

A BILL FOR AN ACT

To further amend chapter 15 of title 55 of the Code of the Federated States of Micronesia, as amended by Public Law No. 13-75, by amending sections 1503, 1504, 1508, 1509, and 1511 thereof.

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

1           Section 1. Section 1503 of title 55 of the Code of the  
2 Federated States of Micronesia, as enacted by Public Law No. 13-  
3 75, is hereby amended to read as follows:

4           "Section 1503. Appointment and removal of Board  
5 Members.

6           (1) The Board shall consist of seven [~~m~~]Members,  
7 appointed in the following manner:

8           (a) The Head of the Office of Compact  
9 Management, appointed as provided in section 207 of  
10 title 2 of the Code of the Federated States of  
11 Micronesia;

12           (b) Two Members shall be appointed by the  
13 President of the Federated States of Micronesia on the  
14 advice and consent of Congress; and

15           (c) One [~~m~~]Member shall be appointed by each  
16 State in such manner as may be established by State law.

17           (2) Members shall be appointed with consideration  
18 given to their knowledge of finance, accounting and  
19 economic principles and written and verbal communication  
20 skills.

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1           (3) Each Member shall serve at the pleasure of its  
2           Appointing Authority, however, no Member's term shall be  
3           less than one year unless removed by the Appointing  
4           Authority for cause.

5           (4) A vacancy on the Board may be filled, pending  
6           appointment of a new Member:

7                   (a) in the case of a Member appointed pursuant  
8           to subsection (1)(b), by the President or his designee;  
9           or

10                   (b) in the case of a Member appointed pursuant to  
11           subsection (1)(c) by the Governor of the appointing  
12           State or his designee.

13           (5) A Member appointed pursuant to subsection 1(b) may  
14           be removed from the Board by the President. [~~resolution~~  
15           ~~and a two-thirds vote of Congress.~~] A Member appointed  
16           by a State may be removed as may be provided by the law  
17           of that State.

18           (6) Members shall not be entitled to compensation for  
19           their position on the Board. All related expenses  
20           incurred by a Member shall be the responsibility of the  
21           Appointing Authority, except that travel to and from  
22           official meetings may be paid for by the National  
23           Government."

24           Section 2. Section 1504 of title 55 of the Code of the  
25           Federated States of Micronesia, as enacted by Public Law No. 13-

1 75, is hereby amended to read as follows:

2 "Section 1504. Powers and responsibilities of the  
3 Board.

4 The Board shall have the following powers and  
5 responsibilities:

6 (1) To formulate guidelines for the JEMCO  
7 Representatives to follow in their communications of  
8 Compact matters at JEMCO meetings;~~[-]~~

9 (2) To support the JEMCO Representatives in matters  
10 relating to the Compact;~~[-]~~

11 (3) To identify, consider and formulate positions, in  
12 the best interests of the Federated States of  
13 Micronesia, with regard to issues to be addressed by  
14 JEMCO and other issues relating to the management of the  
15 Compact, provided that the Board shall not alter the  
16 proposals for Compact Sector Grant Awards submitted by  
17 the President to JEMCO on behalf of the National  
18 Government or the States, the Infrastructure Development  
19 Plan or Strategic Plan, as such terms are defined in the  
20 Compact, submitted by the Federated States of Micronesia  
21 to JEMCO;

22 (4) To coordinate the submission to JEMCO and the  
23 United States of such reports, presentations and  
24 information as may be needed to support proposals to  
25 JEMCO and positions taken on behalf of the Federated

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1 States of Micronesia;

2 (5) To ensure that all reports and other documents  
3 required by the Compact are submitted on a timely basis;

4 (6) To provide oversight of the implementation of the  
5 provisions of the Compact by the National Government and  
6 each of the State Governments and their respective  
7 agencies, and as the Board deems appropriate, including  
8 the conducting of investigations to ensure that the  
9 National Government and each of the State Governments is  
10 in compliance with all terms of the Compact;

11 (7) To direct the work~~[, in conjunction with the~~  
12 ~~President,~~] of the Office of Compact Management with the  
13 concurrence, and subject to the ultimate authority, of  
14 the President;

15 (8) To establish procedures or rules for conducting  
16 the business of the Board; ~~[and]~~

17 (9) To report to the President, Congress and each of  
18 the States concerning the activities of the Board, the  
19 actions of JEMCO and the Trust Fund Committee, and other  
20 significant matters relating to the Compact;~~[-]~~ and

21 (10) To use its best efforts to ensure that the  
22 obligations of the Federated States of Micronesia under  
23 the Compact are satisfied and the rights of the  
24 Federated States of Micronesia under the Compact are  
25 preserved and upheld."

