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A BILL FOR AN ACT

To further amend title 55 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-16, 5-88, 5-119, 5-121 and 5-136, by amending section 212 for the purpose of allowing the President of the Federated States of Micronesia or his designee to directly administer Capital Improvement Program administration funds, and for other purposes.

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

1 Section 1. Section 212 of title 55 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 212. Capital Improvement Program Fund.

4 (1) There is created within the National Treasury of
5 the Federated States of Micronesia a Capital Improvement
6 Program Fund.

7 (2) All United States grant funds, including United
8 States federal program funds, but excluding funds made
9 available pursuant to the Compact of Free Association,
10 allotted to the President of the Federated States of
11 Micronesia by the Trust Territory Government or other
12 agency of the United States Government specifically for
13 capital improvement projects in the States shall be
14 deposited in the Capital Improvement Program Fund.

15 (3) United States grant funds and federal program
16 funds for the Capital Improvement Program shall include
17 funding for the development of the basic infrastructure of
18 the Federated States of Micronesia in conformance with the
19 intent of the original Capital Improvement Program and
20 other funding transferred under any agreement between the
21 National Government of the Federated States of Micronesia
22 and the Government of the Trust Territory of the Pacific
23 Islands, or other agency of the United States Government,
24 regarding the transfer of capital improvement project
25 funding and administration.

1 (4) The President or his designee shall notify
2 Congress of all grant awards and deposits to the Capital
3 Improvement Program Fund.

4 (5) Any portion of capital improvement funding made
5 available to and accepted by the National Government to
6 cover its costs for the administration of the Capital
7 Improvement Program shall be *deposited in the General Fund*
8 *and may be withdrawn by appropriation laws enacted by the*
9 *Congress of the Federated States of Micronesia made*
10 available to, administered by, and expended by the President
11 or his designee for the purpose of administering the Capital
12 Improvement Program.

13 (6) Deposits in the Capital Improvement Program Fund
14 shall be made available to and administered by the
15 President or his designee in accordance with written
16 agreements between the National Government of the
17 Federated States of Micronesia and the Trust Territory
18 Government or other agency of the United States Government
19 for the transfer of capital improvement project funding and
20 administration. The funds shall be allocated among the
21 States in accordance with the terms of the appropriation
22 laws of the United States, or by the actions of the High
23 Commissioner or other authorized official of the United
24 States Government pursuant to authority set forth in the
25 appropriation laws of the United States. To the extent

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1 that the terms of the appropriation laws of the United
2 States do not allocate such funds specifically to the
3 States, and such laws do not so empower the High
4 Commissioner or an official of the United States Government
5 to act in this regard, or the High Commissioner or official
6 chooses not to act, such funds shall be allocated by the
7 President in an equitable manner which reflects the needs
8 of each State, subject to the approval of Congress by
9 resolution. If Congress is not in session, the appropriate
10 committee shall review and approve the manner of
11 distribution of the funds. The Congress or the appropriate
12 committee shall complete its review within thirty days of
13 submission. If the Congress or the appropriate committee
14 fails to act within thirty days of submission, the proposed
15 distribution of funds shall be deemed approved. The
16 President shall be the allottee of the funds and shall have
17 the authority to make suballotments to the Governors at
18 such times and in such manner as may be required by sound
19 financial management techniques. All funds which have been
20 allotted to the President or suballotted to the Governors
21 of the States shall be administered, managed and accounted
22 for in accordance with applicable law, including, but not
23 limited to, the provisions of this chapter, and regulations
24 pursuant thereto."

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

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5 Date: 5-22-89

Introduced by: 
Dohsis S. Halbert
(by request)

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