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A BILL FOR AN ACT

To further amend Public Law No. 13-46, as amended, by amending sections 2, 8, 9 and 13 thereof for the purpose of appropriating an additional sum of \$1,357,510, from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2005, 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. 13-46, as amended by  
2 Public Law No. 13-62, 13-81 and 13-87, is hereby further amended  
3 to read as follows:

4           "Section 2. Operating expenses of the Executive Branch.

5           The sum of [~~\$13,752,322~~] \$14,583,615, or so much thereof  
6 as may be necessary, is hereby appropriated from the  
7 General Fund of the Federated States of Micronesia for  
8 the fiscal year ending September 30, 2005, for the  
9 operations of the Executive Branch of the National  
10 Government during fiscal year 2005. The sum  
11 appropriated by this section shall be apportioned as  
12 follows:

13           (1) Office of the President  
14           [~~\$700,864~~] \$750,864, for the activities set forth in the  
15 performance budget pages 1 through 2 of the budget book.  
16 Of the funds appropriated, \$35,000 shall be deemed to  
17 come from carryover funds available under section  
18 215(a) (2) of Compact I for communications. Of the total  
19 funds appropriated, \$50,000 shall not lapse until

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1           September 30, 2006.

2           (2) Department of Foreign Affairs  
3           \$3,426,792 for the activities set forth in the  
4           performance budget pages 20 through 24 of the budget  
5           book, provided that \$29,000, or so much thereof as may  
6           be necessary, is to be used to provide housing  
7           allowances to consular staff in Honolulu and,  
8           notwithstanding any other section of Public Law No. 13-  
9           46, shall not be reprogrammed or used for any other  
10          purpose. Of the amount appropriated, \$141,800 shall be  
11          deemed to come from carryover funds available under  
12          section 215(a)(2) of Compact I for communications.

13          (3) Department of Finance and Administration  
14          [~~\$2,439,532~~] \$2,579,532 for the activities set forth in  
15          the performance budget pages 73 through 77 of the budget  
16          book, provided that \$100,000 of this amount shall be  
17          used to fund a portion of the deficit recorded by the  
18          National Government at the close of fiscal year 2003  
19          (which funds have been reprogrammed for disaster relief  
20          under the President's emergency powers). Of the total  
21          funds appropriated, \$46,914 shall be deemed to come from  
22          carryover funds available under section 215(a)(2) of  
23          Compact I for communications. Of the total funds  
24          appropriated, \$140,000 shall not lapse until September  
25          30, 2006.

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1 (4) Department of Economic Affairs  
2 \$1,071,353, for the activities set forth in the  
3 performance budget pages 126 through 132 of the budget  
4 book. Of the total funds appropriated, \$29,381 shall be  
5 deemed to come from carryover funds available under  
6 section 215(a)(2) of Compact I for communications.

7 (5) Department of Transportation, Communication and  
8 Infrastructure  
9 \$1,264,922 for the activities set forth in the  
10 performance budget pages 183 through 185 of the budget  
11 book. Of the total funds appropriated, \$20,000 shall be  
12 deemed to come from carryover funds available under  
13 section 215(b)(2) of Compact I for communications. Of  
14 the total funds appropriated, \$50,000 shall not lapse  
15 until September 30, 2006.

16 (6) Department of Health, Education and Social Affairs  
17 [~~\$1,526,808~~] \$1,958,101, for a portion of the activities  
18 set forth in the performance budget pages 210 through  
19 216 of the budget book. Of the total funds  
20 appropriated, \$50,000 shall be deemed to come from  
21 carryover funds available under section 216(a)(2) of  
22 Compact I for Health, \$50,000 shall be deemed to come  
23 from carryover special block grant funds available under  
24 section 221(b) of Compact I, \$475,200 shall be deemed to  
25 come from funds available under the education sector of

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1 the Amended Compact, \$763,234 from the health sector,  
2 and \$111,421 from the environment sector, and \$381,293  
3 from fiscal year 2005 Supplemental Education Grant  
4 funds. Of the total funds appropriated, \$431,293 shall  
5 not lapse until September 30, 2006.

6 (7) Department of Justice  
7 [~~\$2,544,538~~] \$2,654,538 for the activities set forth in  
8 the performance budget pages 339 through 342 of the  
9 budget book provided that no more than \$31,000 of this  
10 amount may be expended on fuel oil for National Police  
11 Patrol boats until the Department has submitted to  
12 Congress an accounting concerning the use of fuel oil  
13 for this purpose in fiscal year 2004, including a  
14 description of each trip taken and the amount and cost  
15 of fuel used for each trip. Of the total funds  
16 appropriated, \$37,000 shall be deemed to come from  
17 carryover funds available under section 215(b)(2) of  
18 Compact I for communications, \$48,480 from carryover  
19 funds available under section 216(a)(1) of Compact I for  
20 Maritime Surveillance, and \$47,486 from carryover funds  
21 available under 216(b) of Compact I for Marine  
22 Surveillance. Of the total funds appropriated, \$50,000  
23 shall not lapse until September 30, 2006.

