January 6, 2014

The Honorable Dohsis Halbert
Speaker
18th FSM Congress
Palikir, Pohnpei, FM 96941

Dear Speaker Halbert:

I am returning the following Congressional Acts to become public laws pursuant to Article IX Section 22 of the FSM Constitution, without my signature:

Public Law No. 18-27: Congressional Act No. 18-26, entitled: "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 16-49, AS AMENDED BY PUBLIC LAW NOS. 16-68, 16-76, 17-06, 17-10, 17-23, 17-30, 17-32, 17-45, 17-82, AND 17-85, BY AMENDING SECTIONS 1 AND 2 THEREOF, TO CHANGE THE USE AND ALLOTTEE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF CHUUK, AND FOR OTHER PURPOSES."


Public Law No. 18-29: Congressional Act No. 18-28, entitled: "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 17-59, AS AMENDED BY PUBLIC LAW NOS. 17-63, 17-66, 17-70, 17-77, 17-86 AND 18-21, BY AMENDING SECTIONS 4, AND 5 THEREOF, FOR THE PURPOSE OF CHANGING THE USE AND ALLOTTEE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATES OF POHNPEI AND CHUUK, AND FOR OTHER PURPOSES."

Public Law No. 18-30: Congressional Act No. 18-29, entitled: "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 12-50, AS AMENDED BY PUBLIC LAW NOS. 12-53, 12-74, 13-1, 13-17, 14-65, 14-71, 14-94, 15-15, 15-50 AND 17-24, BY AMENDING SECTION 13 THEREOF, TO CHANGE THE USE OF FUNDS PREVIOUSLY APPROPRIATED THEREIN, AND FOR OTHER PURPOSES."

Public Law No. 18-31: Congressional Act No. 18-31, entitled: "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 18-05, AS AMENDED BY PUBLIC LAW NOS. 18-07 AND 18-14, BY AMENDING SECTION 4 THEREIN, FOR THE PURPOSE OF CHANGING THE USE OF FUNDS PREVIOUSLY APPROPRIATED TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF POHNPEI, AND FOR OTHER PURPOSES."
Public Law No. 18-32: Congressional Act No. 18-33, entitled: "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 17-68, AS AMENDED BY PUBLIC LAW NOS. 17-71, 17-81, 17-89, 17-90, 18-03, 18-10 AND 18-13, BY AMENDING SECTIONS 4 AND 5 THEREIN, FOR THE PURPOSE OF CHANGING THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATES OF POHNPEI AND CHUUK, AND FOR OTHER PURPOSES."

Public Law No. 18-33: Congressional Act No. 18-35, entitled: "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 16-62, AS AMENDED BY PUBLIC LAW NOS. 16-71, 17-05, 17-18, 17-29, 17-47 AND 18-23, BY AMENDING SECTION 4 THEREOF, TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF POHNPEI, AND FOR OTHER PURPOSES."

I have reviewed all of the above Acts, which share the following common characteristics:

1. There were no public hearings or committee reports.

2. There have been multiple amendments to the original appropriations, up to 12 and 13 times for some Acts (with the exception of Congressional Act No. 18-31, which had a maximum of three amendments). The multiple amendments resulted in so much confusion as to the true intention of Congress for the public projects and programs, and have created extreme difficulties in implementation of the projects and programs, such as tracking the multiple changes.

3. There were changes of recipients and purposes, in most of the Acts, without clear justification or reasoning.

4. Further amendments to Congressional Acts continued after allotments have been fully processed where funding has been partially or fully disbursed.

It would be most helpful if Congress would set a policy limiting to a maximum of only three amendments per Act in order to avoid the problems as outlined above. For Congress to fully appreciate the extreme difficulty in properly tracking, analyzing, and implementing multiple amendments, we have attached an illustration of a spreadsheet of the multiple amendments of only one public law, P.L. 16-49. This illustration took approximately 12 hours to put together in an Excel spreadsheet by someone experienced in Excel. It sets out the multiple changes that occurred over the 16th, 17th, and 18th Congresses.
Even with a spreadsheet, if there are no public hearings and committee reports, it will still be most difficult to implement the public projects and programs without knowing the intent of Congress.

