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
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,

[Signature]

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

Enclosures
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
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.

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 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:

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

"Section 1. The sum of $3,780,000, or so much thereof, 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 and social programs in each State of the Federated States of Micronesia. The fund shall be apportioned on the basis of $250,000 or less per member of Congress as follows, PROVIDED THAT an increase of $300,000 is for Yap State.

1) State of Kosrae...................... $ 500,000
   (a) High School lunch program and past expenses incurred relating to the implementation of the program.............. 40,000
   (b) Bachelor degree program............ 80,000
   (c) Lelu Community projects/programs 10,000
   (d) Malem Community projects/
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
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<td>1</td>
<td>(vi) Sansrik Elementary School</td>
<td>$1,250</td>
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<tr>
<td>2</td>
<td>(vii) SDA School</td>
<td>$1,250</td>
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<tr>
<td>3</td>
<td>(viii) Kosrae High School</td>
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<td>4</td>
<td>(n) Kosrae Senior Citizens Meeting Halls</td>
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<td>5</td>
<td>(i) Lelu Senior Citizen</td>
<td>$30,000</td>
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<td>6</td>
<td>(ii) Tafunsak Senior Citizen</td>
<td>$30,000</td>
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<tr>
<td>7</td>
<td>(iii) Malem Senior Citizen</td>
<td>$30,000</td>
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<tr>
<td>8</td>
<td>(iv) Utwa Senior Citizen</td>
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<tr>
<td>9</td>
<td>(o) Supplemental</td>
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<tr>
<td>10</td>
<td>funding for a Master’s Degree Program</td>
<td>$8,000</td>
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<tr>
<td>11</td>
<td>(p) Tafunsak Youths’ musical instruments</td>
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<td>12</td>
<td>(q) KCSO’s subsidy</td>
<td>$5,000</td>
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<tr>
<td>13</td>
<td>(r) National Government debts to ABCOR Construction</td>
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<td>14</td>
<td>(s) Kosrae Women Christian Associations</td>
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<td>15</td>
<td>(i) Lelu Women Christian Association</td>
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<td>16</td>
<td>(ii) Tafunsak Women Christian Association</td>
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<td>17</td>
<td>(iii) Malem Women Christian Association</td>
<td>$2,000</td>
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<td>18</td>
<td>(iv) Utwa Women Christian Association</td>
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<tr>
<td>19</td>
<td>(v) Walung Women Christian Association</td>
<td>$2,000</td>
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</table>
1. (2) State of Yap $800,000
   (a) Chamber of Commerce (Matching fund) the funding shall not be expended unless the Chamber of Commerce contributes a 50% of either in kind and/or monetary contribution as it's matching 50,000
   (b) Ruu and Amun villages basketball courts -0-
   (c) Lands' Acquisition (Outer Island of Yap) 50,000
   (d) Southern Yap water system equipment purchase 25,000
   (e) Tomil Road repair 25,000
   (f) Amun bridge 20,000
   (g) Water extension, Makiy village 9,000
   (h) Road improvements, Wanyan village 30,000
   (i) Bugol women multipurpose building 45,000
   (j) Ngulu dispensary 18,000
   (k) Falalus and Seliap community centers repairs 23,000
   (l) Qapluul village water, sewer, and power extension projects 27,000
   (m) Gachpar men's house 50,000
   (n) Wottegaia Road project 10,000
   (o) Tugunbinau bridge, Maap 50,000
(p) Outer Islands' agriculture programs and projects (concrete taro patches, purchase of tools and equipment). $ 47,000
(q) Pikelot Island water catchment and shelter......................... 7,000
(r) Outer Islands' Transportation needs (boats, outboard motors, POL and charter and provisioning)......................... 115,000
(s) YSPSC subsidy for POL.......................... 100,000
(t) Boats & motors for Seliap & Tegailap, Woleai ......................... 30,000
(u) Meerur men's house repair.... 16,000
(v) Completion of Wotegai community center in Qapluul village...... 20,000
(w) Mariyong Island Community
Piggery project..................................... 20,000
(x) Reimbursement to Woleai Atoll
Community Account......................... 6,000
(y) Woleai Airport equipments purchase 7,000
(3) State of Pohnpei......................... 1,000,000
(a) Pohnpei State At Large
(i) Construction and renovation of road, bridges, culverts and road drainages from Palikir to Kolonia......................... -0-
(b) Election District No. 1
CONGRESSIONAL BILL NO. 16-03, C.D.1, 
C.D.2, C.D.3

1 (i) 2nd 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) Sapwuaifik 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

