

VETOED PL 12-20

TWELFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 2001 CONGRESSIONAL BILL NO. 12-69, C.D.1, C.D.2,
C.D.3, C.D.4

AN ACT

To further amend Public Law No. 10-120, as amended, by amending section 1 to change the use of certain Chuuk State funds, by amending section 4 to change the use of certain Yap State funds, and by amending section 6 to change the allottee and to retroactively extend the lapse date; to further amend Public Law No. 10-145, as amended, by amending section 2 to retroactively extend the lapse date; to amend Public Law No. 11-36 by amending section 3 to remove a consultation requirement and to retroactively extend the lapse date; and to further amend Public Law No. 11-54, as amended, by amending section 19 to retroactively extend the lapse date for certain appropriations which lapsed on September 30, 2001; 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. 10-120, as amended by
2 Public Laws Nos. 10-122, 10-144, 11-8, 11-20, 11-32 and 12-6, is
3 hereby further amended to read as follows:

4 "Section 1. The sum of \$5,000,000, or so much thereof
5 as may be necessary, is hereby appropriated from the
6 General Fund of the Federated States of Micronesia for
7 the fiscal year ending September 30, 1999, for the
8 purpose of funding infrastructure and other projects and
9 programs in the State of Chuuk. The funds appropriated
10 under this section shall be apportioned as follows:

11 (1) Regional transportation projects
12 (which shall be deemed to come from capital
13 account funds available under section 211
14 of the Compact of Free Association)

1	(a) Ta airport paving and related	
2	structures and equipment	\$ 200,000
3	(b) Houk airport paving, including	
4	acquisition of related structures and	
5	equipment	250,000
6	(c) Chuuk International Airport	
7	construction and repair	50,000
8	(2) Chuuk Delegation Office	100,000
9	(3) At-large projects	
10	(a) Rural water program	15,000
11	(b) Youth community programs	17,000
12	(c) Chuuk 4H Youth Baseball League ..	10,000
13	(d) Sport facilities and programs ...	25,000
14	(e) Land Commission survey and office	
15	equipment supplemental funding	8,000
16	(f) School supplies and materials/ 17 vehicle for regional junior high schools ...	25,000
18	(4) Election District No. 1	950,000
19	(5) Election District No. 2	
20	(a) Election District No. 2	
21	leadership conference and travel	50,000
22	(b) Fono municipal public projects ..	30,000
23	(c) Pis Paneu municipal public	
24	projects	25,000
25	(d) Road construction and equipment .	125,000

1	(e) Social and economic development	
2	grants	\$ 520,000
3	(6) Election District No. 3	
4	(a) Economic and social development	
5	grants	680,000
6	(b) Educational and Health Trust	
7	Fund, which fund shall be maintained and	
8	invested by the Secretary of the Department	
9	of Finance and Administration, along with	
10	any interest or other income therein, none	
11	of which shall be withdrawn until after	
12	July 30, 2001, at which point it shall be	
13	available solely for health and education	
14	needs in Southern Namoneas	300,000
15	(c) Southern Namoneas Development	
16	Authority operations	20,000
17	(7) Election District No. 4	
18	(a) Economic and social development	
19	grants	500,000
20	(b) Faichuk citizens living outside	
21	Election District No. 4 - economic and	
22	social development grants	100,000
23	(c) Emergency relief grants	50,000
24	(d) Crop damage relief or	
25	replanting	75,000

1	(e) Election District No. 4	
2	leadership conference and travel	\$ 75,000
3	(f) Contractual services	50,000
4	(g) Municipal Constitutional	
5	Convention	20,000
6	(h) Special events	30,000
7	(i) Youth sports and facilities	50,000
8	(8) Election District No. 5	
9	(a) Completed projects and programs .	561,265
10	(b) Fuel for the Northwest Airport	
11	project	40,000
12	(c) Senior citizen housing	
13	assistance grants	20,000
14	(d) Fishing project grants	10,000
15	(e) Assistance to schools for	
16	renovations	5,000
17	(f) Pattiw agricultural extension	
18	agents administrative costs	13,735"

19 Section 2. Section 4 of Public Law No. 10-120, as amended by
20 Public Laws Nos. 10-122, 11-5 and 11-47, is hereby further amended
21 to read as follows:

22 "Section 4. The sum of \$1,000,000, or so much thereof as may be
23 the purpose of funding infrastructure and other projects
24 and programs in the State of Yap. The funds
25 appropriated under this section shall be apportioned as