24 (8) FSM Public Defender Office

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1           \$677,513 for the activities set forth in the performance  
2           budget pages 372 through 373 of the budget book,  
3           provided that \$16,000, or so much thereof as may be  
4           necessary, is to be used for payment of the professional  
5           premium to any eligible person or persons and not  
6           withstanding any other section of Public Law No. 13-46,  
7           shall not be reprogrammed or used for any other purpose.  
8           Of the total funds appropriated, \$9,800 shall be deemed  
9           to come from carryover funds available under section  
10          215(b) (2) of Compact I for communications.

11           (9) Office of Compact Management \$10,000 to fund the  
12          establishment and operations of an Office of Compact  
13          Management in accordance with Public Law No. 13-75,  
14          provided that these funds shall not be used to meet the  
15          cost of activities that are already being undertaken  
16          within the National Government."

17          Section 2. Section 8 of Public Law No. 13-46, as amended by  
18          Public Law No. 13-62, 13-81 and 13-87, is hereby further amended  
19          to read as follows:

20                 "Section 8. Grants, Subsidies and Contributions.

21                 The sum of [~~\$2,755,103~~] \$2,946,103, or so much thereof  
22                 as may be necessary, is hereby appropriated from the  
23                 General Fund of the Federated States of Micronesia for  
24                 the fiscal year ending September 30, 2005, for the  
25                 following grants, subsidies and contributions during

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1           fiscal year 2005. The sum appropriated by this section  
2           shall be apportioned as follows:

3           (1) Office of the President

4                 (a) Disaster Emergency Assistance

5           Fund Matching .....\$           100,000

6           (2) Department of Foreign Affairs

7                 (a) Forum Secretariat .....           35,000

8                 (b) The Pacific Community .....           17,000

9                 (c) United Nations Economic and

10           Social Commission for Asia and the

11           Pacific (ESCAP) .....           5,000

12                 (d) United Nations Membership Fee ....           60,000

13                 (e) East-West Center .....           10,000

14           (3) Department of Economic Affairs

15                 (a) Pacific Islands Development

16           Program .....           15,000

17                 (b) Forum Fisheries Agency (FFA) .....           21,000

18                 (c) United Nations Development

19           Program (UNDP) .....           3,000

20                 (d) Coordinating Commission for

21           Offshore Mineral Prospecting (CCOMP) .....           15,000

22                 (e) Pacific Asia Travel Association

23           (PATA) .....           5,000

24                 (f) United Nations Environmental

25           Protection Agency (UNPA) .....           600

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1	(g) Western Forestry Leadership	
2	Coalition .....	500
3	(h) Seaframe Project .....	\$ 1,500
4	(i) Food Agriculture Organization	
5	(FAO) .....	4,700
6	(j) Household and Income Survey .....	75,562
7	(4) Department of Health, Education and	
8	Social Affairs	
9	(a) United Nations Funds for	
10	Population Activity .....	3,000
11	(b) South Pacific Regional	
12	Environmental Program (SPREP) .....	7,375
13	(c) Aid to Non-Public Schools .....	300,000
14	(d) Financial Assistance for FSM	
15	Students at College of Marshall Islands (CMI)	
16	and Palau Community College (PCC), provided that	
17	all funds appropriated herein shall be deemed to	
18	come from carryover funds available under the	
19	Special Block Grant section 221(b) of Compact I	
20	for Health and Education .....	50,000
21	(e) World Health Organization (WHO)	
22	Membership Fee, provided that all funds	
23	available under section 216(a)(2) of Compact	
24	I for health and medical program .....	41,385
25	(f) National Board of Nursing, provided	

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1           that funds appropriated herein shall be deemed  
2           to come from carryover funds available under  
3           the Special Block Grant section 221(b) of  
4           Compact I for Health and Education .....\$           38,000  
5                   (g) Pacific Islands Health Officers  
6           Association (PIHOA), provided that all funds  
7           appropriated herein shall be deemed to come  
8           from carryover funds available under section  
9           216(a) (2) of Compact I for health and medical  
10          programs .....           20,000  
11                   (h) National Close-Up Local Program ..           64,000  
12                   (i) FSM Amateur Sports Association ...           20,000  
13                   (j) College of Micronesia Board,  
14          provided that all funds appropriated herein  
15          shall be deemed to come from carryover funds  
16          available under Special Block Grant section  
17          221(b) of Compact I for Health and Education           5,000  
18                   (k) Association of Territorial Health  
19          Association, provided that all funds  
20          appropriated herein shall be deemed to come  
21          from carryover funds available under section  
22          216(b) (2) of Compact I for health and  
23          medical programs .....           2,000  
24                   (l) FSM Red Cross, provided that all funds  
25          appropriated herein shall be deemed to come from



