June 29, 2009

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

Dear Speaker Figir:

Transmitted herewith is the following Congressional Act, which has become Public Law No. 16-2 without my signature.

CONGRESSIONAL ACT NO. 16-3, “AN ACT TO AMEND PUBLIC LAW NO. 15-31, AS AMENDED, BY AMENDING SECTIONS 1 AND 2 THEREOF, TO CHANGE THE USE AND ALLOTTEE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR THE STATE OF Pohnpei, AND FOR OTHER PURPOSES.”

I wish to reiterate and elaborate the concern I had with similar legislation of this nature – Public Law No. 15-83, where the incessant changes in public project appropriations could be interpreted as indecision, or weakness, on our part as government planners and decision-makers. I should likewise reiterate that while I do not oppose public projects, this routine and repetitive practice should be exercised with extreme caution to avoid public misinterpretation.

Moreover, I commend Congress and its staff for preparing a standing committee report documenting the detailed changes in the act which no doubt facilitated presidential review. However, I should like to point out that the report categorically mentions that there are only two changes introduced by the act, and yet another change consisting of an entirely new line item was not mentioned at all. I do not see serious legal or constitutional issue with the situation; however, it keeps me wondering whether or not the omission was plain oversight.

Sincerely,

Manny Mori  
President

Enclosure:

xc:  Chief Justice, FSM Supreme Court  
Secretary, Department of Justice  
Director, Office of SBOC  
Library, CFSM  
Legislative Counsel, CFSM  
PIO, FSM
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. 16-3, "AN ACT TO AMEND PUBLIC LAW NO. 15-31, AS AMENDED, BY AMENDING SECTIONS 1 AND 2 THEREOF, TO CHANGE THE USE AND ALLOTTEE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR THE STATE OF Pohnpei, 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,

[Signature]

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

Enclosures
An Act

TO AMEND PUBLIC LAW NO. 15-31, AS AMENDED, BY AMENDING SECTIONS 1 AND 2 THEREOF, TO CHANGE THE USE AND ALLOTTEE OF CERTAIN FUNDS PREVIOUSLY APPROPRIATED THEREIN FOR THE STATE OF Pohnpei, and for other purposes.

INTRODUCED BY SENATOR: DOHSIS HALBERT
DATE: MAY 11, 2009

REFERRED TO: WAYS AND MEANS COMMITTEE
S.C.R. NO. 16-3 – MAY 25, 2009
FIRST READING: MAY 25, 2009
SECOND READING: MAY 26, 2009

Liwiana K. Ramon
Chief Clerk, FSM Congress
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.

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

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

To amend Public Law No. 15-31, as amended, by amending Sections 1 and 2 thereof, to change the use and allottee of certain funds previously appropriated therein for the State of Pohnpei, 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. 15-31, as amended by Public Laws Nos. 15-54 and 15-79, is hereby further amended to read as follows:

   "Section 1. The sum of $342,000 is hereby appropriated from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2008 for the purpose of funding public projects in the State of Pohnpei, and is apportioned as follows:

   (1) Kapingamarangi Airport .................. $113,470
   (2) Kolonia Town Court House ............... 42,000
   (3) Upper Ipwal to Upper Roie Road construction ........................................... 96,080
   (4) Tomara Road concrete completion ...... 10,000
   (5) Nanmadap Road concrete completion .... 5,000
   (6) Students’ financial assistance (COM-FSM) 4,000
   (7) Project management ......................... 43,920
   (8) Kapingamarangi Bridge repair ........... 24,530
   (9) Construction related equipment
   (wheelbarrow and push-cart) ............... 3,000"
Section 2. Section 2 of Public Law No. 15-31 is hereby further amended to read as follows:

"Section 2. 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 laws, 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 the funds appropriated under subsections 1(1) and 1(8) of this act shall be the Chief Magistrate of Kapingamarangi. The allottee of the funds appropriated under subsections 1(2), 1(3), 1(4), 1(5), 1(6), 1(7) and 1(9) of this act shall be the President of the Federated States of Micronesia. The authority of the allottee to obligate funds appropriated by this act shall not lapse."
Section 3. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Law without signature

Manny Mori
President
Federated States of Micronesia

06-29-09