



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL COMM. NO. 16-27
FSM CONGRESS

June 29, 2009

The Honorable Isaac V. Figir
Speaker
16th FSM Congress
Palikir, Pohnpei, FM 96941

Dear Speaker Figir:

Transmitted herewith is the following Congressional Act, which has become Public Law No. 16-3 without my signature.

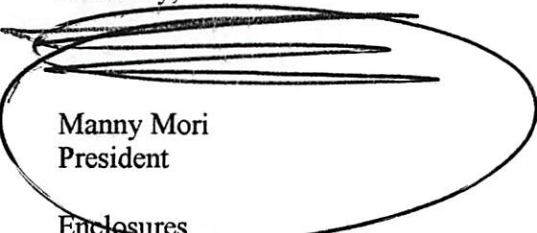
"AN ACT TO FURTHER AMEND PUBLIC LAW NO. 15-32, AS AMENDED, BY AMENDING SECTION 1 THEREOF, TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR THE STATES OF POHNPEI AND YAP, AND FOR OTHER PURPOSES"

I wish to reiterate and elaborate the statement I issued on April 24, 2009 concerning Public Law No. 15-78 which has been further amended by the above described Congressional Act. I seriously doubt on the constitutionality of the manner in which delegation offices are being funded – both thru annual budget and thru public project appropriation. From a policy perspective, it highlights the need for coherent strategic development goals and objectives to be in place as guide to ensure how measurable output should influence the amount of resources that should be allocated to said offices.

From a legal standpoint, funding for delegation offices creates an anomalous situation wherein "public projects" are governed by Part X of the Financial Management Regulations, and yet appropriations for delegation offices are operational costs and in that sense are technically not "public projects." Moreover, FMR provides specific set of rules to implement public projects as understood in the regulations, evade the uniform application of the implementing guidelines under the applicable regulations for public projects.

As I stated before, assuming that the action of Congress is within constitutional muster, and for the reasons set forth above, I have allow the Act to become law without my signature.

Sincerely,


Manny Mori
President

Enclosures

xc: Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Director, Office of SBOC
Library, CFSM
Legislative Counsel, CFSM
PIO, FSM





Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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PRESIDENTIAL COMM. NO. 16-27
FSM CONGRESS



May 28, 2009

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. 16-2, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 15-32, AS AMENDED, BY AMENDING SECTION 1 THEREOF, TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR THE STATES OF POHNPEI AND YAP, AND FOR OTHER PURPOSES.", which was passed by the Sixteenth Congress of the Federated States of Micronesia, First Regular Session, 2009, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

Liwiana K. Ramon
Chief Clerk, Congress of the
Federated States of Micronesia

Enclosures



PUBLIC LAW No. 16-3

SIXTEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FIRST REGULAR SESSION
MAY 11-30, 2009

PRESIDENTIAL COMM. NO. 16-27
FSM CONGRESS

An Act

TO FURTHER AMEND PUBLIC LAW NO. 15-32, AS AMENDED, BY AMENDING SECTION 1 THEREOF, TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR THE STATES OF POHNPEI AND YAP, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: DOHSIS HALBERT

DATE: MAY 11, 2009

REFERRED TO: WAYS AND MEANS COMMITTEE
S.C.R. NO. 16-2 – MAY 25, 2009

FIRST READING: MAY 25, 2009

SECOND READING: MAY 26, 2009

Liwiana K. Ramon
Chief Clerk, FSM Congress



Office of the Speaker

*Congress of the
Federated States of Micronesia*

*Palikir, Pohnpei
Federated States of Micronesia*

PRESIDENTIAL COMM. NO. 16-27
FSM CONGRESS

ACT NO. 16-2

(CONGRESSIONAL BILL NO. 16-3, C.D.1,
C.D.2, C.D.3)

We hereby certify that on May 26 the foregoing act passed
Second and Final Reading of the Sixteenth Congress of the
Federated States of Micronesia, First Regular Session,
2009, 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.

A handwritten signature in black ink, appearing to read "Isaac V. Figir".

Isaac V. Figir
Speaker
Congress of the
Federated States of Micronesia

A handwritten signature in blue ink, appearing to read "Liwiana K. Ramon".

