

TWELFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 2002 CONGRESSIONAL BILL NO. 12-106, C.D.1, C.D.2,
C.D.3, C.D.4

PRES. COMM. 12-145

LINE ITEM VETOED PUBLIC LAW NO. 12-050

AN ACT

To appropriate the sum of \$26,261,496 from the General Fund of the Federated States of Micronesia for the fiscal year ending September 30, 2003, for the purpose of funding the operations of all branches of the National Government of the Federated States of Micronesia, its agencies, various programs, grants, subsidies and contributions; to establish a budget for compact sections 211, 214(b), 215(a)(2), 215(b)(2), 216(a)(1), 216(a)(2), 216(a)(3), 216(b), and 221(b); to establish a capital and human resource development budget and appropriate funds available therefor; and for other purposes.

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

1 Section 1. Definitions.

2 (1) "Budget book" means the document entitled Federated
3 States of Micronesia National Government Fiscal Year 2003 Proposed
4 Budget transmitted by the President to the Speaker of the Congress
5 of the Federated States of Micronesia on March 25, 2002.

6 (2) "Activity" means that set of activities set forth in
7 the performance budget pages of the budget book for each
8 department, office, agency or program. An activity is a general
9 policy objective, the achievement of which can be measured. An
10 activity is part of a strategic goal and will result in a certain
11 amount or number of outputs or units or work.

12 (3) "Performance budget pages" means those pages in the
13 budget book that set forth the strategic goals, activities,
14 objectives and outputs for each department or agency.

15 Section 2. Operating expenses of the Executive Branch. The

1 sum of \$7,193,528, or so much thereof as may be necessary, is
2 hereby appropriated from the General Fund of the Federated States
3 of Micronesia for the fiscal year ending September 30, 2003, for
4 the operations of the Executive Branch of the National Government
5 during fiscal year 2003. The sum appropriated by this section
6 shall be apportioned as follows:

7 (1) Office of the President

8 \$419,935, for the activities set forth in the performance budget
9 pages A.1.1 through A.1.3 of the budget book. Of the total funds
10 appropriated, \$23,985 shall be deemed to come from funds available
11 under section 215(b)(2) of the Compact of Free Association for
12 communications.

13 (2) Department of Foreign Affairs

14 \$1,870,766, for the activities set forth in the performance budget
15 pages A.2.1 through A.2.8 of the budget book. Of the total funds
16 appropriated, \$73,400 shall be deemed to come from funds available
17 under section 215(b)(2) of the Compact of Free Association for
18 communications.

19 (3) Department of Finance and Administration

20 \$1,162,996, for the activities set forth in the performance budget
21 pages A.3.1 through A.3.7 of the budget book. Of the total funds
22 appropriated, \$37,218 shall be deemed to come from funds available
23 under section 215(b)(2) of the Compact of Free Association for
24 communications.

25 (4) Department of Economic Affairs

1 \$619,051, for the activities set forth in the performance
2 budget pages A.4.1 through A.4.11 of the budget book. Of the
3 total funds appropriated, \$27,216 shall be deemed to come from
4 funds available under section 215(b) (2) of the Compact of Free
5 Association for communications.

6 (5) Department of Transportation, Communication and
7 Infrastructure

8 \$824,414, for the activities set forth in the performance budget
9 pages A.5.1 through A.5.4 of the budget book. Of the total funds
10 appropriated, \$12,500 shall be deemed to come from funds available
11 under section 215(a) (2) of the Compact of Free Association for a
12 consultant in communication policy, and \$7,200 from funds
13 available under section 215(b) (2) of the Compact of Free
14 Association for communications.

15 (6) Department of Health, Education and Social Affairs
16 \$524,342, for the activities set forth in the performance budget
17 pages A.6.1 through A.6.10 of the budget book. Of the total funds
18 appropriated, \$17,760 shall be deemed to come from funds available
19 under section 215(b) (2) of the Compact of Free Association for
20 communications.

