position has now been transferred from Chuuk to the central field office, which needed help. The public defender position in Yap has only be temporarily filled, which was needed because there is only one staff attorney in Yap. Acting Chief stated the Office has received some interest in the remaining vacant positions as well, but due to COVID-19 and the border closures the Office lost interest from recent law school graduates from Fiji, many of whom joined the state attorney general offices. Acting Chief also expressed the need for a trial counselor at the Yap field office.

Chairman questioned the Office of the Public Defender on its fixed assets request, particularly on the \$10,000 increase to their supplies and materials budget, and the OCE increase request, namely in regards to the funding request for a case management system. The Committee noted the Office's increased \$10,000 funding request for the central office lease at \$24,000 for the year, which is significantly higher than the Office's testimony at the FY23 Budget hearing last year that the lease for the Central office would cost \$14,000.

Acting Chief explained the Office is requesting \$39,000 to fund the set up costs for a case management system that will pilot at the Pohnpei office. Acting Chief stated the case management system once fully implemented will help link all public defender offices in the states on one system. Acting Chief expressed that this will help in monitoring caseloads and have a realistic view of what is happening on the ground, whom is working and whom is not performing. Acting Chief noted that Micronesia Legal Services Corporation, FSM Supreme Court and State courts have similar case management systems

Acting Chief further explained that leasing separate field office, as currently the office is sharing a space with the Department of Education, which is crowded. The cost for extra space is \$2,000/month, while current shared leased space is

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\$1,200/month. Acting Chief added that the increased in OCE is mainly due to the rise of fuel.

The Committee questioned the Office of the Public Defender on its budget request for furniture and asked whether the Office had inquired with the Office of Procurement to see if the national government have desks and shelves in storage that can be used by the Office.

Acting Chief requested \$2,000 for furniture because the Office furniture is 10 years old, shabby and in need of repair.

*Office of National Elections*

The Committee Chairman opened the hearing by welcoming the witnesses, congressional members, staff, and public present at the hearing. The Committee Chairman detailed a summary of the FY2024 Budget and changes in the budget based on the FY2022 Approved Budget. The Committee Chairman asked the witnesses to justify the FY2024 Budget and changes in the FY2024 budget in comparison to FY2023 Approved Budget for the Office of National Elections.

Chairman questioned the National Election Office on why the Voter ID Coordinator and Administrative Officer positions are still vacant when Congress specifically appropriated these positions to help implement and support the work of the Office for the 2023 General Election. Chairman also raised concern on the election commissioner vacancies.

Election Director Lambert testified that the Office is in the process of advertising these positions, and the Office has been in a back and forth with the Office of Personnel on finalizing the position descriptions and announcements. Director explained that the Office of Personnel informed the Office that they could not have an administrative officer position because the Office is not under the PSS. According to the Director, the Office had to brainstorm and get review of different title names that were submitted to the Office of Personnel for approval, which led to delay.

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Director further added that the only confirmed election commissioner is for Yap, and the rest of the positions are filled by individuals in acting capacity.

Senator Urusemal raised serious concerns on the implementation of the voter id project and questioned the Office of National Election on its plans and efforts to improve the voter ID project. Senator noted that in Yap, the project has been in place for a long time, with streak of project activity 4 to 5 years ago, but recently the project appears to be struggling upon individual personnel contracts ending.

Director acknowledged that there are issues with voter ID registration and explained that one way he has attempted to the address the problem is his work with consulates and embassies abroad to assist with the voter ID registration application, application dissemination, and embassies/consulates assistance with application submission.

Director recognized the issues of incidents where people not appearing on the voting poll lists although they have registered or voted before. Director stated that he is trying to fix the problem and taking FSM citizens' complaints about not being able to vote seriously. Director explained in summary the voter ID process. The current voter ID registration system is provided by PIANZEA (Pacific Islands, Australian, New Zealand Electoral Administration). The embassies in the United States and consulates abroad process the voter information and send the application to the national election office to process and then send the voter id upon processing completion.

Senator Urusemal asked the Director whether there can be a central place where the voter ID cards can be printed in the United States to ease voter registration for our citizens living abroad and increase citizens ability to exercise the right to vote.

Senator Konman questioned whether the national government could also ease voter registration practice by including voter ID registration as part of the FSM Passport application.

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Director responded that can provide for Voter ID in the FSM passport if the law permits, but the current law does not allow. Director noted there may be issues with voter registration, which is still required under the law as someone with a passport may not be registered to vote.

The Committee added the related constitutional legal requirement of state residency to vote, which is determined by state law and state law requirements can change. Part of the voter registration process is confirming residency, which is not required to obtain an FSM passport which is good for 5 years, irrespective of not maintaining the residency requirements of a particular state.

The Committee followed up on the PIANZEA inquiry in the related travel budget request of \$89,430 for PIANZEA and asked the Office to provide details on the trip to the Committee. In addition, the Committee questioned the Office on the increase in Voter ID and GVRS Maintenance Services under contractual services.

The Assistant Election Director explained the Office will send 1 staff from each election office to the PIANZEA training and the purpose of the trip is to aid in the updating of the GVRS system. Assistant Election Director explained that contractor responsible for the GVRS implementation is seeking to restore his contractor travel budget that is needed for implementation.

Chairman questioned the Office of National Elections on the OCE budget request of \$10,000 for unexplained contingencies in the OCE.

Assistant Director responded that will provide a detailed breakdown to the Committee on the line item for "unexplained contingencies". Assistant Director raised the Office fixed assets budget request for funding to purchase 2 industrial/commercial copiers for the office in Chuuk. Chairman Aritos thanked the witnesses for their testimony and adjourned the hearing.

**Summary of J&GO Committee July 17, 2023 Public Hearing:**

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On July 17, 2023 the Committee on Judiciary and Governmental Operations held a budget hearing on the FSM Supreme Court Fiscal Year 2024 Recommended Budget.

J&GO Committee Members present at the hearing were: Chairman Tiwiter Aritos, Senator Joseph J. Urusemal, and Senator Perpetua S. Konman.

The witnesses present at the hearing were: Director of Court Administration Emeliana Musrasrik-Carl, National Justice Ombudsman Johnny Peter, Chief Clerk Sandy Albert, and Chief Law Librarian Teddy Hasgiulbung.

The Committee Chairman opened the hearing by welcoming the witnesses, congressional members, staff, and public present at the hearing. The Committee Chairman detailed a summary of the FY2024 Budget and changes in the budget based on the FY2022 Approved Budget. The Committee Chairman asked the witnesses to justify the FY2024 Budget and changes in the FY2024 budget in comparison to FY2023 Approved Budget for the FSM Supreme Court.