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

SIXTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 2009

CONGRESSIONAL BILL NO. 16-03, C.D.1,
C.D.2, C.D.3

PUBLIC LAW No. 16-3

AN ACT

To further amend Public Law No. 15-32, as amended, by amending Section 1 thereof, to change the use of certain funds previously appropriated therein for the States of Pohnpei and Yap, and for other purposes.

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

1 Section 1. Section 1 of Public Law No. 15-32, as amended by
2 Public Laws Nos. 15-36, 15-44, 15-57, 15-63, 15-72 and 15-78, is
3 hereby further amended to read as follows:

4 "Section 1. The sum of \$3,780,000, or so much thereof,
5 is hereby appropriated from the General Fund of the
6 Federated States of Micronesia for the fiscal year
7 ending September 30, 2008, for the purpose of funding
8 public projects and social programs in each State of the
9 Federated States of Micronesia. The fund shall be
10 apportioned on the basis of \$250,000 or less per member
11 of Congress as follows, PROVIDED THAT an increase of
12 \$300,000 is for Yap State.

13	(1) State of Kosrae.....	\$ 500,000
14	(a) High School lunch program and past	
15	expenses incurred relating to the	
16	implementation of the program.....	40,000
17	(b) Bachelor degree program.....	80,000
18	(c) Lelu Community projects/programs	10,000
19	(d) Malem Community projects/	

PUBLIC LAW No. 16-3

1	programs	\$ 10,000
2	(e) Utwe Community projects/	
3	programs	10,000
4	(f) Tafunsak Community projects/	
5	programs	10,000
6	(g) Kosrae Women Association.....	10,000
7	(h) Promotion and travel for	
8	Tourism Office	10,000
9	(i) Kosrae State Government subsidy.	100,000
10	(j) Medical referrals for	
11	non-insured and non-employed Kosraeans	20,000
12	PROVIDED THAT reprogramming of this	
13	funding is not allowed	
14	(k) Supplemental funding for fuel	
15	for Caroline Voyager	10,000
16	PROVIDED THAT the funding is used for	
17	an east-bound trip to Kosrae State	
18	(l) Tafunsak multipurpose	
19	building renovation	20,000
20	(m) Laptop Computers for Schools:	
21	(i) Lelu Elementary School.....	1,250
22	(ii) Tafunsak Elementary School.	1,250
23	(iii) Malem Elementary School....	1,250
24	(iv) Utwa Elementary School.....	1,250
25	(v) Walung Elementary School...	1,250

1	(vi) Sansrik Elementary School. \$	1,250
2	(vii) SDA School.....	1,250
3	(viii) Kosrae High School.....	1,250
4	(n) Kosrae Senior Citizens Meeting Halls	
5	(i) Lelu Senior Citizen.....	30,000
6	(ii) Tafunsak Senior Citizen....	30,000
7	(iii) Malem Senior Citizen.....	30,000
8	(iv) Utwa Senior Citizen.....	30,000
9	(o) Supplemental	
10	funding for a Master's Degree Program.....	8,000
11	(p) Tafunsak Youths' musical instruments	5,000
12	(q) KCSO's subsidy.....	5,000
13	(r) National Government debts to	
14	ABCOR Construction.....	12,000
15	(s) Kosrae Women Christian Associations	
16	(i) Lelu Women Christian	
17	Association.....	2,000
18	(ii) Tafunsak Women Christian	
19	Association.....	2,000
20	(iii) Malem Women Christian	
21	Association.....	2,000
22	(iv) Utwa Women Christian	
23	Association.....	2,000
24	(v) Walung Women Christian	
25	Association.....	2,000