21 (7) Department of Justice
22 \$1,503,447, for the activities set forth in the performance budget
23 pages A.7.1 through A.7.7 of the budget book. Of the total funds
24 appropriated, \$18,500 shall be deemed to come from funds available
25 under section 215(b) (2) of the Compact of Free Association for

1 communications, \$208,126 from funds available under section
2 216(a) (1), and \$23,743 from funds available under section 216(b)
3 of the Compact of Free Association for marine surveillance.

4 (8) FSM Public Defender Office
5 \$268,579, for the activities set forth in the performance budget
6 pages A.8.1 through A.8.2 of the budget book. Of the total funds
7 appropriated, \$5,400 shall be deemed to come from funds available
8 under section 215(b) (2) of the Compact of Free Association for
9 communications.

10 Section 3. Operating expenses of the Legislative Branch.

11 The sum of \$1,796,234, or so much thereof as may be necessary, is
12 hereby appropriated from the General Fund of the Federated States
13 of Micronesia for the fiscal year ending September 30, 2003, for
14 the operations of the Legislative Branch of the National
15 Government during fiscal year 2003 in order to achieve the
16 activities set forth in the performance budget pages B.1.1 through
17 B.1.3 of the budget book. Of the total funds appropriated,
18 \$25,000 shall be deemed to come from section 215(b) (2) of the
19 Compact of Free Association for communications.

20 Section 4. Operating expenses of the National Judiciary
21 Branch.

22 The sum of \$505,465, or so much thereof as may be necessary, is
23 hereby appropriated from the General Fund of the Federated States
24 of Micronesia for the fiscal year ending September 30, 2003, for
25 the operations of the Judiciary Branch of the National Government

1 during fiscal year 2003 in order to achieve the activities set
2 forth in the performance budget pages C.1 through C.4 of the
3 budget book. Of the total funds appropriated under this section,
4 \$12,500 shall be deemed to come from funds available under section
5 215(b) (2) of the Compact of Free Association for communications.

6 Section 5. Operating expenses of the Public Auditor Office.

7 The sum of \$264,499, or so much thereof as may be necessary, is
8 hereby appropriated from the General Fund of the Federated States
9 of Micronesia for the fiscal year ending September 30, 2003, for
10 the operations of the Office of the FSM Public Auditor during
11 fiscal year 2003 in order to achieve the activities set forth in
12 the performance budget pages D.1 through D.2 of the budget book.
13 Of the total funds appropriated under this section, \$6,000 shall
14 be deemed to come from funds available under section 215(b) (2) of
15 the Compact of Free Association for communications.

16 Section 6. Operating expenses of agencies of the National
17 Government.

18 The sum of \$733,252, or so much thereof as may be necessary, is
19 hereby appropriated from the General Fund of the Federated States
20 of Micronesia for the fiscal year ending September 30, 2003, for
21 the operations of the following boards, commissions and agencies
22 during fiscal year 2003. The sum appropriated by this section
23 shall be apportioned as follows:

24 (1) National Oceanic Resource Management Authority
25 \$216,419, for the activities set forth in the performance budget

1 pages E.1.1 through E.1.4 of the budget book. Of the total funds
2 appropriated, \$9,750 shall be deemed to come from funds available
3 under section 215(b)(2) of the Compact of Free Association for
4 communications.

5 (2) Board of Regents - COM-FSM
6 \$42,230, for the activities set forth in the performance pages
7 E.2.1 through E.2.2 of the budget book.

8 (3) FSM Coconut Development Authority
9 \$64,185, for the activities set forth in the performance budget
10 pages E.3.1 through E.3.2 of the budget book. Of the total funds
11 appropriated, \$1,695 shall be deemed to come from funds available
12 under section 215(a)(2) and \$806 from funds available under
13 section 215(b)(2) of the Compact of Free Association for
14 communications.

15 (4) FSM Banking Board
16 \$68,620, for the activities set forth in the performance budget
17 pages E.4.1 through E.4.2 of the budget book. Of the total funds
18 appropriated, \$3,500 shall be deemed to come from funds available
19 under section 215(b)(2) of the Compact of Free Association for
20 communications.

