

A BILL FOR AN ACT

To further amend Public Law No. 13-46, as amended, by amending sections 2, 3, 4, 5, 7, 8, and 9 thereof for the purpose of appropriating an additional sum of \$1,819,162 from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2005, by repealing section 10, by amending section 12, and for the other purposes.

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

1 Section 1. Section 2 of Public Law No. 13-46, as amended by
2 Public Law No. 13-62, is hereby further amended to read as
3 follows:

4 "Section 2. Operating expenses of the Executive
5 Branch. The sum of [~~\$13,482,522~~] \$13,841,522, or so
6 much thereof as may be necessary, is hereby
7 appropriated from the General Fund of the Federated
8 States of Micronesia for the fiscal year ending
9 September 30, 2005, for the operations of the Executive
10 Branch of the National Government during fiscal year
11 2005. The sum appropriated by this section shall be
12 apportioned as follows:

13 (1) Office of the President
14 \$670,864, for the activities set forth in the
15 performance budget pages 1 through 2 of the budget
16 book. Of the funds appropriated, \$35,000 shall be
17 deemed to come from carryover funds available under
18 section 215(a)2 of Compact I for communications.

19 (2) Department of Foreign Affairs

1 \$3,397,792, for the activities set forth in the
2 performance budget pages 20 through 24 of the budget
3 book. Of the funds appropriated, \$141,800 shall be
4 deemed to come from carryover funds available under
5 section 215(a)2 of Compact I for communications.

6 (3) Department of Finance and Administration
7 [~~\$2,795,932~~] \$2,835,932, for the activities set forth
8 in the performance budget pages 73 through 77 of the
9 budget book, provided that \$500,000 of this amount
10 shall be used to fund a portion of the deficit recorded
11 by the National Government at the close of fiscal year
12 2003, and further provided that said sum shall not be
13 applied to the deficit until the Department has
14 reported to Congress under oath as to the accounts in
15 deficit, the amount of the deficit in each account, and
16 the account(s) to which the \$500,000 will be applied.
17 Of the funds appropriated, \$46,914 shall be deemed to
18 come from carryover funds available under section
19 215(a)2 of Compact I for communications.

20 (4) Department of Economic Affairs
21 \$1,071,353, for the activities set forth in the
22 performance budget pages 126 through 132 of the budget
23 book. Of the funds appropriated, \$29,381 shall be
24 deemed to come from carryover funds available under
25 section 215(a)2 of Compact I for communications.

1 (5) Department of Transportation, Communication and
2 Infrastructure
3 \$1,131,922, for the activities set forth in the
4 performance budget pages 183 through 185 of the budget
5 book. Of the funds appropriated, \$20,000 shall be
6 deemed to come from carryover funds available under
7 section 215(b)2 of Compact I for communications.

8 (6) Department of Health, Education and Social
9 Affairs
10 \$1,476,808, for a portion of the activities set forth
11 in the performance budget pages 210 through 216 of the
12 budget book. Of the total funds appropriated, \$475,200
13 shall be deemed to come from funds available under the
14 education sector of the Amended Compact, \$763,234 from
15 the health sector, and \$111,421 from the environment
16 sector.

17 (7) Department of Justice
18 [~~\$2,382,338~~] \$2,462,338 for the activities set forth in
19 the performance budget pages 339 through 342 of the
20 budget book provided that no more than \$31,000 of this
21 amount may be expended on fuel oil for National Police
22 Patrol boats until the Department has submitted to
23 Congress an accounting concerning the use of fuel oil
24 for this purpose in fiscal year 2004, including a
25 description of each trip taken and the amount and cost

1 of fuel used for each trip. Of the funds appropriated,
2 \$37,000 shall be deemed to come from carryover funds
3 available under section 215(b)2 of Compact I for
4 communications, 48,480 from carryover funds available
5 under section 216(a)1 of Compact I for Maritime
6 Surveillance, and \$47,486 from carryover funds
7 available under 216(b) of Compact I for Maritime
8 Surveillance.

