



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL COMM. NO. 16-88
FSM CONGRESS

October 9, 2009

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



Re: C.A. 16-12

Dear Speaker Figir:

I regret to inform you that Act No. 16-12 became law inadvertently without my due consideration and proper action.

Congressional Act No. 16-12, "AN ACT TO FURTHER AMEND PUBLIC LAW NO. 13-84, AS AMENDED, BY AMENDING SECTION 1 THEREOF TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED FOR SOCIAL PROGRAMS AND PUBLIC PROJECTS IN CHUUK ELECTION DISTRICT NO. 5, AND FOR OTHER PURPOSES."

Allow me to expound on the complications which attributed to the bill escaping proper executive review and action. At the outset, Act No. 16-12 is one of those bills that are subject to the 10-days executive review mandated by Article IX, Section 22 of the FSM Constitution. Act No. 16-12 was passed by the 16th Congress through the recently held Second Regular Session and presented to my office on September 24, 2009. It was distributed to the relevant departments with instructions to submit their review and advice on or before October 2, 2009. All relevant departments, except Department of Finance and Administration submitted their findings. The pendency of the report from Department of Finance somehow led to the misunderstanding of my supporting staff to hold off submission of the bill to the Vice President, while I was off-island. I arrived in Pohnpei on Saturday, October 3, 2009, and found out on Monday, October 5, 2009 that the bill became law on the previous day, Sunday October 4, 2009. Simply put, by the time I was made aware of the pendency of the bill, the 10 days limitation rule already lapsed. Thus, Act No. 16-12 became law without my signature inadvertently.

There is a significant dilemma with the bill becoming law. The Act proposed the following changes in the previously established projects:



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Project Description	Public Law 13-84	Act No. 16-12	Changes
POL and Charter Boats Section 1(3)(a)	\$48,400	\$33,372	Decrease by \$15,028
Project Management Section 1(8)	10,000	-0-	Decrease by \$10,000
Food Costs Section 1(10)(a)	35,222	34,282	Decrease by \$940
NW Student Grants or Tuition Section 1(13)	10,000	4,964.00	Decrease by \$5,036

The Act also proposed a new Section 1(14) of the Public Law 13-84, as amended, by inserting a new line item project "Boat Charters". The proposed amount for this new project is \$31,000 which is the total of all reduction or decrease made to previous sections or projects as illuminated in the table above.

Department of Finance and Office of SBOC have verified that funding is not available as professed under Standing Committee Report No. 16-21. According to Dept. of Finance and SBOC the funds proposed to be reallocated to the new project, "Boat Charters" has already been depleted. As of October 7, 2009, Department of Finance has tendered a report that indicates the following balance:

Project Description	Public Law 13-84 Appropriation	Expense	Balance
POL and Charter Boats Section 1(3)(a)	\$48,400	48,370.32	29.68
Project Management Section 1(8)	10,000	9,853.00	147.00
Food Costs Section 1(10)(a)	35,222	34,770.13	451.87
NW Student Grants or Tuition Section 1(13)	10,000	9,978.90	21.10
TOTAL	103,622.00	102,972.35	649.65



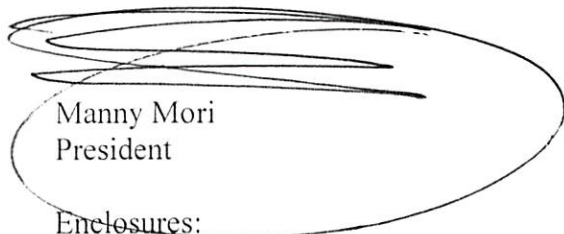
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The findings of insufficient funding signify that implementation of the social programs and projects as mandated under the new law will be futile. Unequivocally, I will not be able to carry out my constitutional duty to faithfully execute and implement the provisions of the new law.

That said I express my contrition for the impediments contributed by my administration in this matter. More importantly, I request that we work together to resolve this matter amicably. In that connection, I duly recommend suspension of the implementation of Section 1(14) and any relevant provision under the new law until the earliest availing opportunity, preferably the next congressional session, to amend the flaws in the new law.

Sincerely,

A large, stylized signature of Manny Mori is written over the name and title.

