



PRESIDENTIAL COMM. NO. 16-310  
FSM CONGRESS

*The President*  
Palikir, Pohnpei  
Federated States of Micronesia

October 15, 2010

The Honorable Isaac V. Figir  
Speaker  
16<sup>th</sup> FSM Congress  
Palikir, Pohnpei State, FM 96941



Dear Speaker Figir:

I hereby transmit the following Congressional Act which became Public Law No. 16-49, pursuant to section 22, title IX, of the FSM Constitution:

Congressional Act No. 16-53, "AN ACT TO APPROPRIATE THE SUM OF \$2,940,000 FROM THE GENERAL FUND OF THE FEDERATED STATES OF MICRONESIA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011, FOR THE PURPOSE OF FUNDING PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE FOUR STATES OF THE FEDERATED STATES OF MICRONESIA, AND FOR OTHER PURPOSES."

I vetoed the following line items due to constitutional defects which I explain in this communication:

Section 2(1)(n) – Project Management, page 2, line 10

Section 2(1)(o) – for unspecified purpose, page 2, line 11

Section 3(1)(h) – for unspecified purpose, page 3, line 2

Section 4(1)(d) - Transportation services (travel, defraying of service costs), page 3, line 16

Section 4(2)(f) – St. Paul's subsidy, page 4, line 7

Section 4(3)(g) – Election District No. 2 operation, page 4, line 17

Section 4(3)(l) – Election District No. 2 travel needs, page 4, line 23

Section 4(4)(a) – unspecified purpose, page 5, line 2

Section 5(1)(e) – Relief Assistance Program, page 5, line 15

Section 5(1)(g) – Leadership and referrals travel and POL, page 5, line 17

Section 5(1)(k) – Project management, page 5, line 24



The Honorable Isaac V. Figir  
October 15, 2010  
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Section 5(2)(d) – Leadership travel, page 6, line 8

Section 5(3)(c) – Leadership travel, page 7, line 11

Section 5(4)(c) – Relief Assistance Program, page 7, line 22

Section 5(4)(j) – Project Management, page 8, line 6

Section 5(5)(d) – Relief Assistance Project, page 8, line 11

Section 5(5)(g) – Project Management, page 8, line 14

Section 5(5)(j) – Leadership Exposure and Travel, page 8, line 17

Section 5(6)(e) – Leadership travel, page 9, line 2

Section 5(6)(g) – Project Management, page 9, line 4

Section 5(7) – Chuuk State Commission on Improvement Project (CSCIP) subsidy, page 9 line 14

Certain line items in the Act “are not to be allotted and expended until there is a breakdown.” There being no indication in the Act as to the purpose of the above items, said line items are legally vague. If this Act is approved, it is the duty of the Executive Branch to execute the law and administer funds to follow the guidance Congress has given them by consulting the language Congress put in the public law. See, Udot Municipality v. FSM, 10 FSM Intrm., 354 (Chk. 2001). But in this case, Congress inserted a language in the law that funds cannot be expended, hence appropriation cannot be implemented, *until there is a breakdown*. In effect, Congress dictates to the Executive Branch as to how and when to implement a law. This is an encroachment into the Executive prerogative. Any attempt by one branch to usurp the powers that the FSM Constitution explicitly grants to another branch violates the FSM Constitution and is invalid. See, Pohnpei Cmty. Action Agency v. Christian, 10 FSM Intrm. 623 (Pon. 2002).



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In Udot Municipality v. FSM, the FSM Supreme Court expressly states, to wit: "I find that Congress, not the executive, is executing and implementing Public Law No. 11-27. Other than the senator's involvement in choosing and approving the projects, the Commission itself is also suspect." 9 FSM Intrm. 418, 420 (Chk. 2000.).

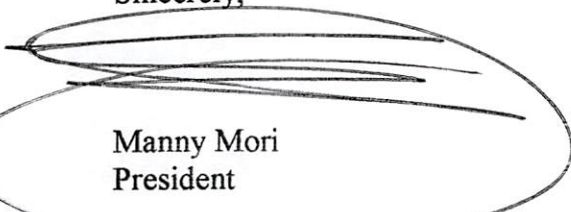
With regard to items for project management, the court decision in Udot case is clear that Congress cannot execute public laws, because it is a duty that is delegated to the executive branch. The same can be said for CSCIP, to which the court alluded as suspect. Additionally, CSCIP is neither a public project nor a social program as indicated in the title of the act.