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1 Section 3. Section 1508 of title 55 of the Code of the  
2 Federated States of Micronesia, as enacted by Public Law No. 13-  
3 75, is hereby amended to read as follows::

4 "Section 1508. Appointment of JEMCO and Trust Fund  
5 Committee Representatives.

6 (1) The Member appointed pursuant to subsection  
7 1503(1) (a) of this chapter shall serve as both a JEMCO  
8 Representative and a representative of the Federated  
9 States of Micronesia on the Trust Fund Committee.

10 (2) The President shall appoint one of the Members  
11 appointed pursuant to subsection 1503(1)(b) to serve as  
12 a JEMCO Representative. The President shall appoint the  
13 same or the other Member appointed pursuant to  
14 subsection 1503(1)(b) to serve as a representative of  
15 the Federated States of Micronesia on the Trust Fund  
16 Committee.

17 (3) JEMCO Representatives and representatives of the  
18 Federated States of Micronesia on the Trust Fund  
19 Committee shall serve a two-year term, or such other  
20 term as may be provided in the Compact.

21 (4) JEMCO Representatives and representatives of the  
22 Federated States of Micronesia on the Trust Fund  
23 Committee may be re-appointed.

24 (5) In the event of a vacancy or absence of a JEMCO  
25 Representative or representative of the Federated States

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1           of Micronesia on the Trust Fund Committee, the Member  
2           appointed pursuant to subsection 1503(1)(b) who is not a  
3           JEMCO Representative or, as the case may be, a Trust  
4           Fund Committee representative shall become the JEMCO  
5           Representative or Trust Fund Committee representative  
6           until such vacancy is filled or during such absence.  
7           ~~[(6) JEMCO Representatives shall also serve as the~~  
8           ~~representatives of the Federated States of Micronesia on~~  
9           ~~the Trust Fund Committee.]”~~

10           Section 4. Section 1509 of title 55 of the Code of the  
11 Federated States of Micronesia, is hereby amended to read as  
12 follows:

13           "Section 1509. Office of Compact Management.

14           ~~[In addition to]~~ The Office of Compact management shall  
15           assist and advise~~[ing]~~ the President on Compact  
16           Matters.~~[7]~~ In addition, pursuant to the directives of  
17           the President the Office of Compact Management shall  
18           provide assistance to ~~[and take direction from]~~ the  
19           Board. The Board may also give direction to the Office  
20           of Compact Management on Compact matters with the  
21           concurrence, and subject to the ultimate authority, of  
22           the President. The duties that may be asked of the  
23           Office of Compact Management by the Board shall include  
24           the following:

25           (1) To be principally responsible, on behalf of the

1 Federated States of Micronesia, for day-to-day  
2 communications with JEMCO and the United States with  
3 regard to JEMCO and Compact matters;

4 (2) [~~Under the direction of the Board,~~] [t]To gather, develop  
5 the Compact;

6 (3) To submit to the President, Congress and the States report  
7 the Trust Fund Committee;

8 (4) To gather information [~~for the Board~~] relating to complian

9 (5) To assist representatives of the National Government and t

10 (6) To do such further and additional things as may be directe

11 Section 5. Section 1511 of title 55 of the Code of the  
12 Federated States of Micronesia, is hereby amended to read as  
13 follows:

14 "Section 1511. Employees of the Office of Compact  
15 Management. [~~Every e~~]Employees of the Office of  
16 Compact Management [~~with the exception of the Head~~],  
17 shall be subject to the provisions of title 52 of the  
18 Code of the Federated States of Micronesia: the  
19 National Public Service System Act, with the exception  
20 of the Head of the Office of Compact Management and  
21 those employees the Head determines that, because of  
22 the degree of expertise or special knowledge required  
23 and the nature of the services to be performed, it  
24 would not be practical to obtain personnel to perform  
25 such services through normal public service recruitment

1                   procedures."

2           Section 6. This act shall become law upon approval by the  
3 President of the Federated States of Micronesia or upon its  
4 becoming law without such approval.

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6 Date: 9/13/05

Introduced by: /s/ Simiram Sipenuk  
Simiram Sipenuk  
(by request)

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