1	follows:	
2	(1) Eauripik multi-purpose center	\$ 35,000
3	(2) Mogmog Island development projects ...	40,000
4	(3) Falalop Ulithi Women's Center repair/ 5 water catchment	15,000
6	(4) Tomil Municipal project	50,000
7	(5) Kaday youth project	35,000
8	(6) Gilman land reclamation	25,000
9	(7) COM-FSM, Yap Campus	-0-
10	(8) Yap Delegation Office	-0-
11	(9) Gachpar community project	50,000
12	(10) Waned community projects	30,000
13	(11) Beechial road and power extension	20,000
14	(12) Neighboring islands agricultural and 15 cultural programs	60,000
16	(13) Neighboring islands school and 17 dispensary renovation/construction	
18	(a) Fadray	25,000
19	(b) Mogmog dispensary	35,000
20	(c) Falalus	25,000
21	(d) Faraulap	25,000
22	(14) Rumuu elementary school	100,000
23	(15) Yap CAP matching funds	50,000
24	(16) Satawal Women's Centers	50,000
25	(17) Yap cultural projects	\$ 25,000

1	(18) Yap Memorial Hospital, anesthetic	
2	equip./training	65,000
3	(19) Falalop-Ulithi youth project	40,000
4	(20) Luwech/Lamer youth project	35,000
5	(21) Eauripik dispensary repair and	
6	renovation	15,000
7	(22) Waanyan community projects	50,000
8	(23) State Priority Needs Scholarships for	
9	Yapese students with majors in aviation,	
10	nursing at CMI, medicine, architecture,	
11	engineering, or law, PROVIDED that if the	
12	National Director of the Scholarship Board	
13	fails to call a meeting of the Board at	
14	least quarterly, then the recipients of	
15	these scholarships may be determined by the	
16	joint decision of the Yap Representative on	
17	the Scholarship Board and the Secretary of	
18	the Department of Health, Education and Social	
19	Affairs and PROVIDED FURTHER that the National	
20	Scholarship Board shall report, semi-annually,	
21	to Congress, with a copy to the Yap State	
22	Scholarship Board, regarding the amount of	
23	these funds awarded, listing each recipient's	
24	name, major, college or university attended,	
25	and expected graduation date	\$ 80,000

1 (24) Short-term training for Yap medical
2 staff in areas directly related to the
3 position of the trainee 20,000"

4 Section 3. Section 6 of Public Law No. 10-120, as amended by
5 Public Laws Nos. 10-122, 11-8, 11-10, 11-20, 11-32, 11-64 and 11-
6 75, is hereby further amended to read as follows:

7 "Section 6. Allotment and management of funds and lapse
8 date.

9 (1) All funds appropriated by this act shall be
10 allotted, managed, administered, and accounted for in
11 accordance with applicable law, including, but not
12 limited to, the Financial Management Act of 1979. The
13 allottee of the funds appropriated under section 1(3)(e)
14 of this act shall be the Governor of the State of Chuuk
15 or his designee. The allottee of the funds appropriated
16 under section 1(2) of this act shall be the Speaker of
17 the Congress of the Federated States of Micronesia. The
18 allottee of the funds appropriated under section 1(3)(a)
19 of this act shall be the Director of the Department of
20 Health Services. The allottee of the funds appropriated
21 under section 1(3)(c) of this act shall be the Assistant
22 Director, Land Grant Program, Cooperative Extension
23 Services, Chuuk State. The allottee of the funds
24 appropriated under section 1(3)(d) of this act shall be
25 the Executive Director of the Chuuk Recreation Office.

1 The allottee of the funds appropriated under sections
2 1(3)(f) and 1(3)(g) of this act shall be the Secretary
3 of the Department of Health, Education and Social
4 Affairs of the Federated States of Micronesia, or his
5 designee. The allottee of the funds appropriated under
6 section 1(4) of this act shall be the Mortlocks
7 Development Authority, or if the Mortlocks Development
8 Authority shall be abolished, the Project Coordinator
9 for the Mortlocks or his designee. The allottee of the
10 funds appropriated under sections 1(5) and 1(3)(b) of
11 this act shall be the Executive Director of the Northern
12 Namoneas Development Authority, or if the Northern
13 Namoneas Development Authority shall be abolished, the
14 Northern Namoneas Project Coordinator or his designee.
15 The allottee of the funds appropriated under section
16 1(6)(b) of this act shall be the Executive Director of
17 the Chuuk State Commission on Improvement Projects. At
18 the beginning of each quarter, the Secretary of the
19 Department of Finance and Administration, or his
20 designee, shall provide a status report to the member of
21 Congress representing Chuuk Election District No. 3 on
22 the Educational and Health Trust Fund created pursuant
23 to section 1(6)(b) of this act. Said report shall
24 describe the investment status of the fund and changes
25 in fund balances since the previous report, including