With warm personal regards, I remain,

Sincerely,

[Signature]
President

Enclosure: Chart (with Legend as to the meaning of the colors. Note – according to SBOC, the yellow highlight in Act 17-81 is there because it has been over-expended due to the difficulty in tracking as there is no networking to provide for a real time update; also, in Act 18-27, the yellow highlight shows an absence of an amount listed for the intended purpose. These are just two of the yellow highlights shown).

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

Office of the President, P.O. Box PS 53, Palikir, Pohnpei, FM 96941
December 06, 2013

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. 18-27, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 16-49, AS AMENDED BY PUBLIC LAWS NOS. 16-68, 16-76, 17-06, 17-10, 17-23, 17-30, 17-32, 17-45, 17-82 AND 17-85, BY AMENDING SECTIONS 5 AND 6 THEREOF, FOR THE PURPOSE OF CHANGING THE USE AND ALLOTTEE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF CHUUK, AND FOR OTHER PURPOSES", which was passed by the Eighteenth Congress of the Federated States of Micronesia, Second Special Session, 2013, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

[Signature]

Liwiana Ramon Ioanis
Chief Clerk, Congress of the
Federated States of Micronesia

Enclosures
An Act


INTRODUCED BY SENATOR: VICTOR GOULAND
DATE: NOVEMBER 28, 2013

REFERRED TO: COMMITTEE ON WAYS AND MEANS
WITHDRAWN – DECEMBER 02, 2013
FIRST READING: DECEMBER 02, 2013
SECOND READING: DECEMBER 03, 2013

Liwiana Ramon Ioannis
Chief Clerk, FSM Congress
ACT NO. 18-27

(CONGRESSIONAL BILL NO. 18-104, C.D.1, C.D.2)

We hereby certify that on December 03 the foregoing act passed Second and Final Reading of the Eighteenth Congress of the Federated States of Micronesia, Second Special Session, 2013, 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.

[Signature]
Dohsis Halbert
Speaker
Congress of the
Federated States of Micronesia

[Signature]
Liwiana Ramon Ioanis
Chief Clerk
Congress of the
Federated States of Micronesia
AN ACT

To further amend Public Law No. 16-49, as amended by Public Laws Nos. 16-68, 16-76, 17-06, 17-10, 17-23, 17-30, 17-32, 17-45, 17-82 and 17-85, by amending sections 5 and 6 thereof, for the purpose of changing the use and allottee of certain funds previously appropriated therein to fund public projects and social programs in the State of Chuuk, and for other purposes.

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

1 Section 1. Section 5 of Public Law No. 16-49, as amended by Public Laws Nos. 16-68, 16-76, 17-06, 17-23, 17-30 and 17-32 is hereby further amended to read as follows:

"Section 5. Of the sum of $2,215,000 appropriated by this act, $1,080,000 is apportioned for Chuuk State for public projects and social programs.

State of Chuuk .................. $ 1,080,000

(1) Chuuk at Large .................. 170,000

(a) Low Income Housing subsidy ...... 40,000

(b) Students/Youth Land

Transportation .................. 20,000

(c) Fishing Project ............... 25,000

(d) Community Centers Improvement ... -0-

(e) Youth activities and programs ... 12,000

(f) Entrepreneurship subsidy ......... 10,000

(g) Seawalls, secondary roads, docks and channel dredging and improvement . 15,000
(h) Multipurpose building improvement
and renovation ......................... $5,000

(i) Guam/Hawaii Chuukese Associations
contributions ................................ -0-

(j) Students financial assistance...

(k) Leadership travel (State, municipal
and traditional leaders) ..................... 13,000

(l) Allottee/At-Large administrative
support costs

(2) Election District No. 1................. 190,000

(a) Community Centers Improvement...

