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A BILL FOR AN ACT

To further amend title 55 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-68, 2-69, and 3-23, by amending section 212 and by adding a new section 213 establishing the Capital Improvement Program Fund, and for other purposes.

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

1 Section 1. Section 212 of title 55 of the Code of the Federated
2 States of Micronesia, as amended by Public Laws Nos. 2-68 and 3-23, is
3 hereby further amended to read as follows:

4 "Section 212. Enhanced Operations and Maintenance Fund.

5 (1) There is hereby created within the National
6 Treasury of the Federated States of Micronesia an Enhanced
7 Operations and Maintenance Fund.

8 (2) All United States grant funds allotted to the
9 President of the Federated States of Micronesia by the Trust
10 Territory Government or United States Government specifically
11 for enhanced operations and maintenance activities in the
12 States shall be deposited in the Enhanced Operations and
13 Maintenance Fund.

14 (3) United States grant funds for enhanced operations
15 and maintenance include funding for:

16 (a) The purchase of necessary spare parts, equip-
17 ment, and various utility maintenance supplies;

18 (b) The employment of skilled personnel;

19 (c) The initiation or enhancement of training
20 programs to upgrade technical skills in the public works
21 area; and

22 (d) Such other activities as may be authorized
23 by appropriation laws of the United States and agreed to by
24 the Federated States of Micronesia Government and the Trust
25 Territory Government for enhanced operations and maintenance.

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1 (4) The President or his designee shall notify
2 Congress of all grant awards and deposits to the Enhanced
3 Operations and Maintenance Fund.

4 (5) Any portion of enhanced operations and maintenance
5 funding made available to and accepted by the National
6 Government for the administration of the enhanced operations
7 and maintenance program shall be deposited in the United
8 States Grant Special Fund and may be withdrawn by appro-
9 priation laws enacted by the Congress of the Federated
10 States of Micronesia in accordance with section 210 of this
11 act.

12 (6) Deposits in the Enhanced Operations and Maintenance
13 Fund shall be administered, withdrawn, distributed, and
14 accounted for by the President or his designee in accordance
15 with the provision of this act, requirements of the United
16 States Government, and a written plan prepared by the National
17 and four State Governments and approved by the High Commissioner
18 of the Trust Territory Government. /Prior to submission of the
19 written plan required by this subsection to the High Commissioner
20 of the Trust Territory of the Pacific Islands for his approval,
21 the President shall submit such plan to the Congress of the
22 Federated States of Micronesia for approval by resolution.
23 If Congress is not in session, the appropriate committee--
24 shall review and approve the plan. The scope of such review
25 shall be complete, with the ability to approve any aspect of

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1 the plan! The approval of any plan by the appropriate
2 committee shall not obligate funds from the National Treasury
3 where they were not otherwise appropriated pursuant to law!
4 The Congress or the committee shall complete its review
5 within 30 days of submission! Any plan submitted under this
6 subsection shall be deemed approved if the Congress or the
7 appropriate committee fails to act within 30 days of submission!
8 The President shall be the allottee of the funds and shall
9 have the authority to make suballotments to the Governors!

10 Deposits in the Enhanced Operations and Maintenance Fund
11 shall be made available to the President of the Federated
12 States of Micronesia, upon the approval by the High Commissioner
13 of a written plan, and the President shall suballot to each
14 State Governor based on each State's approved plan. This
15 plan shall set forth all proposed expenditures of such funds
16 as may be available to each State by the terms of the appro-
17 priation law of the United States Government or by the actions
18 of the High Commissioner pursuant to authority set forth in
19 the appropriation laws of the United States. To the extent
20 that the terms of the appropriation laws of the United
21 States do not allot such funds specifically to the States,
22 and such laws do not so empower the High Commissioner to act
23 in this regard, such funds shall be allotted by the President
24 in an equitable manner which reflects the needs of each State
25 based on plans prepared by the States, subject to the approval

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1 of Congress by resolution. If Congress is not in session,
2 the appropriate committee shall review and approve the manner
3 of distribution of the funds. The Congress or the committee
4 shall complete its review within 30 days of submission. If
5 the Congress or the appropriate committee fails to act within
6 30 days of submission, the proposed distribution of funds
7 shall be deemed approved. All funds allotted to the Governors
8 of the States shall be administered, managed, and accounted
9 for in accordance with applicable law, including, but not
10 limited to, the Financial Management Act of 1979."

11 Section 2. Title 55 of the Code of the Federated States of Micro-
12 nesia, as amended by Public Laws Nos. 2-68, 2-69, and 3-23, is hereby
13 further amended by adding a new section 213 to read as follows:

14 "Section 213. Capital Improvement Program Fund.

15 (1) There is hereby created within the National Treasury
16 of the Federated States of Micronesia a Capital Improvement
17 Program Fund.

18 (2) All United States grant funds allotted to the
19 President of the Federated States of Micronesia by the
20 Trust Territory Government or the United States Government
21 specifically for capital improvement projects in the States
22 shall be deposited in the Capital Improvement Program Fund.

23 (3) United States grant funds for the capital improvement
24 program shall include funding and resources for the development
25 of the basic infrastructure of the Federated States of

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1 Micronesia in conformance with the intent of the original
2 capital improvement program and other funding and resources
3 transferred under any agreement between the National Government
4 of the Federated States of Micronesia and the Government of
5 the Trust Territory of the Pacific Islands, regarding the
6 transfer of capital improvement project funding and adminis-
7 tration.

8 (4) The President or his designee shall notify Congress
9 of all grant awards and deposits to the Capital Improvement
10 Program Fund.

11 (5) Deposits in the Capital Improvement Program Fund
12 shall be made available to the President who shall suballot
13 to each State Governor such funds as may be available to each
14 State by the terms of the appropriation laws of the United
15 States Government, or by the actions of the High Commissioner
16 pursuant to authority set forth in the appropriation laws
17 of the United States. To the extent that the terms of the
18 appropriation laws of the United States do not allot such
19 funds specifically to the States, and such laws do not so
20 empower the High Commissioner to act in this regard, such
21 funds shall be allotted by the President in an equitable
22 manner which reflects the needs of each State subject to the
23 approval of Congress by resolution. If Congress is not in
24 session, the appropriate committee shall review and approve
25 the manner of distribution of the funds. The Congress or the

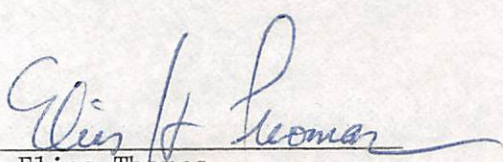
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1 appropriate committee shall complete its review within 30
 2 days of submission. If the Congress or the appropriate
 3 committee fails to act within 30 days of submission, the
 4 proposed distribution of funds shall be deemed approved.
 5 All funds allotted to the Governors of the States shall be
 6 administered, managed, and accounted for in accordance with
 7 applicable law including, but not limited to, the Financial
 8 Management Act of 1979."

9 Section 2. Sections 213, 214, 215, 216, 217, 218, 219, 220, 221,
 10 222, 223, 224, 225, 226, and 227 of title 55 of the Code of the
 11 Federated States of Micronesia, as amended by Public Laws Nos. 2-68,
 12 2-69, and 3-23, are hereby renumbered 214, 215, 216, 217, 218, 219,
 13 220, 221, 222, 223, 224, 225, 226, 227, and 228 respectively.

14 Section 3. This act shall become law upon approval by the President
 15 of the Federated States of Micronesia or upon its becoming law without
 16 such approval.

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 18 Date: 10/27/83

Introduced by: 
 Elias Thomas

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