



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL COMM. NO. 16-29
FSM CONGRESS

July 2, 2009

The Honorable Isaac V. Figir
Speaker
16th FSM Congress
Palikir, Pohnpei, FM 96941

Dear Speaker Figir:

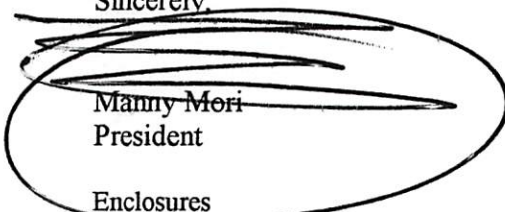
I have designated as Public Law No.16-4 the following Congressional Act which became law without my signature:

Congressional Act No. 16-4, "AN ACT TO AMEND SECTIONS 1 AND 2 OF PUBLIC LAW NO. 15-80 TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATES OF POHNPEI, KOSRAE, YAP AND CHUUK, AND FOR OTHER PURPOSES."

While the act seems to be a routine legislation changing the use of previous appropriations for public projects, and should not therefore evoke legal complications, I wish to reiterate the concerns I brought to your attention before concerning the funding for the delegation offices and election district offices. Budget for delegation offices as I understand is part of the operational expenditures (as opposed to project) of the government. Under § 103(1), Congress is required to submit "planned operational and development expenditures" for the ensuing fiscal year. Planned operational expenses shall be presented in line-item form. The practice of funding delegation offices through project appropriation is contrary to the design and intent of chapter 1 title 55 which lays down the budget procedures for the national government enacted by Congress. Moreover, an appropriation for operational expenditures is for one fiscal year at a time. See, § 103(3). And yet appropriation for operational needs of delegation offices is completely divorced from fiscal year concept as it does not lapse until fully expended – as if delegation offices are projects which they are not. Funding for the offices in issue should be scrutinized with deliberate care in light of budgeting procedures and policies in place.

In view of the foregoing, I am constrained not to approve of the act; instead, I have allowed the same to become law without my signature. I wish for Congress to revisit and carefully study the matter as soon as possible to avoid repeated violation of the procedure and policies governing annual budgeting of all the activities in the national government.

Sincerely,


Manny Mori
President

Enclosures

xc: Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Director, Office of SBOC
Library, CFSM
Legislative Counsel, CFSM
PIO FSM





CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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PRESIDENTIAL COMM. NO. 1629
FSM CONGRESS

Office of the Chief Clerk

June 01, 2009



His Excellency Manny Mori
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Mori:

I have the honor to transmit herewith Congressional Act No. 16-4, "AN ACT TO AMEND SECTIONS 1 AND 2 OF PUBLIC LAW NO. 15-80 TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATES OF POHNPEI, KOSRAE, YAP AND CHUUK, AND FOR OTHER PURPOSES.", which was passed by the Sixteenth Congress of the Federated States of Micronesia, First Regular Session, 2009, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Liwiana K. Ramon".

Liwiana K. Ramon
Chief Clerk, Congress of the
Federated States of Micronesia

Enclosures

PUBLIC LAW No. 16-4



SIXTEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FIRST REGULAR SESSION
MAY 11-JUNE 4, 2009

PRESIDENTIAL COMM. NO. 16-29
FSM CONGRESS

An Act

TO AMEND SECTIONS 1 AND 2 OF PUBLIC LAW NO. 15-80 TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATES OF POHNPEI, KOSRAE, YAP AND CHUUK, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: DOHSIS HALBERT

DATE: MAY 22, 2009

REFERRED TO: WAYS AND MEANS COMMITTEE
S.C.R. NO. 16-4 – MAY 25, 2009

FIRST READING: MAY 25, 2009

SECOND READING: MAY 30, 2009

Liwiana K. Ramon
Chief Clerk, FSM Congress



Office of the Speaker

*Congress of the
Federated States of Micronesia*

*Palikir, Pohnpei
Federated States of Micronesia*

**PRESIDENTIAL COMM. NO. 16-29
FSM CONGRESS**

ACT NO. 16-4

(CONGRESSIONAL BILL NO. 16-18, C.D.1, C.D.2,
C.D.3, C.D.4)

We hereby certify that on May 30 the foregoing act passed
Second and Final Reading of the Sixteenth Congress of the
Federated States of Micronesia, First Regular Session,
2009, by a two-thirds vote of all the State delegations as
required under article IX, section 20, of the Constitution
of the Federated States of Micronesia.