Court Director testified that the personnel budget increases are due to the recent salary increase of PSS employees, and salary increase for the Chief Justice and Associate Justices. Court Director explained that the Court's requested 2 new custodian positions for Kosrae and Pohnpei as part of its submission to the Executive, but is now also requesting an additional custodian for Chuuk as well. There is also no custodian in Chuuk. The bailiff in Pohnpei is currently serving a dual capacity role as a bailiff and custodian, but with a separate custodian position, the bailiff can perform its duties full time.

Court Director also requested the Committee to consider exempting the General Counsel position by law and increase the General Counsel position salary to \$69,000. The Court Director explained that the salary should be higher than the staff attorney position since the General Counsel serves a supervisory role over the staff attorneys.

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The Committee questioned the need for an addition insignificant increase of \$800 to the General Counsel position merely so that the General Counsel position is paid at a higher salary. The amount is insignificant to actually impact the number or quality of applicants, especially when the position has been vacant for nearly 4 to 5 years at a salary offer of \$60,000. Now the General Counsel position under the PSS is at \$68,138. The General Counsel cannot make more than the Associate Justices (\$80,000) and there should be a significant gap between the salary level of the court attorneys and the justices.

Chairman Aritos questioned the FSM Supreme Court ("Court") on the increase of nearly \$100,000 in the travel budget, seeking clarity of the number of court cases pending before the states and expectation of future case log that would require an increase travel budget. Chairman noted the constitutional amendment delegating exclusive authority of land related cases to state jurisdiction and the potential less case load of cases that require travel to the states, particularly because land related cases represent approximately 21% of cases before the Court based on diversity jurisdiction.

Court Director testified that the case load at the Court varies and the Court issues status reports on the case trends and a 5 year trend report, which are publicly available on the Court website. Court Director explained the case filing trends show that the number of cases being handle by the Court is increasing and noted the fact that the FSM Supreme Court as the appeal court for Kosrae State Court, receives high number of cases being appealed from the state, which requires a three judge panel.

The Chief Clerk affirmed the Court Director's statement, adding that complexities of a case really determine an average case disposition time, and more complex cases take more time to handle, thus providing a blanket number of cases handled each year could be misleading, as one case can take longer than the average case, particularly cases requiring three panel judges. Thus the FSM Supreme Court case status reports are reporting on the most conservative numbers.

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However, according to the FMS Supreme Court 2021 Annual Report, there were only 5 cases appealed from the Kosrae Court to the FSM Supreme Court in 2021, and a total of 12 cases over the past 5 years.<sup>1</sup> On average, based on the 2021 court case trend data, an appeal case before the Court will take up to 2.6 years from filing until disposition.<sup>2</sup>

Chairman questioned the Court on the travel cost budget for monitoring, which increased from \$7,382 in FY23 to \$12,000 for FY24. Chairman asked if the increased costs was accounting for increasing the number of monitoring visits and the role of the Court Director monitoring activities. Chairman also questioned the Court on the \$25,000 recruitment and repatriation costs for only 4 attorneys, when the Office of Personnel records confirm that only 2 attorneys currently work at the Court and only 1 attorney was recruited from overseas.

Director of Court Administration (Court Director) testified that there is a slight increase in travel due to increase cost of airline tickets, with costs compounded due to the limited flights traveling to Yap and Kosrae, which means more per diem, hotel and car rental costs is needed when traveling for cases in Yap and Kosrae. Court Director added the Court needs to have the repatriation and recruitment funds reserved just in case of contract cancellation and/or hiring as recruitment efforts are active.

Chairman questioned the Court on the rationale for the substantial increase in the travel budget for the Division Chiefs. For example, in FY23 the travel budget for Division Chief in Kosrae was \$4,075 but is now proposed at \$22,842 for FY24. Another example is the Division Chief in Chuuk FY23 budget of \$3,251, which is now \$7,601 for FY24.

Chairman asked the Administrator to explain the basis for their increase budget request under contractual services, particularly in regards to the proposed renovation upgrades for Chuuk

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<sup>1</sup> See FSM S. Ct. 2021 Annual Report, at 33.

<sup>2</sup> See *id.* at 26.

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(\$30,000), Pohnpei (\$50,000), Yap (\$25,000), and library in Kosrae (\$100,000). Chairman asked the Administrator to provide detail on the proposed constructions/renovations, with specific inquiry on Kosrae when the number of cases (appeals and trials) filed and held in Kosrae on an annual basis is minimal.

Court Director testified that the renovations are needed and the cost increased because the buildings are old, and did not realize the additional cost that would be needed until construction began. Initially began as renovations, but then upon repairing building walls and continued renovation, realized that more work would be required than anticipated, which increased the costs related to the needed construction. The office renovations in Chuuk are ongoing with the upgrades having unanticipated costs. The renovation projects in Pohnpei are ongoing, including replacing the court room carpet, which has been there since the court was first built. The major renovations in Yap, including the construction of a private bathroom, are complete with only minor things remaining to be finished. Funding for the construction project in Kosrae is needed in order to have a conference room and expanded library, as the current limited area is unworkable. Court Director noted that the renovations upgrading the Yap and Chuuk Court facilities enable the facilities to be used for graduations.

Chairman questioned the Administrator on the Court's request for another \$50,000 for Chief Justice residence upgrades because Congress funded upgrades to the Chief Justice residence in FY23 at \$90,000. Chairman also questioned the Administrator on the Court's requested increase to \$30,000 for the Representation Fund and increase from \$25,000 to \$35,000 for staff training. The Committee asked why the increase request, noting that the number of justices and staff have remained the same.

Court Director testified there were unanticipated costs with the upgrades to the Chief Residence. Court Director noted that the residence was poorly built and budget for ongoing maintenance is necessary.

Court Director confirmed the increase in staff training budget is related to the increase in the number of staff visits. Court

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Director noted that the Representation Fund is discretionary funding that justice use to host judiciary functions, and can also pull from to cover costs for office supplies.

In regards to the contractual services budget, the Court Director testified that the Court needs \$30,000 to relocate the Court servers to an secure, insulated, and weather protected area. Currently the aircon must be kept on 24/7 to maintain the cool temperature in the room for the servers, but 24/7 aircon creates moisture that risks the servers and connected devices malfunctioning.

Chairman questioned the Court Director on the Court's FY24 significantly increased budget for OCE and fixed assets in comparison to FY23, particularly on the \$75,000 request for equipment and fixtures, additional \$50,000 to the medical fund, and money for computer upgrades. The Committee noted that the Court is already requesting \$25,000 for computer maintenance under contractual services and inquired on the remaining balance in the medical fund.

