

Proposal No: CC-PR-04-75

Assigned to: Public Finance and Revenue

PROPOSAL TO AMEND CONSTITUTION

To amend Article IX, Section 3(a) of the Constitution of the Federated States of Micronesia to specify that the allottee of public funds shall follow national development plans in the expenditure of those public funds.

Section 3. The following powers may be exercised concurrently by Congress and the states:

(a) to appropriate public funds provided that the allottee of public funds shall be the President, governors or their designees whom all shall follow national development needs or omnibus development plans for the states and other purposes as may be prescribed by statute;

PURPOSE AND INTENT OF AMENDMENT:

This amendment specifies who must be the allottee of public funds and that the public funds must be spent on public purposes. In Udot v. FSM, the FSM Supreme Court Trial Division recognized the evil behind senators controlling public projects. The FSM Supreme Court Appellate Court affirmed that the act of allottees consulting with senators was unconstitutional and violated the separation clause of the FSM Constitution. FSM v. Udot, 12 FSM R. 29 (App. 2003). Despite the FSM Supreme Court's holding, consultations continue. This proposal limits such consultation and potentially all other means of control of public funds by members of Congress.

Introducer: _____


Delegate Salomon Saimon

Date: _____

6/4/2022