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."

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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.”


Office of the President, P.O. Box 1364, Kolonia, Pohnpei FM 96941
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Public Law No. 18-86. Congressional Act No. 18-87, "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, 17-85, 18-28, 18-45 AND 18-59, 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. 18-87. 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

Enclosure:

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 14, 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. 18-83, "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.", 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 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.

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 Ioani
Chief Clerk, FSM Congress
ACT NO. 18-83

(CONGRESSIONAL BILL NO. 18-190, C.D.1)

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.

Dohsis Halbert
Speaker
Congress of the Federated States of Micronesia

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

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

Section 1. Section 2 of Public Law No 18-05, as amended by Public Laws Nos. 18-07, 18-14 and 18-72, is hereby further amended to read as follows:

"Section 2. Of the sum of $2,500,000 appropriated by this act, $400,000 is apportioned for Kosrae State for public projects and social programs.

(1) State of Kosrae ................. $400,000

(a) Municipal Governments' subsidy . 100,000

(b) Purchase of a vehicle (Kosrae Custom and Revenue field office ............. 20,000

(c) Maintenance of a dental chair for Kosrae State Hospital ............... 5,000

(d) Kosrae State General Election in November 2014 .......................... 15,000

(e) Kosrae High School Lunch Program 20,000

(f) B.A. program .................... 10,000

(g) We Care program ................. 20,000

(h) Kosrae Port Authority subsidy .. 27,452
CONGRESSIONAL BILL NO. 18-190, C.D.1

1. (i) Walden University (student outstanding balance) .................. $ 4,000
2. (j) Micronesian Shipping Commission 10,000
3. (k) Xavier High School (tuition & fees for Kosraean students) ............ 20,000
4. (l) Travel needs for participants to the Nursing Association conference in Honolulu .......................... 5,000
5. (m) Kosrae State Government subsidy -0-
6. (n) Malem Association of farmers ... 6,000
7. (o) Kosrae High School lunch area (renovation, maintenance and upgrade) ..... 10,000
8. (p) Hemodialysis treatment fees .... 30,000
9. (q) Transportation needs to Regional Tennis Center in Lautoka, Fiji ........... 5,000
10. (r) Outstanding debts for Kosraen students attending COM-FSM Institution (Fall and Summer 2013) .................... 20,000
11. (s) Lelu Town Government subsidy ... 20,000
12. (t) Infwala, Tafunsak farm road ... 15,000
13. (u) COM-FSM Institute Trial Counselor program .......................... 5,000
14. (v) Kosrae State Court mediation program 10,000
15. (w) Subsidy for Kosrae State Department of Economic Affairs (seedling
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<td>2</td>
<td>(x) Youth activities and programs</td>
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<td>(y) Telik, Utwe farm road</td>
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Section 2. Section 4 of Public Law No. 18-05, as amended by Public Laws Nos. 18-07, 18-31 and 18-38, is hereby further amended to read as follows:

"Section 4. Of the sum of $2,500,000 appropriated by this act, $700,000 is apportioned for Pohnpei State for public projects and social programs.

State of Pohnpei ........................................ $700,000

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<tr>
<td>12</td>
<td>(a) Pohnpei secondary road improvement</td>
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<td>13</td>
<td>(b) Sport facilities improvement</td>
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<td>14</td>
<td>(c) Pohnpei Sports (equipment, supplies, umpire fees</td>
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<td>(d) Sports facilities and venue</td>
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<td>17</td>
<td>improvement</td>
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<td>18</td>
<td>(e) FSM Constituency visit by Pohnpei Delegation</td>
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<tr>
<td>19</td>
<td>(f) Hosting of traditional/civic leaders' conference/travel, including from foreign governments and states</td>
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<td>23</td>
<td>(g) Consumers Association</td>
<td>10,000</td>
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<td>24</td>
<td>(2) Election District No. 1</td>
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<tr>
<td>25</td>
<td>(a) Community water extension/</td>
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sanitary toilet facilities ............... $ 53,000
(b) Contractual Service

Reimbursement to Pohnpei State Delegation .... 3,000
(c) Elementary Schools subsidy

in Election District No. 1, Pohnpei State .... 20,000
(d) Dispensaries subsidy in

Election District No. 1, Pohnpei State .... 5,000
(e) Graduate students' outstanding debts 7,000
(f) Social Security Premium contribution 10,000
(g) Kakao nursery ..................... 15,000
(h) Small business/

entrepreneurship start up ................... 5,000
(i) Medical referral ...................... 10,000
(j) Student financial assistance ... 37,000

(3) Election District No. 2 ............... 165,000
(a) Rohi/Rehntu road paving .......... 35,000
(b) Paies-Kitti water system ........ 10,000
(c) Nansalohi-Madol water system ... 10,000
(d) Soamwoai-Kitti water system .... 10,000
(e) Kinakapw road improvement ...... 5,000
(f) Rehntu (Nintok) road improvement 30,000
(g) Pohnpaip (Nanmand) road improvement 5,000
(h) Moailap coastal access road improvement 5,000
(i) Pohnlangas Ice Plant road improvement 5,000
(j) Police vehicle purchase supplement 10,000
CONGRESSIONAL BILL NO. 18-190, C.D.1

(k) Drilling Rig and Accessories $5,000
(l) Students financial assistance 5,000
(m) Purchase of PVC pipes and materials 5,000
(n) Election District No. 2

administrative support services 20,000
(o) Kitti Judiciary branch fencing 5,000

(4) Election District No. 3 165,000
(a) Care Micronesia Foundation 25,000
(b) Election District No. 3

administrative support services 15,000
(c) Medical referral assistance 10,000
(d) Youth activities and supplies 15,000
(e) Road repair and beautification 70,000
(f) Extension of power lines to rural areas/farm roads 30,000

Section 3. Section 6 of Public Law No. 18-05, as amended by Public Laws Nos. 18-07 and 18-38, is hereby further 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 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 section 3 of this act shall be the Governor of Yap State. 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, EXCEPT THAT the allottee of funds appropriated under subsection 4(3)(a) of this act shall be the Pohnpei Transportation Authority. The allottee of funds appropriated under subsections 5(1) and 5(3) of this act shall be the Governor of Chuuk State or his designee. The allottee of funds appropriated under subsection 5(2) of section 5 of this act shall be the Mortlock Islands Development Authority. The allottee of funds appropriated under subsection 5(4) of section 5 of this act shall be the Southern Namoneas Development Authority. The allottee of funds appropriated under subsection 5(5) of section 5 of this act shall be the Faichuk Development Authority. The allottee of funds appropriated under subsection 5(6) of section 5 of this act shall be the Northwest Island Development Authority. The authority of the allottee to obligate funds appropriated by this act shall lapse on
September 30, 2015."

Section 4. 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