6 of 15
(x) Outboard Motor for Kitti Police ......................... $3,370
(xi) Madolenihmw Municipal Government subsidy ...................... 10,000
(xii) Kitti/Madolenihmw Outreach program .......................... 10,000
(xiii) Grant writer assistance .................................. 2,807
(xiv) Pohnpei Coconut Processing Plant repair .................. 6,675
(xv) Nanmand Lumber Milling (Pwihno) ......................... 3,500
(xvi) ED #2 Municipal management workshop ................... 3,000
(xvii) Salapwuk Teacher’s Aide .................................. 4,000
(xviii) NMS cook .............................................. 0
(xix) Madolenihmw Cold Storage .......................... 4,000
(xx) Lukop/Wone ECE ..................................... 4,552
(xxi) Temwen and Nanmadol water system supply ........... 60,000
(xxii) Mand Community Nahs ................................. 7,096
(d) Election District No. 3 (i) ED3 Operation ................... 63,500
(ii) Students and public transportation services ............. 28,000
(iii) Students’ financial
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<td>(vi) ED3 Working Group</td>
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<td>(vii) ED3 Water System</td>
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<td>7</td>
<td>(viii) U public facilities repairs and maintenance</td>
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<td>(ix) Nett public facilities repairs and maintenance</td>
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<td>(x) Mwoakilloa public facilities repairs and maintenance and transportation needs</td>
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<td>(xi) Pingelap public facilities repairs and maintenance and transportation needs</td>
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<td>(xii) Mwoakilloa multipurpose house renovation</td>
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<td>(xiii) Pohnkeimw Secondary Road paving</td>
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<td>(4) State of Chuuk</td>
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<td>(a) Chuuk State At Large</td>
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<td>(i) Public Facilities repair and improvement</td>
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<td>6</td>
<td>(v) Farmers and Students' land transportations</td>
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<td>8</td>
<td>(vi) Leadership exposures and travel</td>
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<td>10</td>
<td>(vii) Farmers planting tools and seedling project</td>
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<td>12</td>
<td>(viii) CSCIP operation</td>
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<td>(ix) Offices Rental and Operations Commission</td>
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<td>16</td>
<td>(xi) At-Large Office Operation</td>
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<td>17</td>
<td>(xii) Sports facilities construction (basketball courts)</td>
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<td>19</td>
<td>(xiii) Fishing gear and equipment</td>
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<td>21</td>
<td>(xiv) Seawall and Taro Patchs Protection</td>
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<td>23</td>
<td>(xv) Multipurpose building repair and renovation</td>
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<td>25</td>
<td>(xvi) Feeding program</td>
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(xvii) Medical referral and repatriation of remains.................. $10,000
(xviii) OCHAP Community Hall Construction......................... 5,000
(xix) Contribution and cost sharing with At-Large to ED #5 Operation... 20,000
(xx) Tonoas Municipal Government inauguration activities................ 1,000
(xxi) Udot Municipal Government inauguration activities.............. 1,000
(xxii) Kuttu Municipal Government inauguration activities............. 1,000
(b) Election District No. 1 
   (i) Students' Financial Assistance..................................... 10,000
   (ii) Mortlock Development Commission outstanding debts (past and present).......................... 10,000
   (iii) Municipal Governments' subsidy
      a. Nema Municipality..... 7,000
      b. Losap Municipality.... 5,500
      c. Pis-emwar Municipality 5,000
      d. Namoluk Municipality.. 6,000
      e. Ettal Municipality.... 5,000
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<td>f. Moch Municipality.</td>
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<td>3</td>
<td>h. Ta Municipality</td>
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<td>4</td>
<td>i. Satowan Municipality</td>
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<td>j. Lekinioch Municipality</td>
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<td>k. Oneop Municipality</td>
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<td>(iv) Community Housing improvement</td>
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<td>(v) Leadership Conference</td>
<td>$15,000</td>
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<td>(vi) Leadership travel</td>
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<td>(vii) Youth musical instruments</td>
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<td>(ix) Students’ Land Transportation</td>
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<td>$5,000</td>
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<td>14</td>
<td>(xi) Sea transportation assistance</td>
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<td>15</td>
<td>(xii) Contribution to ED #1 Associations</td>
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<td>(xiii) Payment for printing services</td>
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<td>(xiv) ED #1 Multipurpose building renovations supplements</td>
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<td>(xv) ED #1 Operation</td>
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<td>19</td>
<td>(xvi) Administrative Support costs for Delegation</td>
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<td>(c) Election District No. 2</td>
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<tr>
<td>21</td>
<td>(i) Basketball court</td>
<td>$7,000</td>
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<tr>
<td>22</td>
<td>(ii) Meeting Halls</td>
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1. 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 &
equipments............................... -0-
15. (xii) Leadership travel & exposure 10,000
16. (xiii) Public facilities repair
17. and improvement ...................... 33,000
18. (d) Election District No. 3
19. (i) Election District
20. No. 3 Operation.................... 25,000
21. (ii) Housing and Community Halls 45,500
22. (iii) Fishing projects............. 15,000
23. (iv) Fiberglass boats repair..... 5,000
24. (v) Municipal inauguration

12 of 15
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 entrepeneurships and business start up............. 10,000
11   (xiii) Nukuno Christian School
12 solar panels/computers................... 10,000
13   (xiv) Leadership Travel.............. 15,000
14   (xv) Youth rehabilitation programs  9,000
15   (xvi) Mayors Leadership Conference  5,000
16   (xvii) Land transportation......... 12,500
17   (xviii) Municipal Governments’ subsidies................................. 46,000
19   (e) Election District No. 4
20   (i) Students’ Financial Assistance........................................ 10,000
22   (ii) Youth activities and programs........................................ 10,000
24   (iii) Leadership exposure
25
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) Longkumi 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 & 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 supplies and equipment, communication and utilities .................. -0-
21 (iv) Students' Financial Assistance .................. -0-
23 (v) Medical referral, pharmaceuticals and repatriation of remains 14,426
25 (vi) CSCIP ......................... 5,000
(vii) Operations (ED5) ........... $ 26,728
(viii) Project Management........ 20,000
(ix) On the job training subsidy -0-
(x) Land Acquisition for the
people of Halls, Weito and Pattiw Islands.. 81,000

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

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

__________________________, 2009

Law agent signature

Manny Mori
President
Federated States of Micronesia