A BILL FOR AN ACT

To amend title 43 of the Code of the Federated States of Micronesia by amending sections 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113 and 114 in order to transfer the functions and responsibilities of the Division of Statistics to a National Statistics Office within the Department of Economic Affairs, and for other purposes.

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

Section 1. Section 102 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [2] 102. Definitions. As used in this act, unless the context requires another meaning or unless it is otherwise provided:

(1) 'Census' means a survey of all of the persons, owners, officials, agents, corporations, businesses, institutions, establishments or other organizations in a field of inquiry;

(2) ['Chief' means the Chief of the Division of Statistics];

(3) 'Congress' means the Congress of the Federated States of Micronesia;


(5) 'National Government' means the Government of the Federated States of Micronesia;
(6) "National Planner" means the highest management official of the Office of Planning and Statistics of the Federated States of Micronesia; reserved;

(7) 'President' means the President of the Federated States of Micronesia;

(8) 'Respondent' includes a corporation, company, association, firm, partnership, proprietorship, society, joint stock company, individual, or other organization or entity which reported or is required to report, or on behalf of which information was reported, in response to a questionnaire, inquiry, or other request of the National Statistics Office;

(9) 'Sample survey' means a survey of some but not all of the persons, owners, officials, agents, corporations, businesses, institutions, establishments or other organizations in a field of inquiry; and

(10) 'State government' means the government of any of the States of the Federated States of Micronesia."

Section 2. Section 103 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [3] 103. Statement of purpose. The purpose of this act is as follows:

(1) To define the functions and responsibilities of the [Division of Statistics] National Statistics Office;

(2) To authorize the [Division of Statistics] National
Statistics Office to develop an integrated and comprehensive statistical and census information system;

(3) To guarantee the confidentiality of data collected by the [Division of Statistics] National Statistics Office and other departments and agencies of the National Government or jointly by departments or agencies of the National and State Governments; and

(4) To promote cooperation between and within the National and State Governments with respect to the improvement of recording and reporting of statistics in the Federated States of Micronesia."

Section 3. Section 104 of title 43 of the Code of the Federates States of Micronesia is hereby amended to read as follows:

"Section [4] 104. Functions and responsibilities of the [Division of Statistics] National Statistics Office. The [Division of Statistics] National Statistics Office shall have the following functions and responsibilities:

(1) To advise assist the President and the executive branch on matters pertaining to statistical policy;

(2) To assist the President and the executive branch in coordinat[e]ing the statistical work of [all] the National Government through the allocation of statistical responsibilities among government departments and agencies by designating the statistics to be collected by them, including their periodicity and content with particular emphasis on the
following areas:

(a) The avoidance of duplication in data collection;

(b) The attainment of compatibility between, and the integration of statistics compiled by National and State Government departments and agencies;

(c) The maximum possible utilization of statistical data;

(d) The formulation and implementation of standards for carrying out statistical operations;

(e) The provision of statistical advice and assistance to National and State Government departments and agencies;

(f) The recruitment and training of statistical staff; and

(g) The general promotion and development and maintenance of integrated social and economic statistics for the Federated States of Micronesia.

(3) To compile, analyze and disseminate official statistics and related information;

(4) To collect statistics and related information concerning economic, social, and demographic matters;

(5) To prepare and publish an annual statistical abstract for the Federated States of Micronesia, including quarterly current economic statistics bulletins;

(6) To collect and compile, analyze and disseminate official statistics concerning economic, social,
and demographic matters needed for the formulation of
development plans, plan implementation and effective
economic policy formulation including but not limited to, the
following:

(a) The national accounts, government financial
statistics, consumer price index, comprehensive trade
statistics, and wage and employment statistics;

([a]b) Data required for the compilation of National
accounts;

([b]c) Data on [wholesale and] retail and consumer price
changes;

([c]d) Data on internal and external trade; [and]

([d]e) Data on government [and household] revenues and
expenditures; and

(f) Data on wages and employment.

(7) To conduct [periodic] ten yearly censuses of
population, a comprehensive five yearly household income and
expenditure survey, labor force surveys, and other censuses
and sample surveys at the [request] order of the President;

(8) To design and prepare questionnaires for use in
censuses or sample surveys;

(9) To promote and assist statistical activities in the
States and to assist State governments and organizations in
the collection, analysis and dissemination of statistical
information;
(10) To undertake periodic surveys of the branches and agencies of the National and State Governments to determine government statistical data requirements and to identify any statistical problems or difficulties being encountered; and

(11) To liaise with statistical organizations in other nations and with international organizations regarding statistical matters; and

(9) To enter into memoranda of agreement or understanding with the State governments in areas of common interest to both parties which will improve the quality of produced statistics."