I also stress that some of the items I vetoed are duplicative, for example, leadership travel. Under the comprehensive budget act, Congress has budget for travel. The additional travel fund in the form of public project is inappropriate.

The items for relief assistance program are vague. There is no standard indicated in the appropriation as to who are entitled to the relief assistance. Moreover, under chapter 6 of title 55, there is a Disaster Relief Fund established by law specifically to address relief assistance for those who are victims of disaster. These types of appropriation should be channeled to the fund for effective and appropriate use.

Based on the foregoing, I must exercise the veto power to address the defects in the act.  
With warm personal regards, I remain,

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





CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3  
Palikir, Sokehs  
Pohnpei State, FM 96941  
Tel: (691) 320-2324 / 2338  
Fax: (691) 320-5122

**PRESIDENTIAL COMM. NO. 16-310**  
**FSM CONGRESS**

*Office of the Chief Clerk*



October 08, 2010

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. 16-53, "AN ACT TO APPROPRIATE THE SUM OF \$2,940,000 FROM THE GENERAL FUND OF THE FEDERATED STATES OF MICRONESIA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011, FOR THE PURPOSE OF FUNDING PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE FOUR STATES OF THE FEDERATED STATES OF MICRONESIA, AND FOR OTHER PURPOSES, .", which was passed by the Sixteenth Congress of the Federated States of Micronesia, Fifth Regular Session, 2010, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis  
Chief Clerk, Congress of the  
Federated States of Micronesia

Enclosures





SIXTEENTH CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
FIFTH REGULAR SESSION  
SEPTEMBER 13 – OCTOBER 6, 2010

**PUBLIC LAW No. 16-49**

## An Act

TO APPROPRIATE THE SUM OF \$2,940,000 FROM THE GENERAL FUND OF THE FEDERATED STATES OF MICRONESIA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011, FOR THE PURPOSE OF FUNDING PUBLIC PROJECTS AND SOCIAL PROGRAMS IN THE FOUR STATES OF THE FEDERATED STATES OF MICRONESIA, AND FOR OTHER PURPOSES.

INTRODUCED BY: SENATORS SETIRO PAUL, DION G. NETH AND TONY H. OTTO  
DATE: SEPTEMBER 27, 2010

REFERRED TO: COMMITTEE ON WAYS AND MEANS  
SEPTEMBER 27, 2010

FIRST READING: OCTOBER 5, 2010

SECOND READING: OCTOBER 6, 2010

Liwiana Ramon Ioanis  
Chief Clerk, FSM Congress





Office of the Vice Speaker

## CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

Palikir, Sokehs

Pohnpei State, FM 96941

Tel: (691) 320-2324/2325/2326/2327/2337/2338/2707

Telex: 729-6809 Fax: (691) 320-5122

ACT NO. 16-53

(CONGRESSIONAL BILL NO. 16-142, C.D.1, C.D.2,  
C.D.3, C.D.4)

We hereby certify that on October 6 the foregoing act passed Second and Final Reading of the Sixteenth Congress of the Federated States of Micronesia, Fifth Regular Session, 2010, 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

Liwiana Ramon Ioanis  
Chief Clerk  
Congress of the  
Federated States of Micronesia

SIXTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIFTH REGULAR SESSION, 2010

CONGRESSIONAL BILL NO. 16-142, C.D.1,  
C.D.2, C.D.3, C.D.4

PUBLIC LAW NO. 16-49

AN ACT

To appropriate the sum of \$2,940,000 from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2011, for the purpose of funding public projects and social programs in the four States of the Federated States of Micronesia, and for other purposes.

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

1       Section 1. The sum of \$2,940,000, or so much thereof as may  
2 be necessary, is hereby appropriated from the General Fund of the  
3 Federated States of Micronesia for the fiscal year ending  
4 September 30, 2011, for the purpose of funding public projects and  
5 social programs in the four States of the Federated States of  
6 Micronesia. The fund shall be apportioned on the basis of \$210,000  
7 per member of Congress as follows:

8       Section 2. Of the sum of \$2,940,000 appropriated by this  
9 act, \$420,000 is apportioned for Kosrae State for public projects  
10 and social programs.