Court Director testified that the OCE budget includes the costs related to converting the case reporters from binders to softcovers, which is already expensive on top of the increased cost due to inflation among other unanticipated costs. The Court is currently at volume 22 of the case reports conversion and plans to print more copies, but currently only printing one complete collection of the case reporters since 1981. The Court Director added that conversion is necessary because people have pulled pages out of the binder.

The Court Director explained that 90% to all of the medical fund is used because not all hospitals or clinics accept MiCare, especially specialized care. Court Director added that it is the Court's responsibility to ensure the safety of staff when traveling for work and if staff need medical care, they must provide.

In regards to the fixed assets budget, the Court Director explained that the Court needs \$30,000 for the purchase of metal shelves, which will last longer than the current wood shelves at

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the Court. The metal shelves will replace the current wood shelves that are breaking down due to termites and climate weather related damage. The Court is also anticipating the completion of the Chief Justice residence in FY24 and state court house renovation projects, and thus is requesting \$60,000 for furniture and fixtures for the residence and \$30,000 for furniture and fixtures for the courts.

According to the Court Director, the fixed assets budget request of \$20,000 for "computer upgrades" is for the purchase of new laptops for the staff.<sup>3</sup> The contract services budget line item for computer maintenance is different, covering the court room computers (desktop system) and court case management systems which needs to be upgraded in all the national court rooms in the four states. In a related matter, the Court requested \$24,000 for FTR (For the record) recording system, which will cover the initial installation cost at around \$17,000 and maintenance related costs for 1-2 years. The FTR recording system that produces an audio recording of the hearing and serves as supplement to the court reporter's produced record of the hearing and/or transcript. The Court Director also discussed the fixed assets budget request for a vehicle for Pohnpei. The Court is spending a lot of money on repairing the used vehicle, where the cost of ongoing repairs can be used to purchase a new vehicle.

Chairman thanked the Court Director and Court staff for their testimony at the hearing and opened the floor to closing statements.

The Court Director's closing statements discussed the proposed Supreme Court Annex and need to continue to fund FSM Law Day. Court Director requested Congress to approved \$1.28 million in funding to cover the costs for the Supreme Annex building.<sup>4</sup> Director of Court Administration explained that this is a priority project and should be seriously be considered by both

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<sup>3</sup> The Executive did not recommend funding for new computers for FY24. The Court received \$25,000 for new computers in FY22 and \$30,000 for new computers in FY23. FY2024 Budget Book at 480.

<sup>4</sup> FSM Supreme Court, Chief Justice Dennis K. Yamase Letter to President, dated Oct. 13, 2020.

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the Congress and Executive for the safety and security of the Supreme Court justices' chambers and court attorneys. The Supreme Court library, a public library, will also be relocated to the proposed annex building, separate from the main Supreme Court building, to maintain the separation of the public and private areas of the Supreme Court. The \$1.28 million request is based on an October 2020 assessment by R.S. Roque Architects & Construction Services, which quoted the Supreme Court annex building cost estimate at \$1,288,826. This is revised assessment from a prior assessment estimate of \$2,746,416.

The Court is requesting \$185,500, which is an \$85,500 increase in the subsidy funded in FY23. The Court Director explained the reason for increase is due to the increased expenses for travel, as the Court staff and judges will have to travel to Chuuk for next year's debate; on top of the usual expenses for teams to travel. This will mean increase cost in terms of airline ticket, hotel accommodations, food, monetary awards, laptops, gifts, trophies, and travel stipends. The increased costs also are based on anticipated increased number of high school debate teams. Whereas only 5 debate teams participated this year, the Court anticipates 7 teams to participate next year (2 teams from Chuuk, 2 teams from Pohnpei, 2 teams from Yap, and 1 team from Kosrae). Which means fourteen \$2,000 awards for debaters, seven \$500 awards for alternate and 28 laptops (1 laptop for each debater, alternate, and coach).

Senator Urusemal expressed support for the FSM Law Day and encouraged more participation at debates and similar activities that support our youth, provide scholarship opportunities, and initiatives that motivate our youth to excel. Senator Urusemal stated that \$185,500 request is a fair amount and notes the Yap Congressional delegation's individual donations to support FSM Law Day over the years.

Chairman Aritos adjourned the hearing.

#### **COMMITTEE FY2024 BUDGET RECOMMENDATIONS**

Your Committee deliberated on the findings and all information gathered from the May 24, 2023 and July 17, 2023 hearings, and

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the Executive's revised FY2024 budget in its transmitted FY2024

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Recommended Budget Comparative Sheet.<sup>5</sup> This Standing Committee Report reflects the recommendations of your Committee on Judiciary and Governmental Operations regarding the proposed FY2024 Budget under its jurisdiction.

The Committee's FY2024 Budget recommendations are set forth in this report in the columns titled "FY24 Committee Recommended Budget."

Your Committee makes the additional recommendations below:

- 1) Department of Justice require all their Divisions to update all employee personnel files with the Office of Personnel to accurately reflect new PSS base salary schedule under P.L. No. 22-170;
- 2) Division of Investigation and Protection Services to transition the police officer contract positions to permanent positions under the Public Service System (PSS);
- 3) Judiciary Branch categorize any costs/stipends for interns under contractual services budget, not personnel. Interns are not national government employees under the law and thus are excluded from the personnel budget; and
- 4) Office of Personnel to change the classification of state postmaster positions with the National Postal Services from exempt to PSS pay grade.

**I. OPERATIONS FISCAL YEAR 2024 BUDGET:**

**a. Department of Justice**

	FY23 Approved Budget (with Supplemental) <sup>6</sup>	FY24 Executive Recommended Budget (Domestic Revenue) <sup>7</sup>	FY24 Executive Recommended Budget (Revised) <sup>8</sup>	FY24 Committee Recommended Budget (Domestic Revenue)
Personnel	\$5,810,505	\$5,911,019	\$6,150,219	\$5,938,792

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Travel	\$369,743	\$411,912	\$296,854	<b>\$296,855</b>
Contract Services	\$994,679	\$1,007,375	\$807,117 <sup>9</sup>	<b>\$869,617</b>
Other Current Expenditures	\$937,442	\$1,470,067	\$1,200,866	<b>\$1,200,866</b>
Fixed Assets	\$408,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$8,520,369</b>	<b>\$8,800,373</b>	<b>\$8,537,814</b>	<b>\$8,306,130</b>

In accordance with the below detailed breakdown and comments on the Department of Justice FY2024 Budget, your Committee recommends the Department of Justice to be funded for FY2024 at **\$8,306,130**.

In summary, the significant increases to the FY2024 Committee Recommended Budget for the Department of Justice in comparison to the FY2023 Approved Budget are for personnel. The personnel budget increases are to cover salary increases for PSS employees pay grade classification in accordance with P.L. No. 22-170, excluding the cost-of-living-allowance (COLA). The personnel budget increase also covers the increase in number of employees, namely to the Division of Border Control & Maritime Surveillance.

