

AN ACT

Adding a new chapter to Title 3 of the Pohnpei Code entitled "Overseas Development Assistance"; amending 3 PC 1-102 to provide consistency therewith; and for other purposes.

BE IT ENACTED BY THE POHNPEI LEGISLATURE:

1 Section 1. Title 3 of the Pohnpei Code is amended by adding a new
2 Chapter 7 to read as follows:

3 **"CHAPTER 7**

4 **OVERSEAS DEVELOPMENT ASSISTANCE**

5 §7-101. Unit established. There is hereby established within the
6 Office of the Governor of Pohnpei State, the Unit of Overseas Development
7 Assistance, also referred to as the Pohnpei ODA, that shall be headed by an
8 External Assistance Coordinator under the direct supervision of the Governor.

9 §7-102. Functions of ODA. The functions of the Unit of Overseas
10 Development Assistance shall be to:

11 (1) Identify and catalog potential sources of overseas
12 assistance of every kind that is being offered to, that can be sought out, and
13 that can be extended to Pohnpei State, which overseas assistance includes, but
14 is not limited to:

15 (a) Assistance from all other countries, their embassies,
16 agencies and instrumentalities, including federal grant assistance from the
17 United States of America except for grants received by Pohnpei State under
18 the amended Compact of Free Association;

19 (b) Assistance from the United Nations and its
20 instrumentalities;

21 (c) Assistance from other International Associations;

22 (d) Assistance from Non-Governmental Associations; and

23 (e) Assistance from Individual Businesses and Personal
24 Donors;

25 (2) Periodically assist the Governor, as Secretariat of the

1 Pohnpei Economic Planning Commission established by Chapter 5 of Title 3
2 of the Pohnpei Code, to convene special meetings of the Commission for the
3 purpose of identifying priorities for Overseas Assistance for Pohnpei State;

4 (3) Assist the Pohnpei State Administration in the
5 formulation of policies and priorities for the Government of Pohnpei State in
6 the request, receipt, management, compliance, evaluation, reporting and
7 follow-up of overseas grants and other forms of assistance for the
8 government of this state;

9 (4) Serves as the routing channel for all requests for overseas
10 assistance by the Pohnpei State Government, its agencies, instrumentalities
11 and public corporations established by Pohnpei law;

12 (5) Assist the Program and Budget Officer in his budgeting
13 presentations for inclusion of approved overseas assistance grants of Chapter
14 1 of Title XI of the Pohnpei Code and the annual Comprehensive Budget Act,
15 with respect to Special Grants received by the Government of Pohnpei;

16 (6) Maintain records and vital statistics on all overseas grants
17 and other forms of assistance received and implemented by the Pohnpei
18 Government;

19 (7) Catalog and monitor, to the extent practical, overseas
20 assistance sought by and/or received by the FSM National Government that
21 will be or can be emplaced and/or carried out in the state of Pohnpei; and

22 (8) Catalog and monitor, to the extent practical, overseas
23 assistance sought by and/or received by non-governmental organizations,
24 researchers, community-based organizations and local stakeholders that will
25 be or can be emplaced and/or carried out in the state of Pohnpei.

1 §7-103. Mandatory Routing.

2 (1) All requests for overseas assistance by the Pohnpei
3 Government, its agencies, instrumentalities and public corporations
4 established by Pohnpei law shall be routed through the Pohnpei ODA;

5 (2) The Governor, by Executive Order issued pursuant to 8
6 PC 1-102(d), shall prescribe procedures for administrative appeals for
7 requests for routing that are not fulfilled by Pohnpei ODA;

8 (3) The Governor, by Executive Order issued pursuant to 8
9 PC 1-102(d), shall prescribe procedures for administrative sanctions for
10 officials, agencies and instrumentalities of the Pohnpei Government and its
11 public corporations established by Pohnpei law due to failures or
12 insufficiencies in routing requests for overseas assistance through the ODA;
13 and

14 (4) The Chief Executive Officers of the other two branches of
15 the Pohnpei State Government, the Pohnpei Public Auditor, and the CEO's of
16 Pohnpei State public corporations shall issue similar orders relating to failures
17 or insufficiencies in routing requests for overseas assistance through the
18 Pohnpei ODA in their respective realms of jurisdiction.

19 §7-104. Voluntary coordination. The External Assistance
20 Coordinator of the Pohnpei ODA shall establish a program and conduct
21 coordination meetings to encourage and facilitate the sharing of information
22 and the formulation of coordinated policies with respect to overseas grants
23 and assistance sought by non-governmental organizations, researchers,
24 community-based organizations and local stakeholders that will be or can be
25 emplaced and/or carried out in the state of Pohnpei.

1 §7-105. Mandatory reporting.

2 (1) All agencies and instrumentalities of the Pohnpei
3 Government and public corporations established by Pohnpei law shall compile
4 an annual report on all overseas grants and other assistance received and
5 managed by the respective entity for the previous year. The report shall be
6 transmitted to the External Assistance Coordinator of the Pohnpei OIDA by
7 such dates as the External Assistance Coordinator shall prescribe. The
8 External Assistance Coordinator may require in-year progress reports on
9 specific overseas grants and other assistance received and managed by the
10 respective entity at such other dates as the External Assistance Coordinator
11 may request of individual agencies and instrumentalities of the Pohnpei
12 Government and public corporations established by Pohnpei law;

13 (2) The Governor, by Executive Order issued pursuant to 8 PC
14 1-102(d), shall prescribe procedures for administrative appeals for failure or
15 insufficiency of reports that are to be filed pursuant to this section of the
16 Code;

17 (3) The Governor by Executive Order issued pursuant to 8 PC
18 1-102(d), shall prescribe procedures for administrative sanctions for officials,
19 agencies and instrumentalities of the Pohnpei Government and its public
20 corporations established by Pohnpei law for failure or insufficiency of reports
21 that are to be filed pursuant to this section of the Code; and

22 (4) The Chief Executive Officers of the other two branches
23 of the Pohnpei State Government, the Pohnpei Public Auditor, and the
24 CEO's of Pohnpei State public corporations shall issue similar orders
25 relating to failures or insufficiencies of reports that are to be filed pursuant to

1 this section of the Code.