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1	carryover funds available under section 216(a) (2) of	
2	Compact I for health and medical programs ..	64,000
3	(m) United National Economic and Social	
4	Cooperation (UNESCO) .....	\$ 13,941
5	(n) Administration and management costs for	
6	The Basic Social Services Project funded by an	
7	Asian Development loan authorized by Public	
8	Law No. 12-17 .....	50,000
9	(5) Department of Transportation, Communication	
10	and Infrastructure	
11	(a) Asia Pacific Telecommunity .....	7,640
12	(b) International Telecommunication	
13	Union (ITU) .....	55,000
14	(c) International Civil Aviation	
15	Organization .....	28,050
16	(d) Micronesian Shipping Commission ..	-0-
17	(e) Utilities for FSM Capital, provided	
18	that of the funds appropriated herein, \$21,442	
19	shall be deemed to come from carryover funds	
20	available under Section 214(b) of Compact I for	
21	energy .....	300,000
22	(f) Site clearance for projects funded	
23	by Chinese grant-aid, provided that,	
24	notwithstanding any other section of	
25	Public Law No. 13-46, these funds shall	

1	not be reprogrammed or used for any other	
2	purpose .....	450,000
3	(6) Coconut Development Authority	
4	(a) Copra Subsidy .....	\$ 125,000
5	(b) Asia Pacific Coconut Community ...	15,500
6	(7) Other grants, subsidies and	
7	contributions	
8	(a) Kosrae Judiciary .....	37,500
9	(b) Pohnpei Judiciary .....	40,500
10	(c) Chuuk Judiciary .....	40,500
11	(d) Yap Judiciary.....	25,000
12	(e) Micronesian Legal Services	
13	(MLSC) .....	150,000
14	(f) COM Treaty Obligations .....	25,000
15	(g) State Law Enforcement provided	
16	that, of this amount \$35,000, or so much	
17	thereof as is necessary, is to be used for Joint	
18	Law Enforcement Activities in Chuuk and shall	
19	not be used for personnel hiring or training, but	
20	rather only for the prosecution of national	
21	crimes and the feeding of prisoners convicted	
22	of national crimes and shall not be reprogrammed	
23	or used for any other purpose .....	135,000
24	(h) ACP/EU Membership Fee .....	8,000
25	(i) Western and Central Pacific Tuna	

1	Management Commission membership fee .....	16,000
2	(j) Third Micronesian Traditional	
3	Leaders Conference in Yap .....	\$ 30,000
4	(k) Payment to the Asian Development	
5	Bank for the Fisheries Development Project	
6	Loan authorized by Public Law No. 7-101, <u>of</u>	
7	<u>which \$90,000 shall not lapse until</u>	
8	<u>September 30, 2006</u> .....	<del>[200,000]</del> <u>290,000</u>
9	(l) Attorney fees for Udot v. FSM	
10	(Civil Action No. 200-1018) .....	8,850
11	<u>(m) Settlement of two court cases, the</u>	
12	<u>total amount of which shall not lapse</u>	
13	<u>until September 30, 2006</u> .....	<u>101,000</u>
14	<del>(m)</del> <u>(n)</u> National Office of Public	
15	Defender, provided that this amount	
16	shall be used to provide financial	
17	assistance to Yap students enrolled in	
18	law school .....	\$ 10,000"

19 Section 3. Section 9 of Public Law No. 13-46, as amended by  
 20 Public Law No. 13-62, 13-81 and 13-87, is hereby further amended  
 21 to read as follows:

22 "Section 9. Capital and Human Resource Development.  
 23 The sum of \$7,135,287, or so much thereof as may be  
 24 necessary, is hereby appropriated from the General Fund  
 25 of the Federated States of Micronesia for the fiscal

1 year ending September 30, 2005, for the following  
2 capital improvement, development programs and projects  
3 and human resource development. The sum appropriated  
4 under this section shall be apportioned as follows:

5 (1) College of Micronesia-FSM

6 (a) Operations of the College of Micronesia-FSM,  
7 including planning, construction and maintenance of  
8 college facilities. All funds appropriated herein shall  
9 be deemed to come from funds available under the  
10 education sector of the Amended Compact ..\$ 3,856,067