The Committee Recommends the FY2024 Budget for each Department of Justice division and office to be funded as follows:

<sup>5</sup> Pres. Comm. No. 23-100.

<sup>6</sup> Public Law No. 23-13.

<sup>7</sup> The Department of Justice is funded by the General Fund.

<sup>8</sup> Pres. Comm. No. 23-100 at 9-10.

<sup>9</sup> The Revised FY2024 Budget, Recommend Budget Comparative Sheet, incorrectly states the contract services budget request is \$889,875. The actual calculation total in the Executive revised request is \$807,117. Pres. Comm. No. 23-100 at 9 - 10.

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Unit/ Office/ Division	FY23 Committee Recommended Budget	FY24 Department Proposed Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised) <sup>10</sup>	FY24 Committee Recommended Budget
Office of the Secretary	\$458,085	\$632,372	\$486,779	\$491,979	\$491,979
Division of Litigation	\$654,333	\$984,037	\$792,622	\$804,062	\$791,734
Division of Law	\$456,975	\$1,074,647	\$569,268	\$576,548	\$569,266
Division of Anti-Human Trafficking	\$282,127	\$560,766	\$275,367	\$260,507	\$310,108
Registrar of Corporations	\$142,586	\$161,640	\$134,041	\$125,841	\$124,181
Division of Immigration & Passport Services Labor	\$956,039	\$1,377,821	\$1,161,327	\$1,097,376	\$1,040,370
Division of Labor	\$499,407	\$850,860	\$460,847	\$426,335	\$416,204
Division of Investigations & Protection Services	\$1,686,719	\$2,776,825	\$1,727,127	\$1,639,140	\$1,591,233
Division of Border Control & Maritime Surveillance	\$1,716,672	\$5,361,424	\$2,820,868	\$2,873,789	\$2,761,590
Division of Cyber Security & Intelligence Services	\$137,128	\$806,491	\$372,128	\$242,238	\$237,819
<b>TOTAL</b>	<b>\$7,127,199</b>	<b>\$14,586,883</b>	<b>\$8,800,374</b>	<b>\$8,537,814</b>	<b>\$8,306,130</b>

<sup>10</sup> Pres. Comm. No. 23-100 at 9-10 (Revised FY2024 Recommended Budget Comparative Sheet).

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i. Office of the Secretary<sup>11</sup>

The Committee **recommends** the Office of the Secretary to be funded for FY2024 at **\$491,979** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Personnel	\$166,745	\$185,071	\$190,271	<b>\$190,271</b>
Travel	\$15,000	\$25,368	\$25,368	<b>\$25,368</b>
Contractual Services	\$256,000	\$256,000	\$256,000	<b>\$256,000</b>
Other Current Expenditures	\$20,340	\$20,340	\$20,340	<b>\$20,340</b>
Fixed Assets	\$0	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$458,085</b>	<b>\$486,779</b>	<b>\$486,779</b>	<b>\$491,979</b>

The Committee **recommends** the office personnel budget to be funded at \$190,271 with the caveat that only salary and fringe benefits are covered, not COLA. All office employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget.

The Committee **recommends** that the contractual services budget line item for Clement Yow Mulalap to be funded at \$180,000 based on the October 27, 2021 contract agreement. The funding for Clement Yow Mulalap's contractual services must only be appropriated to Clement Yow Mulalap for his contractual services in accordance with the October 27, 2021 contract agreement.<sup>12</sup>

<sup>11</sup> FY2024 Budget Book at 371-374.

<sup>12</sup> The Clement Yow Mulalap contract stipulates to: \$95,000 for salary/contractual fee (p. 5, Section 3(A)), up to \$47,500 for rent and health insurance (p. 5, Section 3(C)), up to \$37,000 for contractor travel

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The Office has 6 full time employees.

ii. Division of Litigation<sup>13</sup>

The Committee **recommends** the Division of Litigation to be funded for FY2024 at **\$791,734** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	<b>FY24 Committee Recommended Budget</b>
Personnel	\$598,622	\$702,704	\$714,144	<b>\$701,816</b>
Travel	\$22,011	\$65,218	\$65,218	<b>\$65,218</b>
Contractual Services	\$10,700	\$10,700	\$10,700	<b>\$10,700</b>
Other Current Expenditures	\$14,000	\$14,000	\$14,000	<b>\$14,000</b>
Fixed Assets	\$9,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$654,333</b>	<b>\$</b>	<b>\$</b>	<b>\$791,734</b>

The Committee **recommends** the personnel budget to be funded at \$700,201 and reflects the correct salary per paygrade under Public Law No. 22-170, plus fringe benefits. 8 attorney positions paid at \$68,138 each, 1 administrative specialist paid at \$17,474.86, and 3 legal secretary positions paid at \$15,860. All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget and not to be funded.

The legal secretary position PSS paygrade 28/2 salary is \$15,860, not \$18,362. The administrative specialist position PSS paygrade 28/4 is \$17,474.86.

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expenditures (p. 5, Section 3(D)), and up to \$500 for bank fees for wire transfers (p. 6, Section 3(E)).

<sup>13</sup> FY2024 Budget Book at 374-378.

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According to the FY2024 Budget Book, the Division has 7 full time employees and 4 positions remain vacant. The vacant positions including the 2 assistant attorney general positions and 2 legal secretary positions. The Division proposed the creation of a new position, assistant attorney for Yap.<sup>14</sup> The personnel budget does not fund any new positions.

iii. Division of Law<sup>15</sup>

The Committee **recommends** the Division of Law to be funded for FY2024 at **\$569,266** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	<b>FY24 Committee Recommended Budget</b>
Personnel	\$405,306	\$470,154	\$477,434	<b>\$470,152</b>
Travel	\$24,169	\$71,614	\$71,614	<b>\$71,614</b>
Contractual Services	\$20,000	\$20,000	\$20,000	<b>\$20,000</b>
Other Current Expenditures	\$7,500	\$7,500	\$7,500	<b>\$7,500</b>
Fixed Assets	\$0	\$0	\$0	<b>\$0</b>
<b>Total</b>	\$456,975	\$569,268	\$576,548	<b>\$569,266</b>

The Committee **recommends** the Division of Law personnel budget to be funded at \$470,152 to pay the salary of 5 assistant attorney generals and 1 chief of law in accordance with the professional premium for eligible attorneys and PSS base salary schedule change in Public Law No. 22-170. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 (6 attorneys paid at \$68,138 each plus fringe benefits). All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget and not to be funded.

<sup>14</sup> FY2024 Budget Book at 376.

<sup>15</sup> FY2024 Budget Book at 382-386..

