A BILL FOR AN ACT

To further amend Public Law No. 13-46, as amended, by amending sections 2, 8, 9 and 13 thereof for the purpose of appropriating an additional sum of $1,357,510, from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2005, and for other purposes.

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

Section 1. Section 2 of Public Law No. 13-46, as amended by Public Law No. 13-62, 13-81 and 13-87, is hereby further amended to read as follows:

"Section 2. Operating expenses of the Executive Branch. The sum of [13,752,322] $14,583,615, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2005, for the operations of the Executive Branch of the National Government during fiscal year 2005. The sum appropriated by this section shall be apportioned as follows:

(1) Office of the President [$700,864] $750,864, for the activities set forth in the performance budget pages 1 through 2 of the budget book. Of the funds appropriated, $35,000 shall be deemed to come from carryover funds available under section 215(a)(2) of Compact I for communications. Of the total funds appropriated, $50,000 shall not lapse until
(2) Department of Foreign Affairs

$3,426,792 for the activities set forth in the performance budget pages 20 through 24 of the budget book, provided that $29,000, or so much thereof as may be necessary, is to be used to provide housing allowances to consular staff in Honolulu and, notwithstanding any other section of Public Law No. 13-46, shall not be reprogrammed or used for any other purpose. Of the amount appropriated, $141,800 shall be deemed to come from carryover funds available under section 215(a)(2) of Compact I for communications.

(3) Department of Finance and Administration

[$2,439,532] $2,579,532 for the activities set forth in the performance budget pages 73 through 77 of the budget book, provided that $100,000 of this amount shall be used to fund a portion of the deficit recorded by the National Government at the close of fiscal year 2003 (which funds have been reprogrammed for disaster relief under the President’s emergency powers). Of the total funds appropriated, $46,914 shall be deemed to come from carryover funds available under section 215(a)(2) of Compact I for communications. Of the total funds appropriated, $140,000 shall not lapse until September 30, 2006.
(4) Department of Economic Affairs

$1,071,353, for the activities set forth in the performance budget pages 126 through 132 of the budget book. Of the total funds appropriated, $29,381 shall be deemed to come from carryover funds available under section 215(a)(2) of Compact I for communications.

(5) Department of Transportation, Communication and Infrastructure

$1,264,922 for the activities set forth in the performance budget pages 183 through 185 of the budget book. Of the total funds appropriated, $20,000 shall be deemed to come from carryover funds available under section 215(b)(2) of Compact I for communications. Of the total funds appropriated, $50,000 shall not lapse until September 30, 2006.

(6) Department of Health, Education and Social Affairs

[$1,526,808] $1,958,101, for a portion of the activities set forth in the performance budget pages 210 through 216 of the budget book. Of the total funds appropriated, $50,000 shall be deemed to come from carryover funds available under section 216(a)(2) of Compact I for Health, $50,000 shall be deemed to come from carryover special block grant funds available under section 221(b) of Compact I, $475,200 shall be deemed to come from funds available under the education sector of
the Amended Compact, $763,234 from the health sector, and $111,421 from the environment sector, and $381,293 from fiscal year 2005 Supplemental Education Grant funds. Of the total funds appropriated, $431,293 shall not lapse until September 30, 2006.

(7) Department of Justice

[$2,544,538] $2,654,538 for the activities set forth in the performance budget pages 339 through 342 of the budget book provided that no more than $31,000 of this amount may be expended on fuel oil for National Police Patrol boats until the Department has submitted to Congress an accounting concerning the use of fuel oil for this purpose in fiscal year 2004, including a description of each trip taken and the amount and cost of fuel used for each trip. Of the total funds appropriated, $37,000 shall be deemed to come from carryover funds available under section 215(b)(2) of Compact I for communications, $48,480 from carryover funds available under section 216(a)(1) of Compact I for Maritime Surveillance, and $47,486 from carryover funds available under 216(b) of Compact I for Marine Surveillance. Of the total funds appropriated, $50,000 shall not lapse until September 30, 2006.

(8) FSM Public Defender Office
$677,513 for the activities set forth in the performance budget pages 372 through 373 of the budget book, provided that $16,000, or so much thereof as may be necessary, is to be used for payment of the professional premium to any eligible person or persons and not withstanding any other section of Public Law No. 13-46, shall not be reprogrammed or used for any other purpose. Of the total funds appropriated, $9,800 shall be deemed to come from carryover funds available under section 215(b)(2) of Compact I for communications.

(9) Office of Compact Management $10,000 to fund the establishment and operations of an Office of Compact Management in accordance with Public Law No. 13-75, provided that these funds shall not be used to meet the cost of activities that are already being undertaken within the National Government."