2 §7-106. Voluntary reporting. The External Assistance Coordinator
3 of the Pohnpei ODA shall establish a program and conduct coordination
4 meetings to encourage and facilitate the sharing of reports with respect to
5 overseas grants and assistance received by non-government organizations,
6 researchers, community-based organizations and local stakeholders that have
7 been emplaced and/or carried out in the state of Pohnpei.

8 §7-107. Manual of overseas assistance monitoring and compliance.
9 Not later than 90 days following the effective date of this chapter of the Code,
10 the External Assistance Coordinator of the Pohnpei ODA shall establish and
11 publish in print and digital media, the Pohnpei Manual of Overseas Assistance
12 Monitoring and Compliance. This Manual shall provide the procedures by
13 which the Pohnpei ODA will:

14 (1) Monitor the establishment of priorities for the obtainment
15 of overseas assistance;

16 (2) Monitor the performance of agencies and instrumentalities
17 of the Pohnpei Government and public corporations established by Pohnpei
18 law that have received and are implementing programs and projects funded by
19 overseas assistance to ensure compliance with the priorities of the Pohnpei
20 Government in the receipt and use of overseas assistance and compliance with
21 overseas assistance requirements; and

22 (3) Monitor the application of administrative sanctions for
23 officials, agencies and instrumentalities of the Pohnpei Government and its
24 public corporations established by Pohnpei law for failure or insufficiency in
25 carrying out the requirements of their respective overseas assistance.

1 §7-108. Overseas Assistance Coordination Report.

2 (1) The External Assistance Coordinator shall file an annual
3 Pohnpei ODA report within thirty days following the date set in 3 PC 7-105 for
4 the submission of annual reports on all overseas grants and other assistance
5 received and managed for the previous year by the agencies and
6 instrumentalities of the Pohnpei Government and public corporations
7 established by Pohnpei law.

8 (2) The completed Pohnpei ODA report shall be filed with the
9 Office of the Governor, the Office of the Speaker of the Pohnpei Legislature
10 and the Office of the Public Auditor.

11 (3) The External Assistance Coordinator report shall include in
12 the Pohnpei ODA annual report:

13 (a) Summary of all the reports filed pursuant to 3 PC 7-105
14 and 3 PC 7-106 for the previous year;

15 (b) An accounting of the progress of the Pohnpei
16 Government in particular and Pohnpei State in general in obtaining and
17 utilizing overseas assistance;

18 (c) An analysis of how the overseas assistance programs
19 for the state can be further improved; and

20 (d) A synopsis of the efforts of the Pohnpei ODA to
21 promote voluntary coordination as set forth in 3 PC 7-104, and a summary of
22 the obtainment and management of overseas assistance by non-governmental
23 organizations, researchers, community-based organizations and local
24 stakeholders.

25 §7-109. Pohnpei ODA finances. The cost of the operation of the

1 Unit of Overseas Development Assistance shall be included in the operations
2 budget of the Office of the Governor. Special projects undertaken by said Unit
3 shall set forth in the individual authorization of appropriation therefor.

4 §7-110. Return assistance to grantors and donors.

5 (1) As an integral part of the overseas assistance program for
6 the Pohnpei ODA, the External Assistance Coordinator shall, with the
7 assistance of the Pohnpei Attorney General's Office and other credible sources,
8 provide feedback to grantors and donors desiring information on the
9 effectiveness in the use of their grants and donations for the development of
10 our state, the conservation and preservation of our resources, our efforts to
11 overcome the adverse impacts of global warming, and improvements in the
12 lives of our people.

13 (2) The External Assistance Coordinator shall also work with
14 businesses and individual donors in their efforts to document their grants and
15 donations for the purpose of obtaining tax deductions and other rewards in
16 their home countries in recognition of their commitments to help the
17 government, the economy, the environment and the people of Pohnpei.

18 §7-111. Regulations. The Governor is authorized to promulgate
19 regulations for the effective administration of this chapter of the Code. Such
20 regulations shall be promulgated in the manner prescribed by Chapter 1 of
21 Title 8 of this Code, which regulations, upon authorization signature of the
22 Governor, shall carry the force and effect of law."

23 Section 2. Section 1-102 of Title 3 of the Pohnpei Code is amended to
24 reads as follows:

25 "§1-102. Office of the Governor. The Office of the Governor

1 shall be composed of the Governor, the Division of Budget, the
2 Unit of Pohnpei Overseas Development Assistance (ODA), and
3 such office divisions and functions as required by law, and such
4 support staff as the annual Comprehensive Budget Act shall allow
5 and who shall be employed pursuant to the Public Service System
6 Act, Title 9 Chapter 2."

7 Section 3. This act shall take effect upon its approval by the Governor,
8 or upon its becoming law without such approval.

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10 PASSED BY THE POHNPEI LEGISLATURE ON THE 24TH DAY OF
11 SEPTEMBER, 2021.

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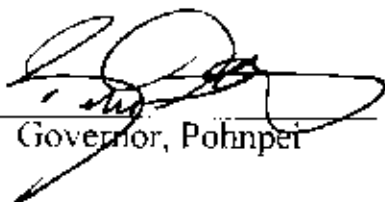
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Speaker, Pohnpei Legislature

Attest: 
Legislative Clerk

Approved: 
Governor, Pohnpei


Date