9 (8) FSM Public Defender Office
10 [~~\$555,513~~] \$661,513 for the activities set forth in the
11 performance budget pages 372 through 373 of the budget
12 book. Of the total funds appropriated, \$9,800 shall be
13 deemed to come from carryover funds available under
14 section 215(b)2 of Compact I for communications."

15 Section 2. Section 3 of Public Law No. 13-46, as amended by
16 Public Law No. 13-62, is hereby amended to read as follows:

17 "Section 3. Operating expenses of the Legislative
18 Branch. The sum of \$2,958,077, or so much thereof as
19 may be necessary, is hereby appropriated from the
20 General Fund of the Federated States of Micronesia for
21 the fiscal year ending September 30, 2005, for the
22 operations of the Legislative Branch of the National
23 Government during the fiscal year ending September 30,
24 2005, for the operational of the Legislative Branch of
25 the National Government during fiscal year 2005, in

1 order to achieve the activities set forth in the
2 performance budget pages 380 through 381 of the budget
3 book. Of the funds appropriated, \$40,000 shall be
4 deemed to come from carryover funds available under
5 section 215(b)2 of Compact I for communications."

6 Section 3. Section 4 of Public Law No. 13-46 is hereby
7 amended to read as follows:

8 "Section 4. Operating expenses of the National
9 Judiciary Branch. The sum of \$1,191,055, or so much
10 thereof as may be necessary, is hereby appropriated from
11 the General Fund of the Federated States of Micronesia
12 for the fiscal year ending September 30, 2005, for the
13 operations of the Judiciary Branch of the National
14 Government during fiscal year 2005 in order to achieve
15 the activities set forth in the performance budget pages
16 406 through 408 of the budget book. Of the funds
17 appropriated, \$45,000 shall be deemed to come from
18 carryover funds available under section 215(b)2 of
19 Compact I for communications."

20 Section 4. Section 5 of Public Law No. 13-46 is hereby
21 amended to read as follows:

22 "Section 5. Operating expenses of the Public Auditor
23 Office The sum of [~~\$665,028~~] \$670,028, or so much
24 thereof as may be necessary, is hereby appropriated from
25 the General Fund of the Federated States of Micronesia

1 for the fiscal year ending September 30, 2005, for the
2 operations of the Office of the FSM Public Auditor
3 during fiscal year 2005 in order to achieve the
4 activities set forth in the performance budget page 417
5 of the budget book. All funds appropriated herein shall
6 be deemed to come from funds available under the
7 capacity building sector of the Amended Compact, except
8 that \$107,000 shall be funded from domestic revenues and
9 applied to the cost of the annual Single Audit."

10 Section 5. Section 7 of Public Law No. 13-46 is hereby
11 amended to read as follows:

12 "Section 7. Special Programs. The sum of [~~\$562,949~~
13 \$587,949, or so much thereof as may be necessary, is
14 hereby appropriated from the General Fund of the
15 Federated States of Micronesia for the fiscal year
16 ending September 30, 2005, for the following special
17 programs during fiscal year 2005. The sum appropriated
18 by this section shall be apportioned as follows:

19 (1) FSM Aquaculture Center

20 \$91,833 for the activities set forth in the performance
21 budget page 467 of the budget book. Of the funds
22 appropriated, \$5,000 shall be deemed to come from
23 carryover funds available under section 215(b)2 of
24 Compact I for communications.

25 (2) Office of the National Election Director

1 [~~\$456,116~~] \$481,116 for the activity set forth in the
2 performance budget page 473 of the budget book. Of the
3 funds appropriated, \$7,140 shall be deemed to come from
4 carryover funds available under section 215(b)2 of
5 Compact I for communications.

6 (3) National Authorizing Committee (APU/EU/Cotonou
7 Agreement) \$15,000, for the activity set forth in the
8 performance budget page 481 of the budget book."