Section 2. Section 8 of Public Law No. 13-46, as amended by Public Law No. 13-62, 13-81 and 13-87, is hereby further amended to read as follows:

"Section 8. Grants, Subsidies and Contributions. The sum of [$2,755,103] $2,946,103, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2005, for the following grants, subsidies and contributions during
fiscal year 2005. The sum appropriated by this section shall be apportioned as follows:

1. Office of the President

   a) Disaster Emergency Assistance Fund Matching .................. $100,000

2. Department of Foreign Affairs

   a) Forum Secretariat .............. 35,000

   b) The Pacific Community .......... 17,000

   c) United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) ............................ 5,000

   d) United Nations Membership Fee .... 60,000

   e) East-West Center ................. 10,000

3. Department of Economic Affairs

   a) Pacific Islands Development Program .................................... 15,000

   b) Forum Fisheries Agency (FFA) ..... 21,000

   c) United Nations Development Program (UNDP) ............................. 3,000

   d) Coordinating Commission for Offshore Mineral Prospecting (CCOMP) ........ 15,000

   e) Pacific Asia Travel Association (PATA) ................................. 5,000

   f) United Nations Environmental Protection Agency (UNPA) ............... 600
(g) Western Forestry Leadership Coalition .................................. 500
(h) Seaframe Project ................ $ 1,500
(i) Food Agriculture Organization (FAO) ........................................ 4,700
(j) Household and Income Survey ...... 75,562
(4) Department of Health, Education and Social Affairs
   (a) United Nations Funds for Population Activity .......................... 3,000
   (b) South Pacific Regional Environmental Program (SPREP) ............. 7,375
   (c) Aid to Non-Public Schools .......... 300,000
   (d) Financial Assistance for FSM Students at College of Marshall Islands (CMI) and Palau Community College (PCC), provided that all funds appropriated herein shall be deemed to come from carryover funds available under the Special Block Grant section 221(b) of Compact I for Health and Education ...................... 50,000
   (e) World Health Organization (WHO) Membership Fee, provided that all funds available under section 216(a)(2) of Compact I for health and medical program ............ 41,385
   (f) National Board of Nursing, provided

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that funds appropriated herein shall be deemed to come from carryover funds available under the Special Block Grant section 221(b) of Compact I for Health and Education .......$ 38,000

(g) Pacific Islands Health Officers Association (PIHOA), provided that all funds appropriated herein shall be deemed to come from carryover funds available under section 216(a)(2) of Compact I for health and medical programs ..................... 20,000

(h) National Close-Up Local Program .. 64,000

(i) FSM Amateur Sports Association ... 20,000

(j) College of Micronesia Board, provided that all funds appropriated herein shall be deemed to come from carryover funds available under Special Block Grant section 221(b) of Compact I for Health and Education 5,000

(k) Association of Territorial Health Association, provided that all funds appropriated herein shall be deemed to come from carryover funds available under section 216(b)(2) of Compact I for health and medical programs ....................... 2,000

(l) FSM Red Cross, provided that all funds appropriated herein shall be deemed to come from
carryover funds available under section 216(a)(2) of Compact I for health and medical programs .. 64,000

(m) United National Economic and Social Cooperation (UNESCO) ...................... $ 13,941

(n) Administration and management costs for The Basic Social Services Project funded by an Asian Development loan authorized by Public Law No. 12-17 .............................. 50,000

(5) Department of Transportation, Communication and Infrastructure

(a) Asia Pacific Telecommunity ....... 7,640

(b) International Telecommunication Union (ITU) ................................. 55,000

(c) International Civil Aviation Organization ................................. 28,050

(d) Micronesian Shipping Commission .. -0-

(e) Utilities for FSM Capital, provided that of the funds appropriated herein, $21,442 shall be deemed to come from carryover funds available under Section 214(b) of Compact I for energy ................................. 300,000

(f) Site clearance for projects funded by Chinese grant-aid, provided that, notwithstanding any other section of Public Law No. 13-46, these funds shall
not be reprogrammed or used for any other purpose .................................... 450,000

(6) Coconut Development Authority
   (a) Copra Subsidy ...................$ 125,000
   (b) Asia Pacific Coconut Community ... 15,500

(7) Other grants, subsidies and contributions
   (a) Kosrae Judiciary .................. 37,500
   (b) Pohnpei Judiciary ............... 40,500
   (c) Chuuk Judiciary .................. 40,500
   (d) Yap Judiciary ...................... 25,000
   (e) Micronesian Legal Services
      (MLSC) ..................................... 150,000
   (f) COM Treaty Obligations ............ 25,000
   (g) State Law Enforcement provided that, of this amount $35,000, or so much thereof as is necessary, is to be used for Joint Law Enforcement Activities in Chuuk and shall not be used for personnel hiring or training, but rather only for the prosecution of national crimes and the feeding of prisoners convicted of national crimes and shall not be reprogrammed or used for any other purpose .............. 135,000

   (h) ACP/EU Membership Fee .......... 8,000
   (i) Western and Central Pacific Tuna
Management Commission membership fee ....... 16,000

(j) Third Micronesian Traditional Leaders Conference in Yap ................. $ 30,000

