A BILL FOR AN ACT

To authorize the FSM to borrow approximately $18,000,000 from the
ADB and re lend $15,000,000 to the States for the purpose of funding
early retirement programs, and for other purposes.

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

Section 1. Authorization. The President of the Federated
States of Micronesia is hereby authorized to borrow money from
the Asian Development Bank (the "Bank") and re lend a portion
thereof to the States as provided hereinafter.

Section 2. Amounts. The amount to be borrowed from the
Bank is the equivalent in SDRs (Special Drawing Rights) of the
Bank, as of such point in time as the Bank and the President
may agree, of up to $18,000,000. The National Government will
assume the risk of gain or loss in the exchange rate between
SDRs and U.S. dollars and will re lend to the States in U.S.
dollars as follows:

(1) Chuuk State Government........... $ 5,300,000
(2) Kosrae State Government......... 2,000,000
(3) Pohnpei State Government........ 4,200,000
(4) Yap State Government............. 3,500,000

Total $15,000,000

Loan proceeds not so allocated to the States shall be retained
by the National Government for its own use.

Section 3. Financial Terms. The loan from the Bank and
each of the loans to the States shall:

(1) provide for disbursement in two separate
drawdowns, or "tranches";

(2) be interest-free but bear a service charge of 1%
per year;

(3) have a 10-year grace period for repayment of the
principal; and

(4) provide for repayment of the principal over a 30-year period commencing at the end of the grace period.

Section 4. Use of Proceeds. The loans will be for the purpose of facilitating the early retirement component of the public sector reform program of each of the participating State and National Governments. Loan proceeds may be used solely to fund the cost of severance packages and the cost of training directly related to the early retirement of employees from government service and other government restructuring pursuant to early retirement legislation enacted by each of the participating governments.

Section 5. Relending Conditions.

(1) Relending of proceeds to a State shall be by way of a Financing Agreement between the National Government and the State which:

(a) requires the establishment of a separate trust account within the national investment portfolio, for the benefit of the State but under the control of the Secretary of Finance, into which the State must gradually deposit, by September 30, 2001, and thereafter maintain, a sum not less than the principal balance which it owes;

(b) grants to the National Government an unconditional security interest in the State’s share of section 211 block grants and section 217 inflation adjustments under
the Compact of Free Association and in the State's share of national tax revenues;

(c) binds the State to the set-off provisions of section 3 of Public Law No. 9-136;

(d) contains such other provisions as the President or the Bank may require; and

(e) is specifically and properly authorized by the legislature of the State.

(2) Except as provided herein or in the loan agreement with the Bank, the form of the Financing Agreement shall be the same for all States so as to assure that no State is preferred over any other State.

Section 6. Delegations.

(1) While the President shall remain involved and informed, he may delegate:

(a) to the Secretary of Finance the authority to negotiate the loan agreement with the Bank, the Financing Agreements with the State, and any other relevant documents;

(b) to the Secretary of Finance the authority to sign any such documents on behalf of the National Government;

(c) to the FSM's representative on the Board of the Bank in Manila the authority to sign agreements between the Bank and the National Government; and

(d) to such officials as the President deems
appropriate the authority to administer various portions of the early retirement program.

(2) The right to delegate the performance of an act to a person includes the right to ratify the performance of that act after the fact.

Section 7. Repayment Authorization. The sum of up to $18,000,000 is hereby authorized to be appropriated in future years when and as necessary for repaying the loan from the Bank.

Section 8. Reporting. The President shall keep the Congress informed of the progress being made in implementing this act.

Section 9. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 3/11/97

Introduced by: [Signature]

Joseph J. Urushmal
(by request)