9 Section 6. Section 8 of Public Law No. 13-46 is hereby
10 amended to read as follows:

11 "Section 8. Grants, Subsidies and Contributions.

12 The sum of [~~\$1,689,691~~] \$2,541,253, or so much thereof
13 as may be necessary, is hereby appropriated from the
14 General Fund of the Federated States of Micronesia for
15 the fiscal year ending September 30, 2005, for the
16 following grants, subsidies and contributions during
17 fiscal year 2005. The sum appropriated by this section
18 shall be apportioned as follows:

19 (1) Office of the President

20 (a) Disaster Assistance and

21 Emergency Fund Matching\$ 200,000

22 (2) Department of Foreign Affairs

23 (a) Forum Secretariat 35,000

24 (b) The Pacific Community\$ 17,000

25 (c) United Nations Economic and Social

1	Commission for Asia and the Pacific (ESCAP)	5,000
2	(d) United Nations Membership Fee ...	60,000
3	(e) East-West Center	10,000
4	[-2-] <u>(3)</u> Department of Economic Affairs	
5	(a) Pacific Islands Development Program	15,000
6	(b) Forum Fisheries Agency (FFA)	21,000
7	(c) United Nations Development Program	
8	(UNDP)	3,000
9	(d) Coordinating Commission for	
10	Offshore Mineral Prospecting (CCOMP)	15,000
11	(e) Pacific Asia Travel Association	
12	(PATA)	5,000
13	(f) United Nations Environmental	
14	Protection Agency (UNPA)	600
15	(g) Western Forestry Leadership Coalition	500
16	(h) Seaframe Project	1,500
17	(i) Food Agriculture Organization (FAO)	4,700
18	<u>(j) Household and income survey</u>	<u>75,562</u>
19	[-3-] <u>(4)</u> Department of Health, Education and Social	
20	Affairs	
21	(a) United Nations Funds for	
22	Population Activity	3,000
23	(b) South Pacific Regional Environmental	
24	Program (SPREP)	\$ 7,375
25	(c) Aid to Non-Public Schools	300,000

1	(d) Financial Assistance for FSM Students at	
2	College of Marshall Islands (CMI) and Palau	
3	Community College (PCC), <u>provided that all funds</u>	
4	<u>appropriated herein shall be deemed to come from</u>	
5	<u>carryover funds available under the Special Block</u>	
6	<u>Grant section 221(b) of Compact I for Health</u>	
7	<u>and Education</u>	50,000
8	(e) World Health Organization (WHO)	
9	Membership Fee, <u>provided that all funds appropriated</u>	
10	<u>herein shall be deemed to come from carryover</u>	
11	<u>funds available under section 216(a)2 of</u>	
12	<u>Compact I for health and medical program</u> ...	41,385
13	(f) National Board of Nursing, <u>provided</u>	
14	<u>that funds appropriated herein shall be deemed to</u>	
15	<u>come from carryover funds available under the</u>	
16	<u>Special Block Grant section 221(b) of Compact</u>	
17	<u>I for Health and Education</u>	38,000
18	(g) Pacific Islands Health Officers	
19	Association (PIHOA), <u>provided that all funds</u>	
20	<u>appropriated herein shall be deemed to come</u>	
21	<u>from carryover funds available under</u>	
22	<u>section 216(a)2 of Compact I for health</u>	
23	<u>and medical programs</u>	20,000
24	(h) National Close-Up Local Program \$	64,000
25	(i) FSM Amateur Sports Association ..	20,000