11	(1) State of Kosrae.....	\$ 420,000
12	(a) BA Program	40,000
13	(b) We Care Referral Program	20,000
14	(c) Kosrae High School Lunch Program	20,000
15	(d) Kosrae Women's Associations.....	5,000
16	(e) Fomseng Farm Road improvement...	10,000
17	(f) Kosrae Special Parent Network...	5,000

**PUBLIC LAW NO. 16-49**

1	(g) Utwe-Walung Marine Park.....\$	5,000
2	(h) Yelum Ditch Project.....	10,000
3	(i) Municipal Governments subsidy...	40,000
4	(j) Pilyuul Farm Road Improvement...	5,000
5	(k) Kosrae Visitor's Bureau Travel/	
6	Promotions .....	20,000
7	(l) Kosrae Land Grant Youth	
8	Programs/Activities .....	5,000
9	(m) Lunch Program vehicle purchase..	20,000
10	<del>(n) Project Management.....</del>	<del>5,000</del>
11	<del>(o) Public projects and social programs,</del>	
12	PROVIDED THAT the funding shall not be allotted and	
13	<del>expended until there is a breakdown.....</del>	<del>210,000</del>
14	Section 3. Of the sum of \$2,940,000 appropriated	
15	by this act, \$420,000 is apportioned for Yap State for	
16	public projects and social programs.	
17	(1) State of Yap.....	420,000
18	(a) Fanif Municipality recreation park	60,000
19	(b) Dulkan power extension and	
20	recreation park .....	60,000
21	(c) Paliyawe community center repair	10,000
22	(d) Gilman Recreation/Basketball Court	50,000
23	(e) Nimar, Weloy Community Project..	10,000
24	(f) Woleai airport terminal.....	100,000
25	(g) Matching fund for Yap Chamber	



**PUBLIC LAW No. 16-49**

1 of Commerce ..... \$ 30,000

~~2 (h) Projects and social programs,~~

3 PROVIDED THAT the funding shall not be allotted and

*Veto*  
*[Signature]*

~~4 expended until there is a breakdown ..... 100,000~~

5 Section 4. Of the sum of \$2,940,000 appropriated

6 by this act, \$840,000 is apportioned for Pohnpei State

7 for public projects and social programs.

8 State of Pohnpei ..... 840,000

9 (1) Pohnpei at Large ..... 210,000

10 (a) Pohnpei Sports (purchase of sports  
11 equipment and supplies) ..... 30,000

12 (b) Circumferential road improvement  
13 (labor, equipment, material) ..... 50,000

14 (c) Sawmill (acquisition, transportation,  
15 training and operations) ..... 50,000

~~16 (d) Transportation services (travel,  
17 defraying of service costs) ..... 30,000~~

*Veto*  
*[Signature]*

18 (e) Legislative Leadership Conference  
19 (travel, conference hosting, representation) ..... 10,000

20 (f) Aid Kaselehlle Press (operation,  
21 distribution of products) ..... 10,000

22 (g) Crop Development Project ..... 30,000

23 (2) Election District No. 1 ..... 210,000

24 (a) Matching fund for vehicles' purchase 55,000

25 (b) Sapwuafik Municipal

**PUBLIC LAW No. 16-49**

1	Office renovations .....	\$	10,000
2	(c) Election District No. 1 operation		50,000
3	(d) Nukuoro Municipal Office		
4	Completion .....		10,000
5	(e) Road maintenance/construction/		
6	water extension .....		65,000
7	<del>(f) St. Paul's subsidy .....</del>	<del>veto</del>	<del>10,000</del>
8	(g) Kapinga Youth .....		10,000
9	(3) Election District No. 2 .....		210,000
10	(a) Teacher aide/Library aide		
11	(salary/retroactive pay) .....		7,000
12	(b) Cook (salary/retroactive pay)...		3,000
13	(c) School fence matching .....		12,000
14	(d) Students' financial assistance..		18,100
15	(e) Civic centers .....		15,000
16	(f) Secondary roads improvement .....		60,000
17	<del>(g) Election District No. 2 operation .....</del>	<del>veto</del>	<del>20,000</del>
18	(h) Madolenihmw High School Bus driver		4,000
19	(i) Water Delivery .....		20,000
20	(j) Madolenihmw Municipal Government-		
21	Executive Branch subsidy .....		15,000
22	(k) Micronesian Management Services.		19,000
23	<del>(l) Election District No. 2 travel</del>	<del>veto</del>	<del>10,000</del>
24	<del>needs .....</del>		<del>10,000</del>
25	(m) Island Equipment Co./Hideout....		6,900