A handwritten signature in black ink, appearing to read "Isaac V. Figir".

Isaac V. Figir
Speaker
Congress of the
Federated States of Micronesia

A handwritten signature in blue ink, appearing to read "Liwiana K. Ramon".

Liwiana K. Ramon
Chief Clerk
Congress of the
Federated States of Micronesia

SIXTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 2009

CONGRESSIONAL BILL NO. 16-18, C.D.1,
C.D.2, C.D.3, C.D.4

PUBLIC LAW No. 16-4

AN ACT

To amend Sections 1 and 2 of Public Law No. 15-80 to change the use of certain funds previously appropriated therein for public projects and social programs in the States of Pohnpei, Kosrae, Yap and Chuuk, and for other purposes.

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

1 Section 1. Section 1 of Public Law No. 15-80 is hereby
2 amended to read as follows:

3 "Section 1. The sum of \$540,000 is hereby appropriated
4 from the General Fund of the Federated States of
5 Micronesia for the fiscal year ending September 30,
6 2009, for the purpose of funding the T-3 Program
7 Operation, public projects and social programs in the
8 States of Chuuk, Yap, Pohnpei and Kosrae, and for other
9 purposes. The sum appropriated herein shall be
10 apportioned as follows:

11	(1) State of Kosrae.....	\$ 70,000
12	(a) September 8, 2009 liberation	
13	activities	
14	(i) Lelu Municipality.....	1,300
15	(ii) Tafunsak Municipality.....	1,200
16	(iii) Malem Municipality.....	800
17	(iv) Utwa Municipality.....	700
18	(b) Kosrae Public Auditor contractual	

1	services	\$	5,000
2	(c) Senior citizens building renovation		
3	(i) Lelu senior citizens.....		5,000
4	(ii) Tafunsak senior citizens...		5,000
5	(iii) Malem senior citizens.....		5,000
6	(iv) Utwa senior citizens.....		5,000
7	(d) Aquaculture exportation costs...		6,000
8	(e) Kosrae Senior Citizens subsidies		
9	(i) Lelu senior citizens.....		1,000
10	(ii) Tafunsak senior citizens...		1,000
11	(iii) Malem senior citizens.....		1,000
12	(iv) Utwa senior citizens.....		1,000
13	(v) Walung senior citizens.....		1,000
14	(f) Kosrae High School		
15	lunch program.....		18,000
16	(g) Kosrae Women Association		
17	(i) Lelu Women Association.....		1,000
18	(ii) Tafunsak Women Association.		1,000
19	(iii) Malem Women Association....		1,000
20	(iv) Utwa Women Association.....		1,000
21	(v) Walung Women Association...		1,000
22	(h) Medical referrals for		
23	non-insured and non-employed Kosraeans,		
24	PROVIDED THAT reprogramming of this funding		
25	is not allowed.....		5,000

PUBLIC LAW No. 16-4

1	(i) Equipment for Kosrae State	
2	Broadcast Station	\$ 2,000
3	(2) State of Yap	70,000
4	(a) COM-FSM Yapese students traveling	
5	expenses for hospitality training	10,000
6	(b) Falalop, Ulithi community projects	
7	(water catchment, men's house, community center,	
8	renovation/repair & freight costs)	13,000
9	(c) PHI THETA KAPPA honor society	
10	(i) Registration fees	1,745
11	(ii) Airfare	
12	(Pohnpei to Honolulu, Hawaii)	5,255
13	(d) Scholarship program for full time	
14	Yapese students in post secondary education	
15	who maintain a 3.5 GPA	40,000
16	(3) State of Pohnpei	140,000
17	(a) Student's needs and financial...	
18	assistance	10,000
19	(b) Election District No. 1	
20	(i) Pakin transportation needs.	5,000
21	(ii) Project Management	26,000
22	(iii) Matching for Roie retaining	
23	wall	4,000
24	(c) Election District No. 2	
25	(i) Madolenihmw Municipal	

1	Government management training.....	\$ 5,000
2	(ii) Edienleng water system.....	8,000
3	(iii) Kitti Fisherman's wharf....	-0-
4	(iv) Election District No. 2	
5	secondary road improvement.....	12,000
6	(v) Funding for participants	
7	to PIPPA & PEC conferences.....	10,000
8	(vi) Water Delivery Services....	25,000
9	(d) Election District No. 3	
10	(i) Nett School Sports	
11	complex matching.....	12,000
12	(ii) U Municipal government	
13	subsidy	7,000
14	(iii) Pingelap Municipal	
15	government subsidy.....	5,000
16	(iv) Mwoakiloa Municipal	
17	government subsidy.....	5,000
18	(v) ED #3 operation.....	2,000
19	(vi) Youth activities and	
20	musical instruments.....	4,000
21	(4) State of Chuuk.....	210,000
22	(a) Chuuk At Large	
23	(i) Public Facilities repairs,	
24	construction and improvement projects.....	7,000
25	(ii) Low-income housing subsidy.	7,000

