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. 18-105: 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 Pohnpei 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.
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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. 18-109, "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.", 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
SECOND READING: NOVEMBER 28, 2014
FIRST READING: NOVEMBER 27, 2014
W ithdrawn - NOVEMBER 27, 2014

Refereed To: Committee on Ways and Means

DATE: NOVEMBER 27, 2014
Introduced by Senator Wesley W. Simina

Kosrae and Chuuk, and for other purposes, to amend Public Law No. 18-99, by amending sections 3 and 5 therefor.

An ACT

PUBLIC LAW No. 18-106

NOVEMBER 17-29, 2014
Fifth Special Session
Federated States of Micronesia
Eleventh Congress of the FSM Congress

COMM. NO. 18-109

(CongressionaL Bill No. 18-248, C.D.1, C.D.2)
ACT NO. 18-109
(CONGRESSIONAL BILL NO. 18-248, C.D.1, C.D.2)

We hereby certify that on November 28 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.

Dohsie 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. 18-99, 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.

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

Section 1. Section 3 of Public Law No. 18-99, is hereby amended to read as follows:

"Section 3 of the $2,800,000 appropriated in this act, $400,000 is appropriated to fund public projects and social programs for the people of the State of Kosrae.

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

(a) Outreach and Advocacy Program ...................... 40,000

(b) Lelu Town Government subsidy...... 20,000

(c) Purchase of I-phones and I-pads. 10,000

(d) Tofol Tennis Courts upgrade..... 10,000

(e) Kosrae State court subsidy...... 5,000

(f) Purchase of vehicle for Kosrae State Department of Finance ................. 25,000

(g) Concordia University of Oregon Master Degree scholarship ............ 20,000

(h) Travel needs & tuition costs
Fielding graduate, University of Santa Barbara, California ......................... $ 10,000

(i) G-14 fund raising .................. 10,000
(j) SDA Women Association fund raising 10,000
(k) Kosrae Special Parent Network... 5,000
(l) FMI-Yap Kosraean students financial assistance ....................... 5,000

(m) Purchase of vehicle & freight & handling cost (FSM Treasury –Kosrae) .... 25,000

(n) COM-FSM –Kosraeans students outstanding debt .............................. 40,000
(o) POL for Kosrae Public Safety .... 5,000

(p) IMF matching fund for infrastructure projects ....................... 80,000
(q) Outreach program .................. 50,000

(r) Circumferential road improvement 30,000

Section 5 of Public Law No. 18-99 is hereby amended to read as follows:

"Section 5. Of the $2,800,000 appropriated in this act, $1,200,000 is appropriated for public projects and social programs for the people of the State of Chuuk.

(1) At Large ......................... $200,000

(a) Community Infrastructures & Housing Renovation ..................... 50,000

(b) Contributions to State,
1  Municipal and Community
2  Events/Programs/Activities $40,000
3       (c) Administrative support services
4  (Allottee for At Large Chuuk) $15,000
5       (d) Fishing project $45,000
6       (e) Social Security obligations $10,000
7       (f) Land Transportation $10,000
8       (g) Leadership, patients, students
9 and travel needs, community outreach and
10  advocacy program $30,000
11  (2) Election District No. 1 $200,000
12       (a) Municipal governments’ subsidy $88,000
13       (b) Mortlocks leadership $10,000
14       (c) Poverty alleviation projects,
15  programs and activities $60,000
16       (d) Health, education and sanitation
17  project $20,000
18       (e) Municipal, community and traditional
19  activities/contributions $11,000
20       (f) Communication, solar projects $11,000
21  (3) Election District NO. 2 $200,000
22       (a) Housing and Community Hall
23  rehabilitation $70,000
24       (b) Solar system project $18,000
(c) Contributions to Hilo, Maui and Portland Associations $42,000

d) Student financial assistance $10,000

e) Human remain repatriation $10,000

(f) Land Transportation $10,000

(g) Poverty alleviation projects, programs and activities $10,000

(h) Administrative support services

(Allottee for Election District No. 2) $20,000

(i) Leadership/Patients/Students contributions $10,000

(4) Election District No. 3 $200,000

(a) Fishing project $40,000

(b) Municipal and community facilities repair and improvement $40,000

(c) Community outreach and advocacy program $15,000

(d) Administrative support service (SNDA) $25,000

(e) Poverty alleviations projects,

programs and activities $20,000

(f) Human repatriation and medical referral program $10,000

(g) Alternative energy and solar lighting system and power generators $10,000

(h) Contributions to State,
Municipal and Community

Events/Programs/Activities $30,000

(i) POL/Charter/Utilities and Freight $10,000

(5) Election District No. 4 $200,000

(a) Community Outreach and Advocacy Program $30,000

(b) Leadership/patients/students travel needs $20,000

(c) Fishing project subsidy $40,000

(d) Humanitarian assistance subsidy $20,000

(e) Farming project subsidy $20,000

(f) Municipal governments subsidy $20,000

(g) Water system project subsidy $20,000

(h) Faichuk Development Authority administrative cost $10,000

(i) Land transportation (Students and Farmers) $20,000

(6) Election District No. 5 $200,000

(a) Solar projects $40,000

(b) Northwest Islands Development Authority $50,000

(c) COM-FSM students’ outstanding debt $20,000

(d) Municipal government inaugural expenses $25,000

(e) Patient referral/medical and related
expenses ........................................ $ 20,000
(f) Northwest Islands vessel operational cost (contractual and and delivery services) 20,000
(g) UH at Hilo Ph.D. studies ........... 10,000
(h) Nomwin municipal vehicle ........... 10,000
(i) Turtle conservation program ...... 5,000"

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.

__________________________, 2014

Law in Full Signature

Manny Mori
President
Federated States of Micronesia