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1 (4) Election District No. 3.....\$ 210,000

~~2 (a) Public projects and social programs,~~

3 PROVIDED THAT the funding shall not be allotted and

~~4 expended until there is a breakdown..... 160,000~~

5 (b) Election District No. 3. Operation 50,000

6 Section 5. Of the sum of \$2,940,000 appropriated by  
7 this act, \$1,260,000 is apportioned for Chuuk State for  
8 public projects and social programs.

9 State of Chuuk.....\$ 1,260,000

10 (1) Chuuk at Large..... 200,000

11 (a) Low Income Housing subsidy..... 40,000

12 (b) Students/Youth Land Transportation 25,000

13 (c) Fishing Project..... 25,000

14 (d) Community Centers Improvement... 27,000

~~15 (e) Relief Assistance Program..... 15,000~~

16 (f) Youth activities and programs... 12,000

~~17 (g) Leadership and referrals~~

~~18 travel and POL..... 10,000~~

19 (h) Entrepreneurship subsidy..... 10,000

20 (i) Seawalls, secondary roads,  
21 docks and channel dredging and improvement..... 15,000

22 (j) Multipurpose building  
23 improvement and renovation..... 5,000

~~24 (k) Project management..... 5,000~~

25 (l) Guam/Hawaii Chuukese Associations



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1	contributions .....	\$	6,000
2	(m) Students financial assistance...		5,000
3	(2) Election District No. 1.....		205,000
4	(a) Community Centers Improvement...		45,000
5	(b) Students financial		
6	assistance/incentives .....		10,000
7	(c) Petroleum Oil Lubricant (POL)...		20,000
8	<del>(d) Leadership travel.....</del>	<del></del>	<del>15,000</del>
9	(e) Students land transportation....		20,000
10	(f) Women's activities and projects.		6,000
11	(g) Water tanks project.....		5,000
12	(h) Food relief assistance.....		15,000
13	(i) Election District No. 1		
14	Administrative Support .....		5,000
15	(j) Associations support and subsidies		5,000
16	(k) Municipal subsidies, PROVIDED THAT		
17	the funding shall not be used for travel:		
18	(i) Nema.....		5,000
19	(ii) Losap.....		4,000
20	(iii) Pisemwar.....		4,000
21	(iv) Namoluk.....		4,000
22	(v) Ettal.....		4,000
23	(vi) Moch.....		5,000
24	(vii) Kuttu.....		4,500
25	(viii) Ta.....		4,000

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1	(ix) Satowan.....	\$ 5,000
2	(x) Oneop.....	4,500
3	(xi) Lekinioch.....	5,000
4	(l) Municipal inauguration subsidies	5,000
5	(m) Mortlocks Centenial activities..	5,000
6	(3) Election District No. 2.....	205,000
7	(a) Rural/Secondary Roads Development	
8	and Improvement .....	80,000
9	(b) Northern Namoneas Social and	
10	Economic Development Authority Project Administration	30,000
<del>11</del>	<del>(c) Leadership travel.....</del>	<del>20,000</del>
12	(d) Northern Namoneas Leadership	
13	Conference .....	7,000
14	(e) Students/Youth Land Transportation	25,000
15	(f) Municipal Governments subsidies.	20,000
16	(g) Youth Community Development	
17	Activities .....	10,000
18	(h) Dock Rehabilitation Projects....	13,000
19	(4) Election District No. 3.....	200,000
20	(a) Fishing Projects.....	30,000
21	(b) Housing and Community Halls.....	55,000
<del>22</del>	<del>(c) Relief Assistance Program.....</del>	<del>20,000</del>
23	(d) Land Transportation.....	20,000
24	(e) Public Facilities Improvement...	20,000
25	(f) Municipal Governments subsidies.	20,000