1	(iii) Multipurpose building repair	
2	and renovation.....	\$ 3,000
3	(iv) At-Large operation.....	5,000
4	(v) Moch Municipal	
5	Government subsidy	1,500
6	(vi) Satowan Municipal	
7	Government subsidy.....	1,500
8	(vii) Fishing projects	
9	(gear and equipment purchase).....	20,000
10	(b) Election District No. 1	
11	(i) Leadership Travel.....	12,000
12	(ii) Student's Financial	
13	Assistance.....	3,000
14	(iii) Community Centers Renovation	10,000
15	(iv) Youth Activities &	
16	musical instruments.....	4,000
17	(v) Election District No. 1	
18	contractual services & operation.....	6,000
19	(c) Election District No. 2	
20	(i) ED #2 Operation.....	7,000
21	(ii) Northern Namoneas	
22	Development Authority (NDDA) Operation.....	10,000
23	(iii) Leadership travel.....	8,000
24	(d) Election District No. 3	
25	(i) ED #3 Municipalities subsidies	10,000

PUBLIC LAW No. 16-4

1	(ii) Fishing projects	
2	a) Nukanap Fishing Group	\$ 3,100
3	b) Nekupach Fishing Group	3,100
4	c) Fanemouch Fishing Group	3,100
5	d) Nemon Fishing Group...	3,100
6	(iii) ED #3 Operation.....	12,600
7	(e) Election District No. 4	
8	(i) Election District No. 4	
9	Operation	15,000
10	(ii) Tolensom Municipal subsidy.	10,000
11	(iii) Wolep Road improvement	
12	& beautification	-0-
13	(iv) Low-income housing subsidy.	5,000
14	(v) Youth activities & program.	5,000
15	(f) Election District No. 5	
16	(i) POL & Charter.....	8,000
17	(ii) Transport of remains and	
18	other related costs	8,000
19	(iii) Election District No. 5	
20	Operation	5,000
21	(iv) Leadership travel.....	5,000
22	(v) Student's financial assistance	3,000
23	(vi) Fisheries training	6,000
24	(5) T-3 Program Operation.....	50,000"

25 Section 2. Section 2 of Public Law No. 15-80 is hereby

1 amended to read as follows:

2 "Section 2. Allotment and management of funds and lapse
3 date.

4 (1) General Provisions.

5 (a) All funds appropriated by this act shall be
6 allotted, managed, administered and accounted for in
7 accordance with applicable law, including, but not
8 limited to, the Financial Management Act of 1979.

9 (b) The allottees shall be responsible for
10 ensuring that these funds, or so much thereof as may be
11 necessary, are used solely for the purpose specified in
12 this act, and that no obligations are incurred in excess
13 of the sum appropriated.

14 (2) Allottees. The allottees of the funds appropriated
15 by this act are as follows:

16 (a) Subsection 1 of Section 1 - the allottee of
17 these funds shall be the President of the Federated
18 States of Micronesia or his designee;

19 (b) Subsection 2 of Section 1 - the allottee of
20 these funds shall be the Governor of Yap State or his
21 designee, PROVIDED THAT the allottee of funds under
22 subsections 1(2)(a), 1(2)(c)(i) and 1(2)(c)(ii) of this
23 Act shall be the President of the College of Micronesia
24 - FSM;

25 (c) Subsection 3 of Section 1 - the allottee of

PUBLIC LAW No. 16-4

these funds shall be the President of the Federated
States of Micronesia or his designee;

(d) Subsection 4 of Section 1 – the allottee of
these funds shall be the Chuuk State Commission on
Improvement Projects;

(e) Subsection 5 of Section 1 – the allottee of
these funds shall be the President of the Federated
States of Micronesia or his designee.

(3) Lapse Date. The authority of the allottee to
obligate funds appropriated by this act shall not lapse
until fully expended."

Section 3. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its
becoming law without such approval.

_____, 2009

Law aspect signature

07-02-09

Manny Mori
President
Federated States of Micronesia