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The Committee's position is to retain the current number of assistant attorney generals in the Division due to budgetary considerations.

According to the FY2024 Budget Book, the Division has 4 full time employees and 2 positions remain vacant.

iv. Division of Anti-Human Trafficking Division<sup>16</sup>

The Committee **recommends** the Division of Anti-Human Trafficking Division to be funded for FY2024 at **\$310,108** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Personnel	\$171,997	\$224,847	\$235,247	<b>\$244,848</b>
Travel	\$5,130	\$20,520	\$10,260	<b>\$10,260</b>
Contractual Services	\$0	\$0	\$0	<b>\$60,000</b>
Other Current Expenditures	\$30,000	\$30,000	\$15,000	<b>\$15,000</b>
Fixed Assets	\$75,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$282,127</b>	<b>\$275,367</b>	<b>\$260,507</b>	<b>\$310,108</b>

The Committee **recommends** the Division personnel budget to be funded at \$224,848 to cover the salary of 4 assistant coordinators (PSS pay grade 36/1 - \$22,415.12), 4 investigators (PSS pay grade 26/1 - \$14,425.84), 1 legal secretary (PSS pay grade 28/2 - 15,860) and 1 assistant secretary position (PSS pay grade 40/4 - \$32,295.64). The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe benefits. All division employees shall be paid in

<sup>16</sup> FY2024 Budget Book at 378-382.

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accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget and not to be funded.

The Committee **recommends** the Division contractual services budget to be funded at \$60,000 provided that funds are only use for a psychiatrist to conduct mental health evaluations. Victims of anti-trafficking experience physical, mental and emotional trauma. Mental health support is necessary to provide support to victims and assist litigation efforts to secure convictions against the perpetrators in court. Investment in the anti-trafficking division aligns with our commitments to the revitalized Pacific Leaders Gender Equality Declaration (PLGED) and 2050 Pacific Region Strategy.

According to the FY2024 Budget Book, the Division has 9 full time employees and 1 vacant position. The vacant position is the investigator position in Yap.

v. Registrar of Corporations<sup>17</sup>

The Committee **recommends** the Registrar of Corporations to be funded for FY2024 at **\$124,181** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget ( <i>Revised</i> )	FY24 Committee Recommended Budget
Personnel	\$80,369	\$89,725	\$93,885	<b>\$89,725</b>
Travel	\$7,497	\$19,596	\$19,596	<b>\$19,596</b>
Contractual Services	\$15,000	\$15,000	\$7,500	<b>\$10,000</b>
Other Current Expenditures	\$9,720	\$9,720	\$4,860	<b>\$4,860</b>
Fixed Assets	\$30,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$142,586</b>	<b>\$134,041</b>	<b>\$125,841</b>	<b>\$124,181</b>

<sup>17</sup> FY2024 Budget Book at 386-389.

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The Committee **recommends** the Division personnel budget to be funded at \$89,725. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe benefits. All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget and not to be funded.

The Committee **recommends** the Division contractual services to be funded at \$10,000 to cover the field office lease, which should be funded in full to ensure continued operations.

The Office has 4 full time employees.

vi. Division of Immigration and Passport Services<sup>18</sup>

The Committee **recommends** the Division of Immigration and Passport Services to be funded for FY2024 at **\$1,040,370** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Personnel	\$656,585	\$865,387	\$908,027	<b>\$851,021</b>
Travel	\$16,114	\$17,600	\$8,800	<b>\$8,800</b>
Contractual Services	\$82,758	\$82,758	\$82,758	<b>\$82,758</b>
Other Current Expenditures	\$195,582	\$195,582	\$97,791	<b>\$97,791</b>
Fixed Assets	\$5,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	\$956,039	\$1,161,327	\$1,097,376	<b>\$1,040,370</b>

The Committee **recommends** the Division of Immigration and Passport Services personnel budget to be funded at \$835,595. The personnel budget reflects the correct salary per paygrade

<sup>18</sup> FY2024 Budget Book at 389-394.

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under Public Law No. 22-170 plus fringe benefits, not COLA.<sup>19</sup> All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget.

The personnel budget covers the salary of 42 full time employee positions. According to the FY2024 Budget Book, the Chief of Immigration positions remains vacant.

The Committee **does not recommend** the creation of any new positions for this Division. The Executive had recommended the creation of 4 new FSMIPS Officer I positions. The personnel budget does not fund any new positions.

vii. Division of Labor<sup>20</sup>

The Committee **recommends** the Division of Labor to be funded for FY2024 at **\$416,204** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Personnel	\$185,890	\$249,505	\$259,905	<b>\$249,774</b>
Travel	\$17,000	\$14,825	\$7,413	<b>\$7,413</b>
Contractual Services	\$121,517	\$121,517	\$121,517	<b>\$121,517</b>
Other Current Expenditures	\$75,000	\$75,000	\$37,500	<b>\$37,500</b>
Fixed Assets	\$100,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$499,407</b>	<b>\$460,847</b>	<b>\$426,335</b>	<b>\$416,204</b>

<sup>19</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their employee pay grades are updated to in order for Division employees to receive correct pay.

<sup>20</sup> FY2024 Budget Book at 394-397.

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The Committee **recommends** the Division of Labor budget to be funded at \$249,774. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe benefits, not COLA.<sup>21</sup> All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget.

viii. National Police - Investigation and Protection Services<sup>22</sup>

The Committee **recommends** the Division of Investigations and Protection Services to be funded for FY2024 at **\$1,591,233** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	<b>FY24 Committee Recommended Budget</b>
Personnel	\$1,079,040	\$1,279,273	\$1,337,513	<b>\$1,289,556</b>
Travel	\$49,460	\$92,454	\$46,227	<b>\$46,227</b>
Contractual Services	\$184,219	\$155,400	\$155,400	<b>\$155,400</b>
Other Current Expenditures	\$200,000	\$200,000	\$100,000	<b>\$100,000</b>
Fixed Assets	\$174,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	\$1,686,719	\$1,727,127	\$1,639,140	<b>\$1,591,233</b>

The Committee **recommends** the division's personnel budget to be funded at \$1,289,556. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe

<sup>21</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their division employee pay grades are accurately updated with the Office of Personnel and Department of Finance in order for Division employees to receive correct pay.

<sup>22</sup> FY2024 Budget Book at 397-403.

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benefits, not COLA.<sup>23</sup> All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget.

The Committee **does not recommend** the creation of any new positions for this division due to budgetary constraints and the personnel budget does not fund any new positions.

According to the FY2024 Budget Book, the Division has 56 PSS full time employees. The Chief of Investigation & Protection Services remains vacant.

ix. Division of Border Control and Maritime Surveillance<sup>24</sup>

The Committee **recommends** the Division of Border Control and Maritime Surveillance to be funded for FY2024 at **\$2,761,590**.

Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Personnel	\$1,246,482	\$1,740,326	\$1,825,606	\$1,713,406
Travel	\$58,505	\$64,717	\$32,359	\$32,359
Contractual Services	\$104,485	\$126,000	\$126,000	\$126,000
Other Current Expenditures	\$307,200	\$889,825	\$889,825	\$889,825
Fixed Assets	\$0	\$0	\$0	\$0
<b>Total</b>	\$1,716,672	\$2,820,868	\$2,873,790	\$2,761,590

<sup>23</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their division employee pay grades are accurately updated with the Office of Personnel and Department of Finance in order for Division employees to receive correct pay.

<sup>24</sup> FY2024 Budget Book at 403-410.

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The Committee **recommends** the division's personnel budget to be funded at \$1,713,406. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe benefits for 83 full time employee positions, not COLA.<sup>25</sup> All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

COLA is excluded from the personnel budget.

The Committee **does not recommend** the creation of any new positions for this division and the personnel budget does not fund any new positions. Based the Committee to Wait on the President Report No. 23-03 and budgetary constraints. Special Committee Report No. 23-03 details that the FSM will only receive 1-2 vessels from Japan, not the anticipated 4 patrol boats.<sup>26</sup> As such the manpower needed to staff the vessels will likely be reduced. The division's proposed budget does not reflect this new information. The vessel are also not scheduled to be complete for 1-2 years. There is 1 vessel coming in from Australia in January 2024. The Committee welcomes and will consider a supplemental budget request from the Division for personnel based on need upon arrival of the vessel from Australia.

According to FY2024 Budget Book, the division has 83 full time employees. The Commander Surveillance position remains vacant.

x. Division of Cyber Security and Intelligence Services<sup>27</sup>

The Committee **recommends** the new Division of Cyber Security & Intelligence Services to be funded for FY2024 at **\$237,819**.

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<sup>25</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their division employee pay grades are accurately updated with the Office of Personnel and Department of Finance in order for Division employees to receive correct pay.

<sup>26</sup> SCR No. 23-03 (Committee to Wait on the President).

<sup>27</sup> FY2024 Budget Book at 410-413.

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Line Item	FY23 Committee Recommended Budget	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	<b>FY24 Committee Recommended Budget</b>
Personnel	\$104,028	\$104,028	\$108,188	<b>\$103,769</b>
Travel	\$5,000	\$20,000	\$10,000	<b>\$10,000</b>
Contractual Services	\$0	\$220,000	\$110,000	<b>\$110,000</b>
Other Current Expenditures	\$28,100	\$28,100	\$14,050	<b>\$14,050</b>
Fixed Assets	\$0	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$137,128</b>	<b>\$372,128</b>	<b>\$242,238</b>	<b>\$237,819</b>

The Committee **recommends** the division's personnel budget to be funded at \$103,769. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe benefits, not COLA.<sup>28</sup> All division employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170 (PSS pay grade 36/1 salary is \$22,415.12, not \$21,115).

COLA is excluded from the personnel budget.

According to the FY2024 budget book, the Division has 2 full time employees: Adam Cadwell (no position/title) and INTERPOL Data Protection Officer. 3 positions at the Division are vacant including: Chief of Division, INTERPOL Data Security Officer, and 2 INTERPOL Criminal Intelligence Officer positions.

The Committee **does not recommend** the creation of any new positions for this division due to budgetary constraints and the personnel budget does not fund any new positions.

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<sup>28</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their division employee pay grades are accurately updated with the Office of Personnel and Department of Finance in order for Division employees to receive correct pay.

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The Executive did not recommend the division proposed positions of Information Security Systems Administrator and Cyber Forensics Examiner.

**b. Office of the Public Defender**<sup>29</sup>

The Committee **recommends** the Office of the Public Defender to be funded for FY2024 at **\$1,359,247** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY23 Approved Budget (with supplemental) <sup>30</sup>	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Personnel	\$980,625	\$1,239,588	\$1,093,065	\$1,118,025	<b>\$1,105,410</b>
Travel	\$38,476	\$115,542	\$112,096	\$56,048	<b>\$56,048</b>
Contractual Services	\$140,394	\$140,394	\$149,994	\$149,994	<b>\$149,994</b>
Other Current Expenditures	\$86,900	\$86,900	\$95,590	\$47,795	<b>\$47,795</b>
Fixed Assets	\$41,900	\$41,900	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$1,288,295</b>	<b>\$1,624,094</b>	<b>\$1,450,745</b>	<b>\$1,371,862</b>	<b>\$1,359,247</b>

The Committee **recommends** the personnel budget to be funded at \$1,087,935 to cover the salary of 26 full time employee positions. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe benefits, not COLA.<sup>31</sup> All Office employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

<sup>29</sup> FY2024 Budget Book at 435-441; Pres. Comm. No. 23-100 at 10.

<sup>30</sup> Public Law No. 23-13.

<sup>31</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their division employee pay grades are accurately updated with the Office of Personnel and Department of Finance in order for Division employees to receive correct pay.

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The personnel budget includes funding for the vacant special investigator position at PSS pay grade 31/1 (\$17,475) for the Kosrae Field Office (position funded in FY22 and FY23). There is only 1 investigator position at each of the field offices.

COLA is excluded from the personnel budget.

The Office has 5 vacant positions including the Chief Public Defender, 1 staff attorney at the Chuuk Field Office, 1 staff attorney at the Yap Field Office, and 1 staff attorney and 1 special investigator at the Kosrae field office.

The Committee **recommends** the travel budget is funded at \$56,048 due to budgetary constraints.

The Committee **does not recommend** the creation of any new positions due to budgetary constraints. The recommended personnel salary budget does not support the creation of any positions, including but not limited to the administrative assistant position at the central office. The personnel budget reflects an increase to public defender position salaries up to the \$18,997 and investigator position salaries up to the \$12,402.

**c. National Judiciary (FSM Supreme Court)**<sup>32</sup>

The Committee **recommends** the National Judiciary to be funded for FY2024 at **\$2,321,237** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY23 Approved Budget (with supplemental) <sup>33</sup>	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Personnel	\$1,327,282	\$1,491,391	\$1,471,345	\$1,559,185	<b>\$1,497,710</b>
Travel	\$185,978	\$185,978	\$128,554	\$64,277	<b>\$64,277</b>

<sup>32</sup> Pres. Comm. No. 23-100 at 13-14. FY2024 Budget Book at 471-480. The FSM Supreme Court has 42 full-time employees.

<sup>33</sup> Public Law No. 22-204.

