

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:

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

"Section 504. Commencement of Early Retirement Program.

(1) The program will commence on the date the President, or his designee, certifies that there are funds available in the program for disbursement to eligible program employees and shall continue from the date of certification through May 31, 2000.

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

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

"Section 507. Ineligibility for re-employment.

(1) Any employee who receives compensation under the program shall not be eligible for re-employment in any capacity by the National Government or any agency of the National Government prior to September 30, 2001, or two years from the effective date of

the employee's early retirement, whichever comes later in time, except that such ineligibility shall not apply to program participants who are re-employed by the National Government in the following positions:

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

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

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

(2) For purposes of this section, a person paid from the National Government funds to render services for and under the direction of an entity that is not part of the National Government or an agency thereof is not to be considered re-employed

by the National Government or any agency thereof notwithstanding the source of such funding and the fact that the person is rendering such services pursuant to a contract signed by a National Government official or employee in the latter's capacity as allottee or suballottee of such funds.

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

(a) the contract is an independent contract;
and

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

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

February 29, 2000

/s/
Leo A. Falcam
President
Federated States of Micronesia