21 (5) FSM Postal Services
22 \$341,799, for the activities set forth in the performance budget
23 pages E.5.1 through E.5.5 of the budget book. Of the total funds
24 appropriated, \$9,517 shall be deemed to come from funds available
25 under section 215(b)(2) of the Compact of Free Association for

1 communications.

2 (6) FSM National Fisheries Corporation

3 \$0 for the activities set forth in the performance budget page
4 E.6.1 of the budget book.

5 Section 7. Special Programs.

6 The sum of \$1,617,873, or so much thereof as may be necessary, is
7 hereby appropriated from the General Fund of the Federated States
8 of Micronesia for the fiscal year ending September 30, 2003, for
9 the following special programs during fiscal year 2003. The sum
10 appropriated by this section shall be apportioned as follows:

11 (1) FSM Aquaculture Center

12 \$51,019 for the activities set forth in the performance budget
13 pages F.1.1 through F.1.2 of the budget book. Of the total funds
14 appropriated, \$2,500 shall be deemed to come from funds available
15 under section 215(b)(2) of the Compact of Free Association for
16 communications.

17 (2) Joint Committee on Compact Economic Negotiations (JCN)

18 \$1,154,916, for the activities set forth in the performance budget
19 pages F.2.1 through F.2.2 of the budget book. Of the total funds
20 appropriated, \$36,000 shall be deemed to come from funds available
21 under section 215(b)(2) of the Compact of Free Association for
22 communications.

23 (3) Office of the National Election Director

24 \$381,938 for the activities set forth in the performance budget
25 pages F.7.1 of the budget book. Of the total funds appropriated,

1 \$27,500 shall be deemed to come from funds available under section
2 215(b) (2) of the Compact of Free Association for communications.

3 (4) National Authorizing Committee (APU/EU/Cotonou
4 Agreement)

5 \$30,000, for the activity set forth in the performance budget page
6 F.8.1 of the budget book.

7 Section 8. Grants, Subsidies and Contributions.

8 The sum of \$2,429,791, or so much thereof as may be necessary, is
9 hereby appropriated from the General Fund of the Federated States
10 of Micronesia for the fiscal year ending September 30, 2003, for
11 the following grants, subsidies and contributions during fiscal
12 year 2003. Of the total funds appropriated under this section,
13 \$131,000 shall be deemed to come from funds available under
14 section 216(a) (3) of the Compact of Free Association. The sum
15 appropriated by this section shall be apportioned as follows:

- 16 (1) Department of Foreign Affairs
- | | |
|--|-----------|
| 17 (a) Forum Secretariat | \$ 35,000 |
| 18 (b) The Pacific Community | 30,000 |
| 19 (c) United Nations Economic and Social | |
| 20 Commission for Asia and the Pacific (ESCAP) | 5,000 |
| 21 (d) United Nations Membership Fee | 100,000 |
| 22 (e) East-West Center | 10,000 |
- 23 (2) Department of Finance and Administration
- | | |
|--------------------------------|--------|
| 24 (a) ACP/EU Membership | 24,000 |
|--------------------------------|--------|
- 25 (3) Department of Economic Affairs

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1	(a) Pacific Islands Development Program ..	15,000
2	(b) Forum Fisheries Agency (FFA)	21,000
3	(c) United Nations Development Program	
4	(UNDP)	3,000
5	(d) Coordinating Commission for	
6	Offshore Mineral Prospecting (CCOMP)	8,000
7	(e) Plant Protection Program	60,000
8	(f) Pacific Asian Travel Association	
9	(PATA)	5,000
10	(g) The FSM Coastal Fisheries Consortium .	11,702
11	(h) FSM Giant Clam Culture	11,440
12	(i) National Plant Protection and	
13	Quarantine Communication Program	29,700
14	(j) NFC-OPIC Loan Payment	145,000
15	(4) Department of Health, Education and Social	
16	Affairs	
17	(a) United Nations Funds for	
18	Population Activity	3,000
19	(b) South Pacific Regional Environmental	
20	Program (SPREP)	7,375
21	(c) Aid to Non-Public Schools	500,000
22	(d) Financial Assistance for FSM Students	
23	at College of Marshall Islands (CMI) and Palau Community	
24	College (PCC)	50,000
25	(e) World Health Organization (WHO)	

