



A BILL FOR AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by amending section 504 as enacted by Public Law No. 9-155, and by further amending section 507, as enacted by Public Law No. 9-155 and amended by Public Laws Nos. 10-57 and 10-127, for the purpose of extending the period of the Early Retirement Program, and for other purposes.

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

1 Section 1. Section 504 of title 52 of the Code of the
2 Federated States of Micronesia, as enacted by Public Law
3 No. 9-155 is hereby amended to read as follows:

4 "Section 504. Commencement of Early Retirement Program.

5 (1) The program will commence on the date the
6 President, or his designee, certifies that there are
7 funds available in the program for disbursement to
8 eligible program employees and shall continue from
9 the date of certification [~~for a period not to~~
10 ~~exceed two years~~] through May 31, 2000. [~~The~~
11 ~~certification shall.~~

12 ~~(a) Designate the Director of the Office of~~
13 ~~Administrative Services to direct and supervise all~~
14 ~~the administrative and technical activities of the~~
15 ~~program; and~~

16 ~~(b) Clearly state the date when the program~~
17 ~~will end.]~~

18 (2) Copies of the certification shall be provided
19 to each branch and agency of the National
20 Government."

21 Section 2. Section 507 of title 52 of the Code of the
22 Federated States of Micronesia, as enacted by Public Law
23 No. 9-155 and amended by Public Laws Nos. 10-57 and 10-127, is
24 hereby further amended to read as follows:

25 "Section 507. Ineligibility for re-employment.

1 (1) Any employee who receives compensation under
2 the program shall not be eligible for re-employment
3 in any capacity by the National Government or any
4 agency of the National Government prior to September
5 30, 2001 or two years from the effective date of the
6 employee's early retirement, whichever comes later
7 in time, except that such ineligibility shall not
8 apply to program participants who are re-employed by
9 the National Government in the following positions:

10 (a) members of the Congress of the Federated
11 States of Micronesia;

12 (b) the President or Vice President of the
13 Federated States of Micronesia; and

14 (c) persons appointed to any positions by the
15 President with the advice and consent of the
16 Congress of the Federated States of Micronesia,
17 except that program participants who receive
18 compensation pursuant to section 506(4) of this
19 chapter shall not be eligible for re-employment by
20 the National Government in any position appointed by
21 the President with the advice and consent of
22 Congress prior to September 30, 2001 or two years
23 from the effective date of the employee's early
24 retirement, whichever comes later in time.

25 (2) For purposes of this section, a person paid

1 from the National Government funds to render
 2 services for and under the direction of an entity
 3 that is not part of the National Government or an
 4 agency thereof is not to be considered re-employed
 5 by the National Government or any agency thereof
 6 notwithstanding the source of such funding and the
 7 fact that the person is rendering such services
 8 pursuant to a contract signed by a National
 9 Government official or employee in the latter's
 10 capacity as allottee or suballottee of such funds.

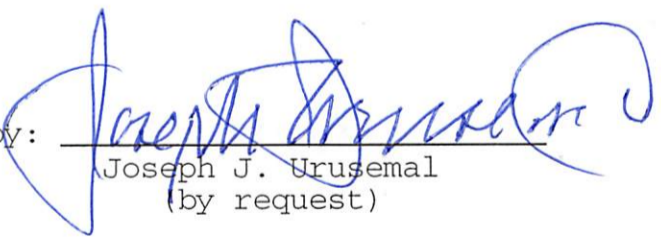
11 (3) For purposes of this section, a person is not
 12 re-employed by the National Government if he has
 13 entered into a contract to provide services to the
 14 National Government where

15 (a) the contract is an independent contract;
 16 and

17 (b) the contract is not the primary source of
 18 revenue for the contractor during the contract
 19 period."

20 Section 3. This act shall become law upon approval by the
 21 President of the Federated States of Micronesia or upon its becoming
 22 law without such approval.

23
 24 Date: 1/24/2000

Introduced by: 
 Joseph J. Urusemal
 (by request)