August 18, 2014

The Honorable Dohsis Halbert
Speaker
Eighteenth Congress of the Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear Speaker Halbert:

I am returning the following Congressional Acts without signature:

Public Law No. 18-77, Congressional Act No. 18-78, “AN ACT TO FURTHER AMEND PUBLIC LAW NO. 16-58, AS AMENDED BY PUBLIC LAWS NOS. 16-64, 16-72, 17-08, 17-11, 17-20, 17-35 AND 17-41, BY AMENDING SECTION 4 THEREOF, TO MODIFY THE USE OF CERTAIN FUNDS PREVIOUSLY Appropriated THEREIN, TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF POHNPEI, AND FOR OTHER PURPOSES.”

Public Law No. 18-78, Congressional Act No. 18-79, “AN ACT TO FURTHER AMEND PUBLIC LAW NO. 18-35, AS AMENDED BY PUBLIC LAWS NOS. 18-49, 18-61 AND 18-63, BY AMENDING SECTIONS 4 AND 6 THEREOF, TO CHANGE THE USE AND ALLOTTEE OF CERTAIN FUNDS PREVIOUSLY Appropriated THEREIN, TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS FOR THE STATE OF POHNPEI, AND FOR OTHER PURPOSES.”

Public Law No. 18-79, Congressional Act No. 18-80, “AN ACT TO FURTHER AMEND PUBLIC LAW NO. 16-62, AS AMENDED BY PUBLIC LAWS NOS. 16-71, 17-05, 17-18, 17-29, 17-47, 18-23, 18-33 AND 18-50, BY AMENDING SECTION 6 THEREOF, TO CHANGE THE LAPSE DATE OF CERTAIN FUNDS PREVIOUSLY Appropriated THEREIN, AND FOR OTHER PURPOSES.”

Public Law No. 18-81, Congressional Act No. 18-82, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 18-11, AS AMENDED BY PUBLIC LAW NO. 18-44, BY AMENDING SECTION 2 THEREOF, TO CHANGE THE LAPSE DATE OF FUNDS PREVIOUSLY APPROPRIATED THEREIN, AND FOR OTHER PURPOSES."

Public Law No. 18-82, Congressional Act No. 18-83, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 18-05, AS AMENDED BY PUBLIC LAWS NOS. 18-07, 18-14, 18-31, 18-38 AND 18-72, BY AMENDING SECTIONS 2, 4 AND 6 THEREOF, FOR THE PURPOSE OF CHANGING THE USE AND LAPSE DATE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN, AND FOR OTHER PURPOSES."

Public Law No. 18-83, Congressional Act No. 18-84, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 17-59, AS AMENDED BY PUBLIC LAWS NOS. 17-63, 17-66, 17-70, 17-77, 17-86, 18-21, 18-29 AND 18-64, BY AMENDING SECTION 6 THEREOF, FOR THE PURPOSE OF CHANGING THE LAPSE DATE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN, AND FOR OTHER PURPOSES."

Public Law No. 18-84, Congressional Act No. 18-85, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 17-36, AS AMENDED BY PUBLIC LAWS NOS. 17-48, 17-78, 17-87, 18-36, AND 18-65, BY AMENDING SECTION 6 THEREOF, FOR THE PURPOSE OF CHANGING THE LAPSE DATE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN, TO OFFER A TECHNICAL AMENDMENT, AND FOR OTHER PURPOSES."

Public Law No. 18-85, Congressional Act No. 18-86, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 15-32, AS AMENDED BY PUBLIC LAWS NOS. 15-36, 15-44, 15-57, 15-63, 15-72, 15-78, 16-03, 16-11, 16-33, 16-46, 17-12, 17-21, 17-33, 17-40, 18-17 AND 18-67, BY AMENDING SECTION 2 THEREOF, FOR THE PURPOSE OF CHANGING THE ALLOTTEE AND LAPSE DATE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN, AND FOR OTHER PURPOSES."

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Public Law No. 18-87. Congressional Act No. 18-89. "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 17-68, AS AMENDED BY PUBLIC LAWS NOS. 17-71, 17-81, 17-84, 17-89, 17-90, 18-03, 18-10, 18-13, 18-32, 18-46 AND 18-58, BY AMENDING SECTION 6 THEREIN, FOR THE PURPOSE OF CHANGING THE LAPSE DATE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS IN EACH OF THE STATES AND FOR OTHER PURPOSES."

I reviewed the above Acts, designed to alter the funds and change the allottees for various public projects. The numerous amendments, which fail to provide clear direction on the intention of Congress behind altering funds and changing allottees, make it impossible for the Executive branch to implement public projects without involvement from Congress.

The involvement of some members of Congress in the implementation of public projects violates the Constitution, as confirmed by the Udot case. I have previously shared this concern with Congress and once again bring this problem to your attention. Let’s resolve this matter amicably and avoid going to court to seek further clarifications.

Sincerely,

Manny Mori
President

Enclosures:

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

Office of the President, P.O. Box 1364, Kolonia, Pohnpei FM 96941
July 15, 2014

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. 18-82, "AN ACT TO AMEND PUBLIC LAW NO. 18-11, AS AMENDED BY PUBLIC LAW NO 18-44, BY AMENDING SECTION 2 THEREOF, TO CHANGE THE LAPSE DATE OF FUNDS PREVIOUSLY APPROPRIATED THEREIN, AND FOR OTHER PURPOSES.", which was passed by the Eighteenth Congress of the Federated States of Micronesia, Fourth Special Session, 2014, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

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

Enclosures
An Act

TO AMEND PUBLIC LAW NO. 18-11, AS AMENDED BY PUBLIC LAW NO 18-44, BY AMENDING SECTION 2 THEREOF, TO CHANGE THE LAPSE DATE OF FUNDS PREVIOUSLY APPROPRIATED THEREIN, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: JOSEPH J. URUSEMAL
DATE: JULY 7, 2014

REFERRED TO: COMMITTEE ON WAYS AND MEANS
WITHDRAWN – JULY 8, 2014
FIRST READING: JULY 9, 2014
SECOND READING: JULY 10, 2014

Liwiana Ramon Iowanis
Chief Clerk, FSM Congress
ACT NO. 18-82

(CONGRESSIONAL BILL NO. 18-191)

We hereby certify that on July 10 the foregoing act passed Second and Final Reading of the Eighteenth Congress of the Federated States of Micronesia, Fourth Special Session, 2014, 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.

Dohnis Halbert
Speaker
Congress of the
Federated States of Micronesia

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

To amend Public Law No. 18-11, as amended by Public Law No 18-44, by amending section 2 thereof, to change the lapse date of funds previously appropriated therein, and for other purposes.

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

1. Section 1. Section 2 of Public Law No. 18-11, as amended by Public Law No. 18-44, is hereby further amended to read as follows:

"Section 2. 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 laws, 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 the funds appropriated under subsection 1 of section 1 of this act shall be the President of the Federated States of Micronesia. The allottee of funds appropriated under subsection 2 of section 1 of this act shall be the Governor of the State of Yap or his designee. The authority of the allottee to obligate funds appropriated by this act shall lapse
on September 30, 2015."

Section 2. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.


__________________________, 2014

Law w/Out Signature
8-18-14

Manny Mori
President
Federated States of Micronesia