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1	membership Fee	41,385
2	(f) National Board of Nursing	\$ 38,000
3	(g) Pacific Islands Health Officers	
4	Association (PIHOA)	20,000
5	(h) National Close-Up Local Program	64,000
6	(i) FSM Amateur Sports Association	35,000
7	(j) College of Micronesia Board Meeting ..	5,000
8	(k) Association of Territorial Health	
9	Association	2,000
10	(l) FSM Red Cross	50,000
11	(m) Aid to Xavier High School	50,000

12 (5) Department of Justice; Joint Law Enforcement,
13 PROVIDED THAT, no funds appropriated for Joint Law Enforcement
14 purposes may be used for travel, except that travel to attend FSM
15 joint law enforcement meetings held within the FSM is allowed; and
16 PROVIDED FURTHER THAT joint law enforcement funds shall be
17 allocated on a quarterly basis; and PROVIDED FURTHER THAT no funds
18 shall be obligated or disbursed for the first quarter of fiscal
19 year 2003, or any quarter thereafter, unless before October 1,
20 2003, and each quarter thereafter, as applicable, each state
21 reports, by category of expenditure, to the President or his
22 designee and to the Chairman of the Judiciary and Governmental
23 Operations Committee on the use of such funds for the prior fiscal
24 year or quarter, as applicable, including an explanation of how
25 each expenditure contributed to the purpose of joint law

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1	enforcement.	
2	(a) Kosrae Joint Law Enforcement	50,000
3	(b) Pohnpei Joint Law Enforcement\$	85,000
4	(c) Chuuk Joint Law Enforcement	95,000
5	(d) Yap Joint Law Enforcement	60,000
6	(6) Department of Transportation, Communication	
7	and Infrastructure	
8	(a) Asia Pacific Telecommunity to be deemed	
9	to come from funds available under section 215(a)(2) of the	
10	Compact of Free Association for telecommunications ...	9,000
11	(b) International Telecommunication	
12	Union to be deemed to come from funds available	
13	under section 215(a)(2) of the Compact of Free	
14	Association for telecommunications	57,639
15	(c) International Civil Aviation	
16	Organization	28,050
17	(d) Micronesian Shipping Commission	10,000
18	(7) Coconut Development Authority	
19	(a) Copra Subsidy	150,000
20	(b) Asia Pacific Coconut Community	15,500
21	(8) Other grants, subsidies and contributions	
22	(a) Kosrae Judiciary	
23	(i) Unrestricted	25,000
24	(ii) Law School	40,000
25	(b) Pohnpei Judiciary	

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1	(i) Unrestricted	72,000
2	(ii) Law School	18,000
3	(c) Chuuk Judiciary	
4	(i) Unrestricted\$	72,000
5	(ii) Law School	18,000
6	(d) Yap Judiciary	
7	(i) Unrestricted	40,000
8	(ii) Law School	30,000
9	(e) Micronesian Legal Services (MLSC)	150,000
10	(f) COM Treaty Obligations	25,000

11 Section 9. Compact Communication Program Account.

12 No funds are appropriated from the General Fund of the Federated
13 States of Micronesia for the fiscal year ending September 30,
14 2003, for the operations of the FSM Telecommunications
15 Corporation.

16 Section 10. Compact Energy Program Account.

17 The sum of \$291,346, or so much thereof as may be necessary, is
18 hereby appropriated from the General Fund of the Federated States
19 of Micronesia for the fiscal year ending September 30, 2003, to
20 pay utility bills for the National Government departments, offices
21 and agencies, operate and maintain standby generators, and
22 establish energy conservation programs. The funds appropriated
23 under this section shall be deemed to come from funds available
24 under section 214(b) of the Compact of Free Association for
25 energy.