1	(j) College of Micronesia Board, <u>provided</u>	
2	<u>that all funds appropriated herein shall be deemed</u>	
3	<u>to come from carryover funds available under</u>	
4	<u>Special Block Grant section 221(b) of Compact I</u>	
5	<u>for Health and Education</u>	5,000
6	(k) Association of Territorial Health	
7	Association, <u>provided that all funds</u>	
8	<u>appropriated herein shall be deemed to come</u>	
9	<u>from carryover funds available under Special</u>	
10	<u>Block Grant section 216(b)2 of Compact I</u>	
11	<u>for health and medical programs</u>	2,000
12	(l) FSM Red Cross, <u>provided that all</u>	
13	<u>funds appropriated herein shall be deemed to</u>	
14	<u>come from carryover funds available under Special</u>	
15	<u>Block Grant section 216(a)2 of Compact I for</u>	
16	<u>health and medical programs</u>	64,000
17	(m) United National Economic and Social	
18	Cooperation (UNESCO)	13,941
19	<u>(n) FSM Games</u>	<u>100,000</u>
20	(4) (5) Department of Transportation,	
21	Communication and Infrastructure	
22	(a) Asia Pacific Telecommunity	7,640
23	(b) International Telecommunication Union	
24	(ITU)	\$ 55,000
25	(c) International Civil Aviation	

1	Organization	28,050
2	(d) Micronesian Shipping Commission..	-0-
3	(e) Utilities for FSM Capital, <u>provided</u>	
4	<u>that of the funds appropriated herein, \$21,442</u>	
5	<u>shall be deemed to come from carryover funds</u>	
6	<u>available under Section 214(b) of Compact I</u>	
7	<u>for energy</u>	<u>300,000</u>
8	<u>(f) Site clearance for Tuna Commission</u>	
9	<u>and Branch Head residence</u>	<u>460,000</u>
10	[-5-] <u>(6)</u> Coconut Development Authority	
11	(a) Copra Subsidy.....	75,000
12	(b) Asia Pacific Coconut Community...	15,500
13	[-6-] <u>(7)</u> Other Grants, Subsidies and Contributions	
14	(a) Kosrae Judiciary.....	37,500
15	(b) Pohnpei Judiciary.....	40,500
16	(c) Chuuk Judiciary.....	40,500
17	(d) Yap Judiciary.....	35,000
18	(e) Micronesian Legal Services (MLSC)	100,000
19	(f) COM Treaty Obligations.....	25,000
20	(g) State Law Enforcement.....	100,000
21	(h) ACP/EU Membership Fee	8,000
22	<u>(i) Western and Central Pacific</u>	
23	<u>Tuna, Management Commission membership fee .</u>	<u>16,000"</u>

24 Section 7. Section 9 of Public Law No. 13-46 is hereby
 25 amended to read as follows:

1 "Section 9. Capital and Human Resource Development.

2 The sum of [~~\$6,538,287~~] \$7,116,887, or so much thereof
3 as may be necessary, is hereby appropriated from the
4 General Fund of the Federated States of Micronesia for
5 the fiscal year ending September 30, 2005, for the
6 following capital improvements, development programs and
7 projects and human resource development. The sum
8 appropriated under this section shall be apportioned as
9 follows:

10 (1) College of Micronesia-FSM

11 (a) Operations of the College of Micronesia-FSM,
12 including planning, construction and maintenance
13 of college facilities. All funds appropriated herein
14 shall be deemed to come from funds available
15 under the education sector of the
16 Amended Compact\$ 3,856,067

17 (b) Student assistance for tuition
18 and housing, COM-FSM, provided that all of
19 the funds appropriated herein shall be deemed
20 to come from carryover funds available
21 under section 216(a)(3) of Compact I
22 for postsecondary scholarships 190,000

23 (c) COM-FSM Yap Campus Facility,
24 PROVIDED THAT funds appropriated herein
25 shall be deemed to come from funds