PUBLIC LAW No. 16-3

1	(2) State of Yap.....	\$ 800,000
2	(a) Chamber of Commerce (Matching	
3	fund) the funding shall not be expended	
4	unless the Chamber of Commerce contributes a	
5	50% of either in kind and/or monetary	
6	contribution as it's matching.....	50,000
7	(b) Ruu and Amun villages	
8	basketball courts.....	-0-
9	(c) Lands' Acquisition (Outer	
10	Island of Yap).....	50,000
11	(d) Southern Yap water system	
12	equipment purchase.....	25,000
13	(e) Tomil Road repair.....	25,000
14	(f) Amun bridge.....	20,000
15	(g) Water extension, Makiy village..	9,000
16	(h) Road improvements, Wanyan village	30,000
17	(i) Bugol women multipurpose building	45,000
18	(j) Ngulu dispensary.....	18,000
19	(k) Falalus and Seliap community	
20	centers repairs.....	23,000
21	(l) Qapluul village water, sewer,	
22	and power extension projects.....	27,000
23	(m) Gachpar men's house.....	50,000
24	(n) Wottegai Road project.....	10,000
25	(o) Tugunbinau bridge, Maap.....	50,000

PUBLIC LAW No. 16-3

1	(p) Outer Islands' agriculture	
2	programs and projects (concrete taro	
3	patches, purchase of tools and equipment) . \$	47,000
4	(q) Pikelot Island water	
5	catchment and shelter.....	7,000
6	(r) Outer Islands' Transportation	
7	needs (boats, outboard motors, POL and	
8	charter and provisioning).....	115,000
9	(s) YSPSC subsidy for POL.....	100,000
10	(t) Boats & motors for Seliap &	
11	Tegailap, Woleai	30,000
12	(u) Meerur men's house repair.....	16,000
13	(v) Completion of Wottegai	
14	community center in Qapluul village.....	20,000
15	(w) Mariyong Island Community	
16	Piggery project.....	20,000
17	(x) Reimbursement to Woleai Atoll	
18	Community Account.....	6,000
19	(y) Woleai Airport equipments purchase	7,000
20	(3) State of Pohnpei.....	1,000,000
21	(a) Pohnpei State At Large	
22	(i) Construction and renovation of	
23	road, bridges, culverts and road drainages	
24	from Palikir to Kolonia.....	-0-
25	(b) Election District No. 1	

PUBLIC LAW No. 16-3

1	(i) 2 nd Phase (Baptist School	
2	classroom construction).....	\$ 100,000
3	(ii) EDI operation.....	30,000
4	(iii) Kolonia Town Ladies	
5	Training Center renovations.....	10,000
6	(iv) Tomara Road construction...	60,000
7	(v) Sapwuafik Community	
8	Center Renovations.....	10,000
9	(vi) Peidie Road paving.....	72,000
10	(vii) Completion of Ipwal Road...	18,000
11	(viii) Sekere retaining wall.....	10,000
12	(c) Election District No. 2	
13	(i) Water Delivery Services....	40,000
14	(ii) Students' Financial	
15	Assistance.....	15,000
16	(iii) Secondary Road	
17	Improvement.....	100,000
18	(iv) ED2 operation.....	49,000
19	(v) Civic Centers.....	30,000
20	(vi) Agriculture Fair.....	3,500
21	(vii) Enipein Elementary	
22	School Teacher's Aide.....	2,000
23	(viii) Kitti Fish Market.....	-0-
24	(ix) Sports facilities	
25	improvement.....	1,500

PUBLIC LAW No. 16-3

1	(x) Outboard Motor for	
2	Kitti Police.....	\$ 3,370
3	(xi) Madolenihmw Municipal	
4	Government subsidy.....	10,000
5	(xii) Kitti/Madolenihmw	
6	Outreach program.....	10,000
7	(xiii) Grant writer assistance....	2,807
8	(xiv) Pohnpei Coconut Processing	
9	Plant repair.....	6,675
10	(xv) Nanmand Lumber	
11	Milling (Pwihno).....	3,500
12	(xvi) ED #2 Municipal management	
13	workshop.....	3,000
14	(xvii) Salapwuk Teacher's Aide....	4,000
15	(xviii) NMS cook.....	-0-
16	(xix) Madolenihmw Cold Storage...	4,000
17	(xx) Lukop/Wone ECE.....	4,552
18	(xxi) Temwen and Nanmadol water	
19	system supply.....	60,000
20	(xxii) Mand Community Nahs.....	7,096
21	(d) Election District No. 3	
22	(i) ED3 Operation.....	63,500
23	(ii) Students and public	
24	transportation services.....	28,000
25	(iii) Students' financial	