1 Section 11. Compact Health and Medical Program Account.

2 The sum of \$116,000, or so much thereof as may be necessary, is
3 hereby appropriated from the General Fund of the Federated States
4 of Micronesia for the fiscal year ending September 30, 2003, for
5 health and medical referral and related programs and projects.

6 The funds appropriated under this section shall be deemed to come
7 from funds available under section 216(a)(2) of the Compact of
8 Free Association for health and medical programs. The sum
9 appropriated under this section shall be apportioned as follows:

10	(1) Visiting Team of Specialists	\$	68,000
11	(2) Enhancement of Local Capacity		48,000

12 Section 12. Compact Special Block Grant Program Account.

13 The sum of \$389,437, or so much thereof as may be necessary, is
14 hereby appropriated from the General Fund of the Federated States
15 of Micronesia for the fiscal year ending September 30, 2003, for
16 health and education programs. Of the total funds appropriated
17 under this section, \$38,962 shall be deemed to come from funds
18 available under section 216(a)(3) and the remainder shall be
19 deemed to come from funds available under section 221(b) of the
20 Compact of Free Association. The sum appropriated by this section
21 shall be apportioned as follows:

22	(1) Health Support Services Programs		
23	(a) Health Planning Workforce Development	\$	15,700
24	(b) Health and Vital Statistics		20,615
25	(c) Tuberculosis Prevention and Control ..		7,410

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1	(d) Leprosy Prevention and Control	8,000	
2	(e) Family Health Planning	15,307	
3	(f) Immunization Program	10,000	
4	(g) Sexually Transmitted Disease Control .	10,000	
5	(h) Maternal and Child Health\$	5,000	
6	(i) Mental Health Services	14,000	
7	(j) Substance Abuse Prevention	7,128	
8	(k) Aids Prevention and Control	6,100	
9	(l) Tobacco Prevention and Control	3,500	
10	(m) Nutrition Service Program	16,150	
11	(n) Diabetes Prevention and Control	27,480	
12	(o) Preventive Health and Control	20,500	
13	(2) Education Support Services Programs		
14	(a) National Standardization	77,185	
15	(b) Education Ties to Economic Growth	24,579	
16	(c) College Admission Test Counseling	38,962	RK
17	(d) National Education Standard	24,949	
18	(e) Civil Education and FSM History	36,872	

19 Section 13. Capital and Human Resource Development.

20 The sum of \$10,924,072, or so much thereof as may be necessary, is
21 hereby appropriated from the General Fund of the Federated States
22 of Micronesia for the fiscal year ending September 30, 2003, for
23 capital improvement, development programs and projects and human
24 resource development. Of the total funds appropriated under this
25 section, \$2,946,070 shall deemed to come from the capital account

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1 funds available under section 211 of the Compact of Free
2 Association, and \$1,787,700 from the funds available under section
3 216(a) (3) of the Compact of Free Association. The sum
4 appropriated under this section shall be apportioned as follows:

5 (1) College of Micronesia - FSM

6 (a) Operations of the College of Micronesia-FSM,
7 including planning, construction of new facilities and maintenance
8 of the newly completed multi-purpose gymnasium\$ 3,220,000

9 (b) Student assistance for tuition and
10 housing to be deemed to come from section 216(a) (3)
11 of the Compact of Free Association PROVIDED
12 that only students maintaining a passing grade point
13 average will be eligible to receive these grants 475,000

14 (c) COM-FSM National Campus Standby
15 Generator -0-

16 (d) COM-FSM National Campus Well Drilling 30,000

17 (e) FSM Fisheries and Maritime Institute . 700,000

18 (2) Post-Secondary Educational Assistance to be
19 deemed to come from section 216(a) (3) of the
20 Compact of Free Association.