1	available under the infrastructure	
2	development sector of the Amended Compact .	\$ 330,000
3	4 <u>(2)</u> FSM Fisheries and Maritime Institute,	
4	including operations, planning, training, and	
5	construction and maintenance of facilities and	
6	equipment. Of this amount \$180,050, shall	
7	be deemed to come from funds available under the	
8	education sector of the	
9	Amended Compact	[463,360] <u>738,360</u>
10	[-2-] <u>(3)</u> National Staff Upgrading, PROVIDED	
11	THAT funds appropriated herein shall be	
12	deemed to come from funds available under	
13	the capacity building sector of the	
14	Amended Compact	50,000
15	(3) FSM Visitor Bureau	100,000
16	(4) Economic Statistics Unit	
17	Strengthening	75,000
18	(5) Crop Production Improvement	27,300
19	(6) Public Enterprise Privatization	66,560
20	(7) 2005 World Exposition (Japan) ... [-0-]	<u>103,600</u>
21	(8) FSM Development Bank - Business	
22	Development Loan Program	500,000
23	(9) MS Caroline Voyager Drydocking	630,000
24	<u>(10) Patrol boats slipping</u>	<u>200,000</u>
25	[-10-] <u>(11)</u> Project Management Unit (PMU), PROVIDED THAT	

1 the sum appropriated in this line item shall be deemed
2 to come from funds available under the infrastructure
3 development sector of the Amended Compact .. 250,000"

4 Section 8. Section 10 of the Public Law No. 13-46
5 is hereby repealed in its entirety.

6 Section 9. Section 12 of Public Law No. 13-46 is hereby
7 amended to read as follows:

8 "Section 12. Reprogramming. Reprogramming [~~to or~~] from
9 personnel budget items shall [~~not~~] be permitted, but not
10 to personnel budget items. Funds appropriated under
11 section 2 of this act and apportioned to a department or
12 office under sections 2(1) through 2(8) of this act may
13 be [~~shall not be~~] reprogrammed to or from such
14 department or office by the President up to 10% of the
15 apportionment. Reprogramming within a department or
16 agency shall be effected by the head of such department
17 by specifying in writing to the Secretary of the FSM
18 Department of Finance and Administration, [~~the~~
19 ~~activities for which funding is either increased or~~
20 ~~decreased~~] up to 15% of reach apportionment."

21 Section 10. Section 13 of Public Law No. 13-46 is hereby
22 amended to read as follows:

23 "Section 13. Allotment and management of funds and
24 lapse date.

25 (1) General Provisions.

1 (a) All funds appropriated by this act shall be
2 allotted, managed, administered, and accounted for in
3 accordance with applicable law, including, but not
4 limited to, the Financial Management Act of 1979 and the
5 Amended Compact of Free Association between the United
6 States Government and the Government of the Federated
7 States of Micronesia.

8 (b) The allottees shall be responsible for
9 ensuring that these funds, or so much thereof as may be
10 necessary, are used solely for the purposes specified in
11 this act, and that no obligations are incurred in excess
12 of the sum appropriated.

13 (2) Allottees. The allottees of the funds
14 appropriated by this act are as follows:

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

17 (b) section 3 - the allottee of these funds shall
18 be the Speaker of the Congress of the Federated States
19 of Micronesia;

20 (c) section 4 - the allottee of these funds shall
21 be the Chief Justice of the Supreme Court of the
22 Federated States of Micronesia;

23 (d) section 5 - the allottee of these funds shall
24 be the Public Auditor of the Federated States of
25 Micronesia;

1 (e) section 6 through 9 - the allottee of these
2 funds shall be the President of the Federated States of
3 Micronesia; EXCEPT THAT for the following subsections of
4 section 6 through 9 of this act, the allottees shall be:

5 (i) section 8, subsection (6)(a) through
6 (6)(d) - the allottee of these funds shall be the Chief
7 Justice of the respective state;

8 (ii) section 9, subsection (1)(a) through
9 (1)(d) - the allottee of these funds shall be the
10 President of the College of Micronesia-FSM;

11 (3) Lapse Dates. The authority of the allottees to
12 obligate funds appropriated by this act shall lapse as
13 of September 30, 2005, EXCEPT that funds appropriated
14 under section 9 of this act shall not lapse."

15 Section 11. This act shall become law upon approval by the
16 President of the Federated States of Micronesia or upon its
17 becoming law without such approval.

18
19 Date: 01/24/05

Introduced by: /s/ Henry C. Asugar
Henry C. Asugar
(by request)