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Contractual Services	\$472,200	\$472,200	\$472,200	\$472,200	\$511,200
Other Current Expenditures	\$248,050	\$248,050	\$248,050	\$248,050	\$248,050
Fixed Assets	\$104,000	\$104,000	\$0	\$0	\$0
<b>Total</b>	\$2,337,510	\$2,501,619	\$2,320,149	\$2,343,712	\$2,321,237

The Committee **recommends** the National Judiciary personnel budget to be funded at \$1,497,710 to cover the salary of 44 full time employee positions. The personnel budget reflects a slight increase from FY23 due the PSS employee salary increase under Public Law No. 22-170 and salary increase to the Chief Justice and Associate Justice positions under Public Law No. 22-206. The personnel budget reflects the correct salary per PSS paygrade under Public Law No. 22-170 plus fringe benefits, not COLA.<sup>34</sup>

The personnel budget includes funding for 3 new custodial worker positions at PSS pay grade 11/2 salary of \$8456.67 each. 1 custodian position is for the Court in Chuuk, 1 custodian position is for the Court in Pohnpei and 1 custodian position is for the Court in Kosrae.

All PSS employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170. The only FSM Supreme Court personnel exempt from the PSS under 52 FSMC §117 are: (1) Justices and associate judges of the National Courts; and (2) the administrative officer of the National Courts (Chief Administrative Officer). All other National Judiciary employees are under the PSS.

The general counsel and secretary to chief justice are not exempt from the PSS and subject to the PSS paygrade classification. The FY2024 Budget Book incorrectly identifies

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<sup>34</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their division employee pay grades are accurately updated with the Office of Personnel and Department of Finance in order for Division employees to receive correct pay.

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these 2 FSM Supreme Court employees as "exempt" from the PSS. As such, the general counsel position is funded at a salary of \$68,138, not \$69,000.

COLA and costs for interns and are excluded from the personnel budget.

The Committee seeks to make clear that interns are not national government employees under the law. Thus are excluded from the personnel budget and not entitled to benefits paid by the national government. Interns should be budgeted under contractual services.

The Committee **recommends** the Judiciary branch contractual services budget to be funded at \$511,200. The contractual services budget includes the cost of 4 interns at a total cost of \$39,000, which was improperly categorized under the personnel budget.

The Committee **recommends** the travel budget for the judiciary branch to be funded at \$64,277 due to budgetary constraints. The Committee will consider a supplemental budgetary request for travel from the judiciary branch.

**d. Agencies, Boards, Authorities, Commissions & Corporations**

**i. National Postal Services<sup>35</sup>**

The Committee **recommends** the National Postal Services to be funded for FY2024 at **\$1,164,222** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY23 Approved Budget (with supplemental) <sup>36</sup>	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
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<sup>35</sup> FY2024 Budget Book at 515-520; Pres. Comm. No. 23-100 at 15.

<sup>36</sup> Public Law No. 22-204.

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Personnel	\$641,448	\$771,951	\$767,972	\$809,578	<b>\$776,117</b>
Travel	\$19,993	\$47,795	\$52,168	\$26,084	<b>\$26,084</b>
Contractual Services	\$187,119	\$187,119	\$183,636	\$183,636	<b>\$183,636</b>
Other Current Expenditures	\$178,385	\$178,385	\$178,385	\$178,385	<b>\$178,385</b>
Fixed Assets	\$41,000	\$41,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$1,067,945</b>	<b>\$1,226,250</b>	<b>\$1,182,161<sup>37</sup></b>	<b>\$1,197,683</b>	<b>\$1,164,222</b>

The Committee **recommends** the National Postal Services personnel budget to be funded at \$776,177 to cover the salary of 42 full time employee positions, including the vacant custodial worker position for the post office in Kosrae at PSS pay grade 11/1. The personnel budget reflects the correct salary per paygrade under Public Law No. 22-170 plus fringe benefits, not COLA.<sup>38</sup> All Office employees shall be paid in accordance with the base salary schedule under Public Law No. 22-170.

The only National Postal Services position exempt from the PSS under 52 FSMC §117 is the Postmaster General Position. All other National Postal Services employees are under the PSS.

The state postmaster positions are not exempt from the PSS and subject to the PSS paygrade classification. The FY2024 Budget Book incorrectly identifies these 4 state postmaster positions as "exempt" from the PSS.

COLA is excluded from the personnel budget.

The Committee **does not recommend** the creation of any new positions at the National Postal Services due to budgetary

<sup>37</sup> FY2024 Budget Book has incorrect calculation for the National Postal Services total budget. The correct total budget is \$1,182,161 upon correct calculation of the total personnel cost which is \$767,972 not \$767,972.

<sup>38</sup> FY2024 Budget book reflects numerous errors in the PSS pay grade salaries. Division should work with the Department of Finance and the Office of Personnel to ensure their division employee pay grades are accurately updated with the Office of Personnel and Department of Finance in order for Division employees to receive correct pay.

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constraints. The personnel budget does not fund the salary for any new positions.

**e. Special Programs**

**i. Office of National Elections<sup>39</sup>**

The Committee **recommends** the Office of National Elections to be funded for FY2024 at **\$645,072** in accordance with the chart below.

Line Item	FY23 Committee Recommended Budget	FY23 Approved Budget <sup>40</sup>	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget ( <i>Revised</i> )	FY24 Committee Recommended Budget
Personnel	\$437,090	\$437,090	\$421,490	\$435,010	<b>\$421,490</b>
Travel	\$23,017	\$23,017	\$114,266	\$57,133	<b>\$57,133</b>
Contractual Services	\$64,708	\$64,708	\$69,486	\$69,486	<b>\$69,486</b>
Other Current Expenditures	\$82,963	\$82,963	\$96,963	\$96,963	<b>\$96,963</b>
Fixed Assets	\$30,000	\$30,000	\$0	\$0	<b>\$0</b>
<b>Total</b>	<b>\$637,778</b>	<b>\$637,778</b>	<b>\$702,205</b>	<b>\$658,592</b>	<b>\$645,072</b>

The Committee **recommends** the Office personnel budget to be funded at \$421,090 to cover 16 full time employees salary plus fringe benefits, not COLA.

COLA is excluded from the personnel budget.

**II. GRANTS, SUBSIDIES AND CONTRIBUTIONS<sup>41</sup>:**

Your Committee **recommends** funding Grants, Subsidies and Contributions in the amount of **\$1,393,335** in accordance with the "FY24 Committee Recommended Budget" column in the table below.

<sup>39</sup> FY2024 Budget Book at 520-524; Pres. Comm. No. 23-100 at 15.

<sup>40</sup> Public Law No. 22-153.

<sup>41</sup> FY2024 Budget Book at 527, 529; Pres. Comm. No. 23-100 at 18-20.