21 (a) Kosrae State 126,661

22 (b) Pohnpei State 288,003

23 (c) Chuuk State

24 ~~(i) Scholarship Coordinator's Office 21,700~~ RK

25 (ii) GPA-based Scholarships 140,000

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1	(iii) Grants	250,016
2	(d) Yap State	161,320
3	(e) Graduate Scholarship -	
4	All States	100,000
5	(3) National Staff Upgrading	\$ 50,000
6	(4) President's Office Expansion and Security .	-0-
7	(5) FSM Visitors Bureau	378,000
8	(6) FSM Development Bank - Business	
9	Development Loan Program	1,000,000
10	(7) FSM Trust Fund - Account "S"	3,000,000
11	(8) FSM Household Income and Expenditure Survey	-0-
12	(9) MS. Caroline Voyager Dry-docking	510,000
13	(10) FSM Capital Water Well Renovation	225,000
14	(11) EMPAT Phase III	117,703
15	(12) 3 rd Convention of the FSM Coastal Fisheries	
16	Consortium	12,239
17	(13) FSM Capitol Complex Infrastructure Program	-0-
18	(14) FSM Public Defender Office Expansion	
19	(Pohnpei Office)	45,000
20	(15) FSM Judiciary Branch Office Renovation	
21	(Chuuk and Yap)	73,430
22	Section 14. <u>Employment ceilings</u> . The maximum number of	
23	positions for each branch of the National Government shall be as	
24	follows:	
25	(1) Executive Branch	419

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1	(2) Legislative Branch	58
2	(3) Judiciary Branch	26
3	(4) Public Auditor	15
4	(5) Agencies	
5	(a) National Oceanic Resource Management	
6	Authority	10
7	(b) Coconut Development Authority.....	3
8	(c) National Postal Services.....	38
9	(d) FSM Banking Board.....	4
10	(6) Agencies	
11	(a) FSM Aquaculture Center.....	4
12	(b) Joint Committee on Compact Economic	
13	Negotiations	4
14	(c) Office of National Election Director	11

15 Section 15. Reprogramming.

16 Reprogramming within a department or agency shall be effected by

17 the Head of such department or agency by specifying in writing to

18 Congress the activities for which funding is either increased or

19 decreased. Reprogramming to increase employees' salaries shall

20 not be permitted unless authorized by law. Funds that are

21 appropriated under section 2 of this act and apportioned to a

22 department or office under subsections 2(1) through 2(8) of this

23 act shall not be reprogrammed to or from such department or

24 office.

25 Section 16. Allotment and management of funds and lapse

1 date.

2 (1) General Provisions.

3 (a) All funds appropriated by this act shall be
4 allotted, managed, administered, and accounted for in accordance
5 with applicable law, including, but not limited to, the Financial
6 Management Act of 1979;

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

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

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

15 (b) section 3 - the allottee of these funds shall be
16 the Speaker of the Congress of the Federated States of Micronesia;

17 (c) section 4 - the allottee of these funds shall be
18 the Chief Justice of the Supreme Court of the Federated States of
19 Micronesia;

20 (d) section 5 - the allottee of these funds shall be
21 the Public Auditor of the Federated States of Micronesia;

22 (e) section 6 through 13 - the allottee of these
23 funds shall be the President of the Federated States of
24 Micronesia; EXCEPT THAT for the following subsections of section 6
25 through 13 of this act, the allottees shall be:

1 (i) section 8, subsection (5) - the allottee of
2 these funds shall be the President of the Federated States of
3 Micronesia;

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

7 (iii) section 13, subsection (1)(a) through
8 (1)(d) - the allottee of these funds shall be the President of the
9 College of Micronesia-FSM;

10 (iv) section 13, subsection (2)(a) through
11 (2)(d) - the allottee of these funds shall be the Governor of the
12 respective state, EXCEPT THAT the allottee for funds allocated to
13 Chuuk State under subsection (2)(c) shall be the President of the
14 Federated States of Micronesia; and

15 (v) Section 13, subsection (15) - the allottee
16 of these funds shall be the Chief Justice of the Supreme Court of
17 the Federated States of Micronesia.

18 (3) Lapse Dates. The authority of the allottees to
19 obligate funds appropriated by this act shall lapse as of
20 September 30, 2003, EXCEPT that funds appropriated under section
21 13 of this act shall not lapse.

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

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August 8 _____, 2002

Redley Killion for
Leo A. Falcam
President
Federated States of Micronesia

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