Manny Mori
President

Enclosures:

xc: Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Legislative Counsel, CFSM
Library, CFSM
Director, SBOC
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. 16-88
FSM CONGRESS

Office of the Chief Clerk

September 24, 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. 16-12, "AN ACT TO AMEND PUBLIC LAW NO. 13-84, AS AMENDED, BY AMENDING SECTION 1 THEREOF TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED FOR SOCIAL PROGRAMS AND PUBLIC PROJECTS IN CHUUK ELECTION DISTRICT NO. 5, AND FOR OTHER PURPOSES.", which was passed by the Sixteenth Congress of the Federated States of Micronesia, Second Regular Session, 2009, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

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

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

Enclosures



PUBLIC LAW No. 16-12

SIXTEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
SECOND REGULAR SESSION
SEPTEMBER 14 – OCTOBER 3, 2009

PRESIDENTIAL COMM. NO. 16-88
FSM CONGRESS

An Act

TO AMEND PUBLIC LAW NO. 13-84, AS AMENDED, BY AMENDING SECTION 1 THEREOF TO CHANGE THE USE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED FOR SOCIAL PROGRAMS AND PUBLIC PROJECTS IN CHUUK ELECTION DISTRICT NO. 5, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: TONY H. OTTO

DATE: SEPTEMBER 16, 2009

REFERRED TO: WAYS AND MEANS COMMITTEE
S.C.R. NO. 16-21 – SEPTEMBER 22, 2009

FIRST READING: SEPTEMBER 22, 2009

SECOND READING: SEPTEMBER 23, 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. 16-88
FSM CONGRESS

ACT NO. 16-12

(CONGRESSIONAL BILL NO. 16-44, C.D.1)

We hereby certify that on September 23 the foregoing act passed Second and Final Reading of the Sixteenth Congress of the Federated States of Micronesia, Second 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

SECOND REGULAR SESSION, 2009

CONGRESSIONAL BILL NO. 16-44, C.D.1

PUBLIC LAW No. 16-12

AN ACT

To amend Public Law No. 13-84, as amended, by amending section 1 thereof to change the use of certain funds previously appropriated for social programs and public projects in Chuuk Election District No. 5, 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. 13-84, as amended by
2 Public Laws Nos. 14-03, 14-36, 14-63 and 15-05, is hereby further
3 amended to read as follows:

4 "Section 1. The sum of \$263,222, or so much thereof as
5 may be necessary, is hereby appropriated from the fund
6 entitled 'Public Projects for Chuuk Election District
7 No. 5' within the General Fund, to provide funding for
8 public projects in Chuuk Election District No. 5. The
9 funds appropriated under this section shall be
10 apportioned as follows:

11 (1) Junior high school hot lunch.....	\$	-0-
12 (2) Tuition, room and board assistance for		
13 students for the Northwest region of Chuuk		
14 at the College of Micronesia main campus...		16,100
15 (3) Strategy/planning meeting of the		
16 leaders of the Northwest region		
17 (a) POL and charter boats.....		33,372
18 (b) Travel allowance and rental....		-0-

PUBLIC LAW No. 16- 12

1	(c) Supplies and materials.....\$	-0-
2	(d) Venue rental and refreshments...	-0-
3	(4) Replanting and rehabilitation project	
4	for all thirteen islands in Halls, Weito and	
5	Pattiw Islands	
6	(a) POL and charter boats.....	20,000
7	(b) Packing materials.....	500
8	(c) Planting materials cost.....	5,000
9	(5) Supplemental copra subsidy, to be	
10	distributed on the basis of weight of	
11	semi-processed copra	-0-
12	(6) Development Authority operations,	
13	contractual services.....	28,000
14	(7) Costs of referral, pharmaceuticals	
15	and repatriation of human remains.....	45,000
16	(8) Project Management.....	-0-
17	(9) Transportation and POL.....	5,000
18	(10) Relief assistance	
19	(a) Food costs.....	34,282
20	(b) Transportation and POL.....	5,000
21	(11) Drydocking debt balance.....	30,000
22	(12) Desalination project assembly.....	5,000
23	(13) Northwest students' grants for	
24	tuition.....	4,964
25	(14) Boat Charters.....	31,004"

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

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5
6
7 _____, 2009
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11 *Law of signature*

12 *10-09-09*

Manny Mori
President
Federated States of Micronesia