January 5, 2015

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

Dear Speaker Halbert:

I am returning the following Congressional Acts without signature:

Public Law No. 18-104: Congressional Act No. 18-107, "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 1 THEREOF, TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR THE STATES OF YAP AND KOSRAE, AND FOR OTHER PURPOSES."

Public Law No. 18-105: Congressional Act No. 18-108: "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 18-05, AS AMENDED BY PUBLIC LAWS NOS. 18-07, 18-14, 18-31, 18-38, 18-72 AND 18-82, BY AMENDING SECTION 4 THEREOF, FOR THE PURPOSE OF CHANGING THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN, FOR PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF PONPEI AND FOR OTHER PURPOSES."

Public Law No. 18-106: Congressional Act No. 18-109: "AN ACT TO AMEND PUBLIC LAW NO. 18-99, BY AMENDING SECTIONS 3 AND 5 THEREOF, TO CHANGE THE USE OF FUNDS PREVIOUSLY APPROPRIATED THEREIN TO FUND PUBLIC PROJECTS AND SOCIAL PROGRAMS FOR THE PEOPLE OF THE STATES OF KOSRAE AND CHUUK, AND FOR OTHER PURPOSES."

I reviewed the above Acts, designed to alter the funds that were previously appropriated for various public projects and social programs. The amendment consists of changing the amounts of the various appropriations for public projects and social programs and creating new line items in addition to the existing appropriation.

The rationale for the amendments was not explained anywhere in the Acts and there were no reports to indicate the intent of Congress in adopting the amendments. As a result, the Acts failed to provide clear direction on the intention of Congress behind altering the funds, make it impossible for the Executive Branch to implement public projects and social programs without involvement from Congress.
The involvement of some of the 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.

Sincerely,

Manny Mori
President

xc:  Chief Justice, FSM Supreme Court
    Secretary, Department of Justice
    Director, Office of SBOC
    Legislative Counsel, CFSM
    Library, CFSM
    PIO, FSM
December 02, 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. 18-108, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 18-05, AS AMENDED BY PUBLIC LAWS NOS. 18-07, 18-14, 18-31, 18-38, 18-72 AND 18-82, BY AMENDING SECTION 4 THEREOF, FOR THE PURPOSE OF CHANGING THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN, FOR PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF POHNPEI, AND FOR OTHER PURPOSES.", which was passed by the Eighteenth Congress of the Federated States of Micronesia, Fifth Special Session, 2014, 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

TO FURTHER AMEND PUBLIC LAW NO. 18-05, AS AMENDED BY PUBLIC LAWS NOS. 18-07, 18-14, 18-31, 18-38, 18-72 AND 18-82, BY AMENDING SECTION 4 THEREOF, FOR THE PURPOSE OF CHANGING THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN, FOR PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE STATE OF Pohnpei, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: PETER M. CHRISTIAN
DATE: NOVEMBER 26, 2014

REFERRED TO: COMMITTEE ON WAYS AND MEANS
WITHDRAWN – NOVEMBER 26, 2014
FIRST READING: NOVEMBER 26, 2014
SECOND READING: NOVEMBER 27, 2014

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress
ACT NO. 18-108

(CONGRESSIONAL BILL NO. 18-245)

We hereby certify that on November 27 the foregoing act passed Second and Final Reading of the Eighteenth Congress of the Federated States of Micronesia, Fifth 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.

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

[Signature]
Liwiana Ramon Ioinis
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, 18-72 and 18-82, by amending section 4 thereof, for the purpose of changing the use of certain funds previously appropriated therein, for public projects and social programs in the State of Pohnpei, and for other purposes.

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

1 Section 1. Section 4 of Public Law No. 18-05, as amended by Public Laws Nos. 18-07, 18-31, 18-38 and 18-82, 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

(1) Pohnpei at Large ................. 205,000

(a) Pohnpei secondary road improvement 55,000

(b) Sport facilities improvement .... 45,000

(c) Pohnpei Sports (equipment,

supplies, umpire fees ............... 25,000

(d) Pohnpei State Legislative conference

hosting and related expenses ........ 25,000

(e) FSM Constituency visit by Pohnpei

Delegation ......................... 25,000

(f) Hosting of traditional/civic

leaders' conference/travel, including
from foreign governments and states ....... $15,000

(g) Consumers Association .......... 15,000

(2) Election District No. 1 .......... 165,000

(a) Community water extension/

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
(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 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.

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