(k) Payment to the Asian Development Bank for the Fisheries Development Project Loan authorized by Public Law No. 7-101, of which $90,000 shall not lapse until September 30, 2006 ................. [200,000] 290,000

(l) Attorney fees for Udot v. FSM (Civil Action No. 200-1018) ................. 8,850

(m) Settlement of two court cases, the total amount of which shall not lapse until September 30, 2006 ................... 101,000

([m]) (n) National Office of Public Defender, provided that this amount shall be used to provide financial assistance to Yap students enrolled in law school .................. $ 10,000"

Section 3. Section 9 of Public Law No. 13-46, as amended by Public Law No. 13-62, 13-81 and 13-87, is hereby further amended to read as follows:

"Section 9. Capital and Human Resource Development. The sum of $7,135,287, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the Federated States of Micronesia for the fiscal
year ending September 30, 2005, for the following
capital improvement, development programs and projects
and human resource development. The sum appropriated
under this section shall be apportioned as follows:

(1) College of Micronesia-FSM

   (a) Operations of the College of Micronesia-FSM,
   including planning, construction and maintenance of
   college facilities. All funds appropriated herein shall
   be deemed to come from funds available under the
   education sector of the Amended Compact ..$ 3,856,067

   (b) Student assistance for tuition
   and housing, COM-FSM, provided that all
   of the funds appropriated herein shall
   be deemed to come from carryover funds
   available under section 216(a)(3) of
   Compact I for postsecondary scholarships ... 190,000

   (c) COM-FSM Yap Campus Facility,
   PROVIDED THAT funds appropriated herein
   shall be deemed to come from funds
   available under the infrastructure development
   sector of the Amended Compact .............. 330,000

   (d) SEOG, College Work-Study, Capacity Building
   and Professional Development. All funds appropriated
   herein shall be deemed to come from fiscal year 2005
   funds available under the Supplemental Education Grant
(2) FSM Fisheries and Maritime Institute, including operations, planning, training, and construction and maintenance of facilities and equipment. Of this amount $180,050, shall be deemed to come from funds available under the education sector of the Amended Compact $738,360

(3) National Staff Upgrading, PROVIDED THAT funds appropriated herein shall be deemed to come from funds available under the capacity building sector of the Amended Compact $50,000

(4) FSM Visitors Bureau provided that, of this amount, $40,000 shall be used to support FSM relations with JATA and participation in JATA programs and events $140,000

(5) Economic Statistics Unit Strengthening $75,000

(6) Crop Production Improvement $27,300

(7) Public Enterprise Privatization $66,560

(8) 2005 World Exposition (Japan) $82,000

(9) FSM Development Bank - Business Development Loan Program $500,000

(10) MS Caroline Voyager Dry-docking $630,000

(11) Patrol boats slipping $200,000
(12) Project Management Unit (PMU),

PROVIDED THAT the sum appropriated in this line item shall be deemed to come from funds available under the infrastructure development sector of the Amended Compact .............$ 1,000,000

(13) FSM trust fund ....................... 250,000"

Section 4. Section 13 of Public Law No. 13-46, as amended by Public Law No. 14-10, is hereby further amended to read as follows:

"Section 13. Allotment and management of funds and lapse date.

(1) General Provisions.

(a) All funds appropriated by this act shall be allotted, managed, administered, and accounted for in accordance with applicable law, including, but not limited to, the Financial Management Act of 1979 and the Amended Compact of Free Association between the United States Government and the Government of the Federated States of Micronesia.

(b) The allottees shall be responsible for ensuring that these funds or so much thereof as may be necessary, are used solely for the purpose specified in this act, and that no obligations are incurred in excess of the sum appropriated.
(2) Allottees. The allottees of the funds appropriated by this act are as follows:

(a) section 2 - the allottee of these funds shall be the President of the Federated States of Micronesia;

(b) section 3 - the allottee of these funds shall be the Speaker of the Congress of the Federated States of Micronesia;

(c) section 4 - the allottee of these funds shall be the Chief Justice of the Supreme Court of the Federated States of Micronesia;

(d) section 5 - the allottee of these funds shall be the Public Auditor of the Federated States of Micronesia;

(e) section 6 through 9 - the allottee of these funds shall be the President of the Federated States of Micronesia: EXCEPT THAT for the following subsections of section 6 through 9 of this act, the allottees shall be:

(i) section 8 subsection (6)(a) through (6)(d) - the allottee of these funds shall be the Chief Justice of the respective state;

(ii) section 9, subsection (1)(a) through (1)(d) - the allottee of these funds shall be the President of the College of Micronesia-FSM;

(3) Lapse Dates. Except where expressly provided otherwise in this act, [†] the authority of the allottee
to obligate funds appropriated by this act shall lapse
as of September 30, 2005, EXCEPT that funds appropriated
under section 9 of this act shall not lapse."

Section 5. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its
becoming law without such approval.

Date: 9/19/05

Introduced by: /s/ Simiram Sipenuk
Simiram Sipenuk
(by request)