1 nominal and real rates of return on investments. The
2 allottee of the funds appropriated under section 1(6)(a)
3 and 1(6)(c) of this act shall be the Chuuk State
4 Commission on Improvement Projects. The allottee of the
5 funds appropriated under section 1(7) of this act shall
6 be the Mayor of Polle. The allottee of the funds
7 appropriated under section 1(8) of this act shall be the
8 Northwest Islands Project Coordinator or his designee.
9 The allottee of the funds appropriated under section
10 2(1) of this act shall be the respective mayor of each
11 municipality listed therein. The allottee of the funds
12 appropriated under sections 2(2) through 2(8) of this
13 act shall be the Governor of the State of Kosrae. The
14 allottee of the funds appropriated under section 2(9) of
15 this act shall be the President of the Federated States
16 of Micronesia, or the President's designee. The
17 allottee of the funds appropriated under section 3(1)(a)
18 of this act shall be the Mayor of Kolonia Town, and said
19 allottee shall obligate no more than \$3,000 of such
20 funds for administrative costs. The allottee of the
21 funds appropriated under sections 4(1) through 4(7),
22 4(9) through 4(18), and 4(24) of this act shall be the
23 Governor of the State of Yap. The allottee of the funds
24 appropriated under section 4(8) of this act shall be the
25 Speaker of the Congress of the Federated States of

1 Micronesia. The allottee of the funds appropriated
2 under section 4(23) of this act shall be the Secretary
3 of the Department of Health, Education and Social
4 Affairs. The allottee of all other funds appropriated
5 by this act shall be the President of the Federated
6 States of Micronesia or the President's designee. In
7 the event that the President designates the Vice
8 President as allottee, the Vice President may designate
9 a suballottee. The allottees shall be responsible for
10 ensuring that these funds, or so much thereof as may be
11 necessary, are used solely for the purpose specified in
12 this act, and that no obligations are incurred in excess
13 of the sum appropriated. The allottee of the funds
14 appropriated under section 3(2) of this act shall
15 obligate no more than ten percent of such funds for
16 administrative costs.

17 (2) The authority of the allottees to obligate funds
18 appropriated by this act shall not lapse."

19 Section 4. Section 2 of Public Law No. 10-145, as amended by
20 Public Law No. 11-50, is hereby further amended to read as
21 follows:

22 "Section 2. Allotment and management of funds and lapse date.

23 (1) All funds appropriated by this act shall be
24 allotted, managed, administered, and accounted for in
25 accordance with applicable law, including, but not

1 limited to, the Financial Management Act of 1979. The
2 allottee of the funds appropriated by this act shall be
3 the Secretary of the Department of Transportation,
4 Communication and Infrastructure. The allottee shall be
5 responsible for ensuring that these funds, or so much
6 thereof as may be necessary, are used solely for the
7 purpose specified in this act, and that no obligations
8 are incurred in excess of the sum appropriated.

9 (2) The authority of the allottee to obligate funds
10 appropriated under section 1 of this act shall not
11 lapse."

12 Section 5. Section 3 of Public Law No. 11-36 is hereby
13 amended to read as follows:

14 "Section 3. Allotment and management of funds and lapse
15 date.

16 (1) All funds appropriated by this act shall be
17 allotted, managed, administered, and accounted for in
18 accordance with applicable law, including, but not
19 limited to, the Financial Management Act of 1979. The
20 allottee of the funds appropriated under section 2(1) of
21 this act shall be the President of the Federated States
22 of Micronesia, or his designee. The President shall
23 notify Congress of any apportionment and uses of funds,
24 as agreed to by him and the leadership of the four
25 States pursuant to section 2(1), or any change therein,

1 no later than thirty days after the reaching of any
2 agreement or subsequent modification thereto. The
3 allottee of the funds appropriated under section
4 2(2)(a), 2(2)(b), and 2(2)(d) of this act shall be the
5 President of the Federated States of Micronesia, or his
6 designee. The allottee of the funds appropriated under
7 section 2(2)(c) of this act shall be the Executive
8 Director of the Chuuk State Commission on Improvement
9 Projects or his designee. Each allottee shall be
10 responsible for ensuring that the funds allotted to him,
11 or so much thereof as may be necessary, are used solely
12 for the purpose specified in this act, and that no
13 obligations are incurred in excess of the sum
14 appropriated.

15 (2) The authority of the allottees to obligate funds
16 appropriated by this act shall not lapse."