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The funding source for all amounts recommended by your Committee under this section is domestic revenue.

GRANTS, SUBSIDIES & CONTRIBUTIONS	FY23 Committee Recommended Budget	FY23 Approved Budget <sup>42</sup>	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
<b>a. <u>Department of Justice</u><sup>1</sup></b>					
Kosrae State Joint Law Enforcement	\$125,000	\$125,000	\$125,000	\$100,000	<b>\$100,000</b>
Pohnpei State Joint Law Enforcement	\$250,000	\$250,000	\$250,000	\$125,000	<b>\$125,000</b>
Chuuk State Joint Law Enforcement, provided that \$75,000 shall be used by Weno Municipal Police	\$300,000	\$300,000	\$300,000	\$150,000	<b>\$150,000</b>
Yap State Joint Law Enforcement	\$125,000	\$125,000	\$125,000	\$62,500	<b>\$62,500</b>
Police Academy	\$200,000	\$200,000	\$200,000	\$100,000	<b>\$100,000</b>
DOJ Fuel Subsidy	\$550,000	\$550,000	\$550,000	\$275,000	<b>\$275,000</b>
World Intellectual Property Organization	\$0	\$0	\$0	\$0	<b>\$0</b>

<sup>42</sup> Public Law No. 22-153.

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Interpol Membership & Activities	\$15,000	\$15,000	\$15,000	\$7,500	\$7,500
Ammunition - Side Arm/Long Rifles	\$25,000	\$25,000	\$25,000	\$12,500	\$12,500
Organization for the Prohibition of Chemical Weapons	\$7,962	\$7,982	\$7,982	\$3,981	\$3,981
Comprehensive Nuclear Test Ban Treaty Organization	\$13,708	\$13,708	\$13,708	\$6,854	\$6,854
Police fuel subsidy (Kosrae)	-	\$10,000	\$10,000	\$0	\$0
Police fuel subsidy (Yap)	-	\$10,000	\$10,000	\$0	\$0
<b>subtotal</b>	\$1,611,670	\$1,631,670	\$1,631,670	\$843,335	\$843,335
	<b>b. <u>States Judiciaries</u><sup>1</sup></b>				
Kosrae State Judiciary	\$75,000	\$75,000	\$75,000	\$0	\$37,500
Pohnpei State Judiciary	\$100,000	\$100,000	\$100,000	\$0	\$50,000
Chuuk State Judiciary	\$150,000	\$150,000	\$150,000	\$0	\$75,000
Yap State Judiciary	\$75,000	\$75,000	\$75,000	\$0	\$37,500
<b>Subtotal</b>	\$400,000	\$400,000	\$400,000	\$0	\$200,000
	<b>c. <u>Other Grants, Subsidies &amp; Contributions.</u><sup>1</sup></b>				
Micronesia Legal	\$250,000	\$250,000	\$250,000	\$50,000	\$250,000

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Services Corp.					
National Law Day	\$100,000	\$100,000	\$100,000	\$0	\$100,000
<b>Subtotal</b>	\$350,000	\$350,000	\$350,000	\$50,000	\$350,000
<b>TOTAL</b>	\$2,361,670	\$2,381,670	\$2,381,670	\$893,335	\$1,393,335

**III. CAPITAL AND HUMAN RESOURCES DEVELOPMENT**

Your Committee **recommends** funding Capital and Human Resources Development in the amount of **\$505,000** in accordance with the "FY24 Committee Recommended Budget" column in the table below, with \$330,000 to the Department of Justice and \$25,000 to the National Election Commission Office.

The Committee **recommends** \$150,000 to fund the establishment of the Office of the Independent Prosecutor. This is seed funding to cover the Independent Prosecutor and 2 administrative support staff salaries, and office leasing space.

The funding source for all amounts recommended by your Committee under this section is domestic revenue.

**a. Department of Justice<sup>43</sup>**

CAPITAL & HUMAN RESOURCE DEVELOPMENT	FY23 Committee Recommended Budget	FY23 Approved Budget <sup>44</sup>	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget ( <i>Revised</i> )	FY24 Committee Recommended Budget
Anti-Human Trafficking Enforcement, Campaign & Investigation	\$125,000	\$125,000	\$50,000	\$25,000	\$62,500

<sup>43</sup> FY2024 Budget Book at 531; Pres. Comm. No. 23-100 at 21.

<sup>44</sup> Public Law No. 22-153.

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Victims Shelter & Services	\$125,000	\$125,000	\$125,000	\$25,000	\$62,500
Boat Maintenance	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Satellite Phone & Billing	\$10,000	\$10,000	\$10,000	\$5,000	\$5,000
Cyber Security-Intelligence Infrastructure & Hardware	\$300,000	\$0	\$0	\$0	\$0
COVID-19 Law Enforcement & Emergency Response	\$500,000	-	-	-	\$0
Chuuk State Supreme Court parking lot fencing	\$200,000	\$200,000	\$0	\$0	\$0
Office of the Independent Prosecutor	-	-	-	-	\$150,000
<b>TOTAL</b>	\$1,460,000	\$660,000	\$385,000	\$255,000	\$480,000

**b. National Election Commission Office<sup>45</sup>**

CAPITAL AND HUMAN RESOURCE DEVELOPMENT	FY23 Committee Recommended Budget	FY23 Approved Budget <sup>46</sup>	FY24 Executive Recommended Budget	FY24 Executive Recommended Budget (Revised)	FY24 Committee Recommended Budget
Voter ID Card & New Voter	\$50,000	\$50,000	\$25,000	\$0	\$25,000

<sup>45</sup> FY2024 Budget Book at 531; Pres. Comm. No. 23-100 at 22.

<sup>46</sup> Public Law No. 22-153.

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Registration Project					
<b>TOTAL</b>	\$50,000	\$50,000	\$50,000	\$0	<b>\$25,000</b>

**CONCLUSION**

Your Committee on Judiciary and Governmental Operations has reviewed the proposed Fiscal Year 2024 Recommended Budget for those portions of the budget under its jurisdiction, and carefully scrutinized all of the information provided in the FY2024 revised Recommended Budget Comparative Sheet for the National Postal Services, Office of the Public Defender, Office of National Elections, and the FSM Department of Justice, 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 "FY24 Committee Recommended Budget," subject to the availability of funds and concurrence of your Committee on Ways and Means.

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Respectfully submitted,

/s/ Tiwiter Aritos  
Tiwiter Aritos, chairman

/s/ Robson U. Romolow  
Robson U. Romolow, member

/s/ Esmond B. Moses  
Esmond B. Moses, member

/s/ Isaac V. Figir  
Isaac V. Figir, member

/s/ Paliknoa K. Welly  
Paliknoa K. Welly, member