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1	(g) Entrepreneurship subsidies.....\$	10,000
2	(h) Non-governmental Organizations and	
3	Associations contributions .....	10,000
4	(i) Southern Namoneas Leadership	
5	Conference .....	10,000
<del>6</del>	<del>(j) Project Management.....</del>	<del>5,000</del>
7	(5) Election District No. 4.....	200,000
8	(a) Fishing Projects.....	35,000
9	(b) Low Income Housing subsidy.....	30,000
10	(c) Students Land Transportation....	20,000
<del>11</del>	<del>(d) Relief Assistance Project.....</del>	<del>20,000</del>
12	(e) Solar System Project .....	10,000
13	(f) Water Conservation Project .....	10,000
<del>14</del>	<del>(g) Project Management.....</del>	<del>15,000</del>
15	(h) Peewchu Association.....	10,000
16	(i) Sewing Projects.....	10,000
<del>17</del>	<del>(j) Leadership Exposure and Travel..</del>	<del>10,000</del>
18	(k) Youth activities and programs...	10,000
19	(l) Students financial assistance...	10,000
20	(m) Medical Referrals and	
21	repatriation of remains .....	10,000
22	(6) Election District No. 5.....	200,000
23	(a) Fishing project.....	33,000
24	(b) Coconut oil extraction machines.	13,000
25	(c) Copra Project subsidy.....	20,000



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1	(d) Transportation needs.....\$	15,000	
2	<del>(e) Leadership travel.....</del>	<del>10,000</del>	<i>veto</i>
3	(f) Entrepreneurship subsidies.....	6,000	
4	<del>(g) Project Management.....</del>	<del>10,000</del>	<i>veto</i>
5	(h) Associations subsidies/contributions	19,000	
6	(i) Students financial assistance...	9,000	
7	(j) Youth activities and programs...	7,000	
8	(k) Food relief assistance.....	9,000	
9	(l) Multipurpose building renovation	9,000	
10	(m) Sewing projects.....	5,000	
11	(n) Land compensation.....	20,000	
12	(o) Charter & POL.....	8,000	
13	(p) Municipal government projects...	7,000	
14	<del>(7) Chuuk State Commission on Improvement</del>		
15	<del>Project (CSCIP) subsidy.....</del>	<del>25,000</del>	
16	(8) Chuuk State Economic Summit.....	25,000	

Section 6. Allotment and management of funds and lapse date.

All funds appropriated by this act shall be allotted, managed, administered and accounted for in accordance with applicable law, including, but not limited to, the Financial Management Act of 1979. The allottee shall be responsible for ensuring that these funds, or so much thereof as may be necessary, are used solely for the purpose specified in this act, and that no obligations are incurred in excess of the sum appropriated. The allottee of funds appropriated under sections 2 and 4 of this act shall be the

**PUBLIC LAW No. 16-49**

1 President of the Federated States of Micronesia or his designee;  
2 PROVIDED THAT the allottee of funds appropriated under section  
3 4(1)(b) shall be the Pohnpei Transportation Authority and the  
4 allottee of funds appropriated under section 4(1)(c) shall be the  
5 Pohnpei Housing Authority. The allottee of funds appropriated  
6 under section 3 of this act shall be the Governor of Yap State.  
7 The allottee of funds appropriated under subsections  
8 5(1)(2)(4)(5)(6), (7) and (8) of this act shall be the Chuuk State  
9 Commission on Improvement Project (CSCIP). The allottee of funds  
10 appropriated under subsection 5(3) of this act shall be the  
11 Executive Director of the Northern Namoneas Social and Economic  
12 Development Authority. The funds appropriated by this act shall  
13 remain available until fully expended.

14 Section 7. This act shall become law upon approval by the  
15 President of the Federated States of Micronesia or upon its  
16 becoming law without such approval.

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19 \_\_\_\_\_ 16, 15, 2010

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Manny Mori  
President  
Federated States of Micronesia