11 (b) Student assistance for tuition  
12 and housing, COM-FSM, provided that all  
13 of the funds appropriated herein shall  
14 be deemed to come from carryover funds  
15 available under section 216(a)(3) of  
16 Compact I for postsecondary scholarships ... 190,000

17 (c) COM-FSM Yap Campus Facility,  
18 PROVIDED THAT funds appropriated herein  
19 shall be deemed to come from funds  
20 available under the infrastructure development  
21 sector of the Amended Compact ..... 330,000

22 (d) SEOG, College Work-Study, Capacity Building  
23 and Professional Development. All funds appropriated  
24 herein shall be deemed to come from fiscal year 2005  
25 funds available under the Supplemental Education Grant

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1	<u>of the Amended Compact .....</u>	<u>445,217</u>
2	(2) FSM Fisheries and Maritime Institute,	
3	including operations, planning, training, and	
4	construction and maintenance of facilities and	
5	equipment. Of this amount \$180,050, shall be	
6	deemed to come from funds available under the	
7	education sector of the Amended	
8	Compact .....	\$ 738,360
9	(3) National Staff Upgrading, PROVIDED THAT	
10	funds appropriated herein shall be deemed to	
11	come from funds available under the capacity	
12	building sector of the Amended Compact .....	50,000
13	(4) FSM Visitors Bureau provided that, of	
14	this amount, \$40,000 shall be used to support	
15	FSM relations with JATA and participation in	
16	JATA programs and events .....	140,000
17	(5) Economic Statistics Unit	
18	Strengthening .....	75,000
19	(6) Crop Production Improvement .....	27,300
20	(7) Public Enterprise Privatization .....	66,560
21	(8) 2005 World Exposition (Japan) .....	82,000
22	(9) FSM Development Bank - Business	
23	Development Loan Program .....	500,000
24	(10) MS Caroline Voyager Dry-docking .....	630,000
25	(11) Patrol boats slipping .....	200,000

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1           (12) Project Management Unit (PMU),  
2           PROVIDED THAT the sum appropriated in this  
3           line item shall be deemed to come from funds  
4           available under the infrastructure development  
5           sector of the Amended Compact .....\$           1,000,000  
6           (13) FSM trust fund .....           250,000"

7           Section 4. Section 13 of Public Law No. 13-46, as amended by  
8           Public Law No. 14-10, is hereby further amended to read as  
9           follows:

10           "Section 13. Allotment and management of funds and  
11           lapse date.

12           (1) General Provisions.

13           (a) All funds appropriated by this act shall be  
14           allotted, managed, administered, and accounted for in  
15           accordance with applicable law, including, but not  
16           limited to, the Financial Management Act of 1979 and the  
17           Amended Compact of Free Association between the United  
18           States Government and the Government of the Federated  
19           States of Micronesia.

20           (b) The allottees shall be responsible for  
21           ensuring that these funds or so much thereof as may be  
22           necessary, are used solely for the purpose specified in  
23           this act, and that no obligations are incurred in excess  
24           of the sum appropriated.

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1           (2) Allottees. The allottees of the funds  
2 appropriated by this act are as follows:

3           (a) section 2 - the allottee of these funds shall  
4 be the President of the Federated States of Micronesia;

5           (b) section 3 - the allottee of these funds shall  
6 be the Speaker of the Congress of the Federated States  
7 of Micronesia;

8           (c) section 4 - the allottee of these funds shall  
9 be the Chief Justice of the Supreme Court of the  
10 Federated States of Micronesia;

11           (d) section 5 - the allottee of these funds shall  
12 be the Public Auditor of the Federated States of  
13 Micronesia;

14           (e) section 6 through 9 - the allottee of these  
15 funds shall be the President of the Federated States of  
16 Micronesia: EXCEPT THAT for the following subsections of  
17 section 6 through 9 of this act, the allottees shall be:

18           (i) section 8 subsection (6) (a) through  
19 (6) (d) - the allottee of these funds shall be the Chief  
20 Justice of the respective state;

21           (ii) section 9, subsection (1) (a) through  
22 (1) (d) - the allottee of these funds shall be the  
23 President of the College of Micronesia-FSM;

24           (3) Lapse Dates. Except where expressly provided  
25 otherwise in this act, [F]the authority of the allottee

1 to obligate funds appropriated by this act shall lapse  
2 as of September 30, 2005, EXCEPT that funds appropriated  
3 under section 9 of this act shall not lapse."

4  
5 Section 5. This act shall become law upon approval by the  
6 President of the Federated States of Micronesia or upon its  
7 becoming law without such approval.

8  
9 Date: 9/19/05 Introduced by: /s/ Simiram Sipenuk  
10 Simiram Sipenuk  
11 (by request)

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