(b) Students financial
assistance/incentives ..................... 10,000

(c) Petroleum Oil Lubricant (POL)...

(d) Students land transportation....

(e) Women's activities and projects.

(f) Water tanks project................. 2,350

(g) Food relief assistance.............. 15,000

(h) Leadership travel (State,
municipal and traditional leaders) ....... 17,705

(i) Associations support and
subsidies .................................. 4,784

(j) Municipal subsidies, PROVIDED THAT
the funding shall not be used for travel:

(i) Nema................................. 5,000
CONGRESSIONAL BILL NO. 18-104, C.D.1, C.D.2

1  (ii) Losap ......................... $ 4,000
2  (iii) Pismwar ..................... 3,668
3  (iv) Namoluk ...................... 2,003
4  (v) Ettal .......................... -0-
5  (vi) Moch .......................... 4,975
6  (vii) Kuttu ....................... -0-
7  (viii) Ta .......................... 2,485
8  (ix) Satowan ...................... -0-
9  (x) Oneop ......................... 4,000
10 (xi) Lekinioch .................... 2,114
11 (k) Municipal inauguration subsidies 5,000
12 (l) Mortlocks Centennial activities .. 5,000
13 (m) Mortlocks Goodwill games........ 20,755
14 (3) Election District No. 2 .......... 185,000
15 (a) Rural/Secondary Roads Development
16 and Improvement ........................ 16,325
17 (b) Northern Namoneas Social and
18 Economic Development Authority Project
19 Administration ........................ 38,000
20 (c) Northern Namoneas Leadership
21 Conference .......................... 6,836
22 (d) Students/Youth Land Transportation
23 ........................................ 23,916
24 (e) Municipal Governments subsidies.
25 ........................................ 18,809
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<td>(g) Dock Rehabilitation Projects</td>
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<td>(j) Nien Northern Namoneas in Pohnpei</td>
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<td>6</td>
<td>(k) Sewing project</td>
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<td>(l) Fishing gears and equipment</td>
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<td>(b) Housing and Community Halls</td>
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<td>(g) Non-governmental Organizations and Associations contributions</td>
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<td>(h) Youth activities and programs</td>
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<td>(k) Charter &amp; POL</td>
<td>$36,000</td>
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(1) Participants expenses to the
Inauguration ......................... $ 3,671

(m) Participants expenses to the
agriculture workshop/training in Pohnpei ... 10,000

(7) Chuuk State Economic Summit......... 25,000"

Section 2. Section 6 of Public Law No. 16-49, as amended
by Public Laws Nos. 17-10, 17-45 and 17-85, is hereby amended
to read as follows:

"Section 6. Allotment and management of funds and lapse
date. 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. The
allottee 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. The allottee of funds appropriated under
sections 2 and 4 of this act shall be the President of
the Federated States of Micronesia or his designee;
PROVIDED THAT the allottee of funds appropriated under
section 4(1)(b) shall be the Pohnpei Transportation
Authority and the allottee of the funds appropriated
under section 4(1)(j) shall be the Mayor of Kolonia Town
Government. The allottee of funds appropriated under
section 3 of this act shall be the Governor of Yap State. The allottee of funds appropriated under subsections 5(1), 5(3) and 5(7) of this act shall be the Governor of Chuuk State or his designee. The allottee of funds appropriated under subsection 5(2) of this act shall be the Mortlock Islands Development Authority (MIDA). The allottee of funds appropriated under subsection 5(4) of this act shall be the Southern Namoneas Development Authority. The allottee of funds appropriated under subsection 5(5) of this act shall be the Faichuk Development Authority. The allottee of funds appropriated under subsection 5(6) of this act shall be the Northwest Development Authority. The funds appropriated by this act shall lapse on September 30, 2014."
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.

               , 2013

Manny Mori
President
Federated States of Micronesia