
A BILL FOR AN ACT

To simplify the rules and procedures in approving foreign grants by amending section 210 and repealing section 211 of title 55 of the Code of the Federated States of Micronesia (Annotated), as amended, and for other purposes.

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

1 Section 1. Statement of policy. Approving foreign grants
2 is presently a role played by Congress. However, delays have
3 been experienced in the past with respect to several foreign
4 grants because they needed to await for Congress to convene to
5 consider their adoption. The intent of this act is to simplify
6 the process of approving foreign grants in order to avoid losing
7 valuable foreign grants that could be very useful and beneficial
8 to FSM citizens.

9 Section 2. Section 210 of title 55 of the Code of the
10 Federated States of Micronesia (Annotated) as amended, is hereby
11 further amended to read as follows:

12 "Section 210. Foreign Financial Assistance [~~Fund~~].

13 (1) Definitions.

14 (a) "Agreement" shall refer to any agreement,
15 understanding, covenant, compact, transacting or other
16 agreement, in any form, entered into by and between an
17 official of the National Government, or the National
18 Government's designee, and a foreign governmental

1 entity, for the receipt or acceptance of financial
2 assistance or aid, on behalf of any National or State
3 governmental entity.

4 (b) "Foreign financial assistance" shall refer
5 to currency, money, accounts or notes receivable
6 offered as aid or assistance to the National
7 Government of the Federated States of Micronesia.,
8 other than foreign aid or assistance received from the
9 United States of America.

10 (c) "Foreign in-kind assistance" shall refer to
11 any and all foreign assistance in the form of goods,
12 services or other modes of assistance not covered
13 under subsection (1)(b) hereof.

14 (2) Approval by Congress. Any foreign financial
15 assistance that is more than \$100,000 requires
16 approval by Congress through a resolution. The
17 President shall submit any agreement for the
18 acceptance or receipt of foreign financial assistance
19 to the Congress no late than the first regular or
20 special session congress convened immediately
21 subsequent to the execution of such agreement, for
22 approval by resolution.

23 (a) No such agreement involving over \$100,000
24 shall be valid, and no funds may be received pursuant
25 to such agreement, unless and until Congress approves

1 the agreement by resolution. Foreign financial
2 assistance of up to \$10,000 may be disbursed by the
3 President in accordance with the terms and conditions
4 of the assistance.

5 (b) Should the Congress not approve such
6 agreement by resolution before the adjournment of the
7 first regular session following the President's
8 submission of the agreement to Congress, that
9 agreement shall be deemed disapproved.

10 (c) Any first time application for foreign
11 financial assistance of an amount involving \$200,000
12 or more shall require the approval by Congress through
13 a resolution.

14 (3) Foreign Assistance Fund. There is hereby
15 established within the National Treasury of the
16 Federated States of Micronesia a Foreign Assistance
17 Fund which shall initially consist of all unobligated
18 balances of foreign assistance funds from the receding
19 fiscal year, and all foreign assistance funds
20 designated for the National government and made
21 available beginning October 1, 1996. Thereafter, the
22 Department of Finance shall receive, maintain a
23 complete record o, and where applicable, deposit all
24 foreign financial assistance as defined in subsection
25 (1) of this section into the Fund, pursuant to the

1 Financial Management Act of 1979.

2 (a) The President or the President's designee
3 shall notify the Congress of the receipt of foreign
4 financial assistance, the amount thereof in U.S.
5 dollars, and, where applicable, the deposit or such
6 assistance into the Fund, no later than the first
7 session of Congress, be it regular or special,
8 convened subsequent to such receipt.

9 (b) Where the foreign financial assistance
10 received is denominated in the form of goods or
11 services, the President or the President's designee
12 shall notify the congress of the value thereof in U.S.
13 dollars, and the designation where such goods have
14 been delivered, or location of where such services
15 have been rendered, no later that the first session of
16 the Congress convened subsequent to such receipt.

17 (4) Development of Fund – Duties of the Department
18 of Finance. The Division of Investment Management of
19 the Department of Finance shall, upon approval of the
20 President and in cooperation with the Department of
21 Foreign [~~External~~] Affairs, actively seek foreign
22 assistance funding, foster productive use of foreign
23 assistance, and produce reports on the acquisition,
24 use, expenditure of, and fiscal obligations attendant
25 upon, foreign assistance available to or received by

1 the National Government of the Federated States of
2 Micronesia.

3 (5) Reports. No later than April 1 of each year,
4 the President shall submit to the Congress a report on
5 the status of the Foreign Assistance Fund, which
6 report shall include:

7 (a) a complete and accurate accounting of all
8 foreign financial assistance received;

9 (b) a complete and accurate record of the
10 manner in which the foreign financial assistance was
11 distributed as among and between the States and the
12 National Government; and

13 (c) whether such distribution comports with the
14 provisions of article XII, section 1(b) of the
15 Constitution."

16 Section 3. Section 211 of title 55 of the Code of the
17 Federated States of Micronesia (Annotated) as amended, is hereby
18 repealed in its entirety.

19 Section 4. This act shall become law upon approval by the
20 President of the Federated States of Micronesia (Annotated), as
21 amended, or upon its becoming law without such approval.

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23 Date: 12/14/16

Introduced by: /s/ Florencio S. Harper
Florencio S. Harper
(by request)

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