1	assistance	\$ 8,000
2	(iv) Youth sports activities....	7,500
3	(v) Agriculture Fair.....	3,000
4	(vi) ED3 Working Group	
5	supplemental	8,000
6	(vii) ED3 Water System.....	10,000
7	(viii) U public facilities	
8	repairs and maintenance	50,000
9	(ix) Nett public facilities	
10	repairs and maintenance	55,000
11	(x) Mwoakilloa public	
12	facilities repairs and maintenance and	
13	transportation needs	20,000
14	(xi) Pingelap public facilities	
15	repairs and maintenance and	
16	transportation needs	25,000
17	(xii) Mwoakilloa multipurpose	
18	house renovation	2,000
19	(xiii) Pohnkeimw Secondary	
20	Road paving	50,000
21	(4) State of Chuuk.....	1,480,000
22	(a) Chuuk State At Large	
23	(i) Public Facilities repair	
24	and improvement	30,000
25	(ii) Youth Activities'	

PUBLIC LAW No. 16-3

1	programs and projects	\$ 27,000
2	(iii) Students' Financial	
3	Assistance	7,000
4	(iv) Low Income Housing	
5	subsidy	30,000
6	(v) Farmers and Students'	
7	land transportations	17,000
8	(vi) Leadership exposures	
9	and travel	15,000
10	(vii) Farmers planting tools and	
11	seedling project	11,000
12	(viii) CSCIP operation	5,000
13	(ix) Offices Rental and	
14	Operations Commission	7,000
15	(x) POL and Charter	5,000
16	(xi) At-Large Office Operation..	20,000
17	(xii) Sports facilities	
18	construction (basketball courts)	18,000
19	(xiii) Fishing gear and	
20	equipment	15,000
21	(xiv) Seawall and Taro	
22	Patches Protection	10,000
23	(xv) Multipurpose building	
24	repair and renovation	5,000
25	(xvi) Feeding program	10,000

PUBLIC LAW No. 16-3

1	(xvii) Medical referral and	
2	repatriation of remains	\$ 10,000
3	(xviii) OCHAP Community	
4	Hall Construction	5,000
5	(xix) Contribution and cost	
6	sharing with At-Large to ED #5 Operation...	20,000
7	(xx) Tonoas Municipal Government	
8	inauguration activities	1,000
9	(xxi) Udot Municipal Government	
10	inauguration activities	1,000
11	(xxii) Kuttu Municipal Government	
12	inauguration activities	1,000
13	(b) Election District No. 1	
14	(i) Students' Financial	
15	Assistance	10,000
16	(ii) Mortlock Development	
17	Commission outstanding debts (past and	
18	present)	10,000
19	(iii) Municipal Governments'	
20	subsidy	
21	a. Nema Municipality.....	7,000
22	b. Losap Municipality....	5,500
23	c. Pis-emwar Municipality	5,000
24	d. Namoluk Municipality..	6,000
25	e. Ettal Municipality....	5,000

1	f. Moch Municipality.... \$	7,000
2	g. Kuttu Municipality....	6,000
3	h. Ta Municipality.....	5,000
4	i. Satowan Municipality..	7,000
5	j. Lekinioch Municipality	7,000
6	k. Oneop Municipality....	6,000
7	(iv) Community Housing improvement	45,000
8	(v) Leadership Conference.....	15,000
9	(vi) Leadership travel.....	10,000
10	(vii) Youth musical instruments..	8,000
11	(viii) Youth Centers subsidies....	20,000
12	(ix) Students' Land Transportation	5,000
13	(x) CSCIP.....	5,000
14	(xi) Sea transportation assistance	13,000
15	(xii) Contribution to	
16	ED #1 Associations.....	12,000
17	(xiii) Payment for printing services	3,500
18	(xiv) ED #1 Multipurpose building	
19	renovations supplements.....	11,000
20	(xv) ED #1 Operation.....	11,000
21	(xvi) Administrative Support	
22	costs for Delegation.....	5,000
23	(c) Election District No. 2	
24	(i) Basketball court.....	7,000
25	(ii) Meeting Halls	