17 Section 6. Section 19 of Public Law No. 11-54, as amended by
18 Public Laws Nos. 11-56, 11-67, 11-73, 12-1 and 12-9, is hereby
19 further amended to read as follows:

20 "Section 19. Allotment and management of funds and
21 lapse date.

22 (1) *General Provisions.*

23 (a) All funds appropriated by this act shall be
24 allotted, managed, administered, and accounted for in
25 accordance with applicable law, including, but not

1 limited to, the Financial Management Act of 1979.

2 (b) The allottees shall be responsible for
3 ensuring that these funds, or so much thereof as may be
4 necessary, are used solely for the purpose specified in
5 this act, and that no obligations are incurred in excess
6 of the sum appropriated.

7 (c) No purchase order or contract for the
8 purchase of a fixed asset with a value of \$1,000 or more
9 shall be approved until the property inventory records
10 of the requesting entity are updated, current, and on
11 file with the Department of Finance and Administration,
12 in accordance with law.

13 (d) No purchase order or contract for the
14 purchase of photocopying equipment, computers, or
15 vehicles shall be approved until the requesting
16 department or branch of government has on file, with the
17 Department of Finance and Administration, a plan for the
18 centralized maintenance of such equipment, computers and
19 vehicles.

20 (2) *Specific provisions.* Within section 15, the funds
21 appropriated to Pohnpei State under subsection (2) of
22 this act and the funds appropriated to Chuuk State under
23 subsection (3) of this act shall be retained in the
24 General Fund of the Federated States of Micronesia until
25 a scholarship recipient is identified to the President

1 or the President's designee, at which time scholarship
2 funds in the amount of the scholarship award shall be
3 disbursed directly to the educational institution in the
4 form of a two-party check payable to both the
5 scholarship recipient and the educational institution he
6 or she is attending.

7 (3) *Allottees*. The allottees of the funds
8 appropriated by this act are as follows:

9 (a) section 2 - the allottee of these funds shall
10 be the President of the Federated States of Micronesia;

11 (b) section 3 - the allottee of these funds shall
12 be the Speaker of the Congress of the Federated States
13 of Micronesia;

14 (c) section 4 - the allottee of these funds shall
15 be the Chief Justice of the Supreme Court of the
16 Federated States of Micronesia;

17 (d) section 5 - the allottee of these funds shall
18 be the Public Auditor;

19 (e) sections 6 through 16 - the allottee of these
20 funds shall be the President of the Federated States of
21 Micronesia or his designee; EXCEPT THAT for the
22 following subsections of sections 6 through 16 of this
23 act, the allottees shall be:

24 (i) section 8, subsection (4) - the allottee
25 of these funds shall be the Governor of the respective

1 State, or his designee;

2 (ii) section 8, subsection (7)(a), (b), (c)
3 and (d) - the allottee of these funds shall be the Chief
4 Justice of the respective State;

5 (iii) section 13, subsection (2) - the
6 allottee of these funds shall be the President of the
7 College of Micronesia-FSM;

8 (iv) section 15, subsections (1), (2), (3)
9 and (4) - the allottee of these funds shall be the
10 Governor of the respective State;

11 (v) section 16, subsection (8)(a) - the
12 allottee of these funds shall be the Governor of Yap
13 State;

14 (vi) section 16, subsection (8)(b) - the
15 allottee of these funds shall be the Chuuk State
16 Commission on Improvement Projects.

17 (4) *Lapse date.* The authority of the allottees to
18 obligate funds appropriated by this act shall lapse as
19 of September 30, 2001; EXCEPT THAT the authority of the
20 allottee to obligate funds appropriated under subsection
21 (3)(f) of section 8 of this act, for National Board of
22 Nursing, under subsection (3)(j) of section 8 of this
23 act, for the Third FSM Games in Yap, under subsection
24 (1) of section 16 of this act, for Staff Upgrading,
25 under subsection (8)(b) of section 16 of this act, for

1 Faichuk Pharmaceutical and Health Center, and under
2 subsection (10) of section 16 of this act, for the
3 Public Auditor's office building, shall lapse as of
4 September 30, 2002, and the authority of the allottee to
5 obligate funds appropriated by section 15(4) of this
6 act, for post secondary assistance for the State of Yap,
7 shall not lapse."

8 Section 7. Effective date. The provisions of this act shall
9 be retroactively effective as of September 29, 2001.

10 Section 8. This act shall become law upon approval by the
11 President of the Federated States of Micronesia or upon its
12 becoming law without such approval.

13

14 _____, 2002

15

16

17

18

Leo A. Falcam
President
Federated States of Micronesia