PUBLIC LAW No. 16-3

1	(a) Neoram, Nepukos..... \$	10,000
2	(b) Faichu, Eor.....	6,000
3	(c) Faramas, Sapuk.....	4,000
4	(d) Neinifach, Mwan.....	5,000
5	(iii) Public/School/Bus	
6	Operation.....	35,000
7	(iv) Road Construction.....	-0-
8	(v) Repatriation of human remains	6,000
9	(vi) Kokumy cultural celebration	4,000
10	(vii) CSCIP.....	10,000
11	(viii) NNDA operation.....	25,000
12	(ix) Housing Assistance.....	15,000
13	(x) Fishing projects.....	20,000
14	(xi) Medical supplies &	
15	equipments-.....	-0-
16	(xii) Leadership travel & exposure	10,000
17	(xiii) Public facilities repair	
18	and improvement	33,000
19	(d) Election District No. 3	
20	(i) Election District	
21	No. 3 Operation.....	25,000
22	(ii) Housing and Community Halls	45,500
23	(iii) Fishing projects.....	15,000
24	(iv) Fiberglass boats repair....	5,000
25	(v) Municipal inauguration	

1	activities	\$ 4,500
2	(vi) Sport Tournaments	
3	facilities/supplies	3,000
4	(vii) Feeding Program.....	10,000
5	(viii) Crafting and sewing	
6	projects	7,000
7	(ix) Market/local produce.....	10,000
8	(x) Project Management.....	12,500
9	(xi) CSCIP operation.....	5,000
10	(xii) Subsidy for entrepreneurships	
11	and business start up	10,000
12	(xiii) Nukuno Christian School	
13	solar panels/computers	10,000
14	(xiv) Leadership Travel.....	15,000
15	(xv) Youth rehabilitation programs	9,000
16	(xvi) Mayors Leadership Conference	5,000
17	(xvii) Land transportation.....	12,500
18	(xviii) Municipal Governments'	
19	subsidies	46,000
20	(e) Election District No. 4	
21	(i) Students' Financial	
22	Assistance	10,000
23	(ii) Youth activities and	
24	programs	10,000
25	(iii) Leadership exposure	

1	and travel.....	\$	15,000
2	(iv) FDA operations.....		20,000
3	(v) CSCIP operation.....		5,000
4	(vi) Udot Municipal subsidy.....		10,000
5	(vii) Low income housing grant...		40,000
6	(viii) Iongkumi fishing project...		40,000
7	(ix) Fiberglass boats repair....		10,000
8	(x) Food relief.....		10,000
9	(xi) Land transportation.....		20,000
10	(xii) Polle Municipal subsidy....		10,000
11	(xiii) ED #4 office operation.....		30,000
12	(xiv) Famachaw farming project...		10,000
13	(xv) Medical referrals &		
14	repatriation of remains.....		10,000
15	(f) Election District No. 5		
16	(i) POL & Charter.....		59,000
17	(ii) Food Relief.....		13,846
18	(iii) Rental office space, office		
19	supplies and equipment, communication and		
20	utilities.....		-0-
21	(iv) Students' Financial		
22	Assistance.....		-0-
23	(v) Medical referral,		
24	pharmaceuticals and repatriation of remains		14,426
25	(vi) CSCIP.....		5,000

PUBLIC LAW No. 16-3

1	(vii) Operations (ED5)	\$ 26,728
2	(viii) Project Management.....	20,000
3	(ix) On the job training subsidy	-0-
4	(x) Land Acquisition for the	
5	people of Halls, Weito and Pattiw Islands..	81,000

6 PROVIDED THAT the allottee of this specific
7 funding shall deposit the funds into the
8 Special Funds within the General Fund of the
9 Federated States of Micronesia for Chuuk
10 Election District No. 5 established pursuant
11 to Public Law No. 13-83."

12 Section 2. This act shall become law upon approval by the
13 President of the Federated States of Micronesia or upon its
14 becoming law without such approval.

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18 _____, 2009

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22

23 *Law spent signature*

24 *06-29-09*

25

Manny Mori
President
Federated States of Micronesia