Section 4. Section 105 of title 43 of the Code of Federated States of Micronesia is hereby amended to read as follows:

"Section [§] 105. Authority to gather and compile statistical data. The [Division of Statistics] National Statistics Office shall have the following authority to gather and compile statistical data at such times and for such periods as determined by the [National Planner] Secretary of Economic Affairs or his designee:

[1] To gather statistical information;

[2] To design and prepare forms and questionnaires;

[3] To undertake statistical investigations and carry out censuses and sample surveys;

[4] To select sampling methodologies for use in surveys;

[5] To request respondents to supply estimates where
recorded data are not available;
([6]5) To prepare programs relating to the acquisition of statistical information;
([7]6) To consult or cooperate with any other person or body for the purpose of compiling statistical data; and
([8]7) To undertake any other necessary actions to fulfill its functions and responsibilities."

Section 5. Section 106 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [6] 106. Conduct of censuses and sample surveys and collection of statistical data. In order to conduct the censuses and sample surveys and collect the statistical data as authorized by sections [4] 104 and [5] 105 of this [act] chapter, the [National Planner] Secretary of Economic Affairs or his designee, [the Chief,] or other employees of the [Division of Statistics] National Statistics Office designated by the [National Planner] Secretary of Economic Affairs, shall be empowered to:

(1) Supply a schedule to any respondent and require such respondent to supply to the best of his knowledge, orally or in writing, all of the information requested in the schedule in accordance with instructions in the schedule or accompanying it, and require that person to complete the schedule, if necessary with the assistance of the [National Planner] Secretary of Economic Affairs or his designee, and
to return the completed schedule to the [National Planner]
Secretary of Economic Affairs or his designee by a specific
date; and

(2) Ask any respondent orally or in writing any questions
necessary to obtain information for the purpose of compiling
statistical data or conducting a census or sample survey as
prescribed under this [act] chapter, and require the
respondent to give, to the best of his knowledge, written or
oral answers to any such questions."

Section 6. Section 107 of title 43 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

Restrictions on use.

(1) The [Chief] Secretary of Economic Affairs, or his
designee [may] shall furnish copies of tabulations and other
statistical materials which do not disclose the information
reported by, or on behalf of, any particular respondent, and
[may] make special statistical compilations or surveys, for
departments, offices, and agencies of the National
Government, and State and local governments.

(2) The information furnished under subsection (1) of this
section shall not be used by the National and State
Governments, or by any of its agencies, subdivisions, or
public corporations, or by any of its officers or employees
acting in an official capacity to the detriment of any
Section 7. Section 108 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [¶] 108. Confidentiality of information. The [National Planner] Secretary of Economic Affairs [, the Chief,] and any other officer or employee of the [Division of Statistics] National Statistics Office, or any person provided with data pursuant to section 111 of this [act] chapter, shall not:

(1) Use the information furnished under the provisions of this [act] chapter for any purpose other than for the purpose of conducting a census or sample survey, gathering statistical data, or for compiling and disseminating tabulations or other statistical materials pursuant to section [¶] 107 of this chapter;

(2) Make any publication whereby the data furnished by any particular establishment or individual under this act can be identified; or

(3) Permit anyone other than the [National Planner,] Secretary of Economic Affairs [the Chief,] or sworn employees of the [Division of Statistics] National Statistics Office to examine the individual reports, except in the prosecution of alleged violations of this [act] chapter."
Section 8. Section 109 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [9] 109. Oath of employees. The Secretary of Economic Affairs, the Chief, and every other person employed in carrying out the provisions of this chapter shall take and subscribe the following oath:

'I solemnly swear that I will faithfully and honestly fulfill my duties in accordance with the provisions of the Statistics and Census Act of 1988, and that I will not disclose or make known, except as authorized by law, any information collected in a census or sample survey which comes to my knowledge by reason of, or through my employment by, or on behalf of any government entity in the Federated States of Micronesia.'

The oath shall be taken, retained, and recorded in such manner as the Secretary of Economic Affairs shall determine."

Section 9. Section 110 of title 43 of the Code of the Federated States of Micronesia, is hereby amended to read as follows:

"Section [10] 110. Statistical surveys by other Government departments. Departments and agencies of the National Governments are authorized to conduct surveys under this chapter subject to the following requirements:

(1) All such persons engaged in the collection and processing of replies to statistical surveys are subject to
each provision of this [act] chapter including, but not limited to, the required oath of employees contained in section [9] 109 of this chapter and the restrictions on use contained in sections [7] 107 and [8] 108 of this chapter;

(2) The [National Planner] Secretary of Economic Affairs and the [Division of Statistics] National Statistics Office shall be informed of any surveys being proposed by departments and agencies of the National and State Governments; and

(3) Respondents to any statistical survey conducted by any department or agency of the National and State Governments shall be advised whether the survey is for statistical purposes and is being conducted under the authority of this [act] chapter or whether the survey is for some other purpose."

Section 10. Section 111 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [11] 111. Exchange of data authorized. The [Division of Statistics] National Statistics Office is authorized to enter into any agreement or arrangement with any department or agency of the National or any of the State governments for the exchange of data collected jointly with that department or agency and for subsequent tabulation or publication of statistics based upon such data provided that all respondents are informed, in writing, that the
information is being collected jointly on behalf of the [Division of Statistics] National Statistics Office and the other department or agency concerned. No such agreement or arrangement shall be effective unless it shall require the officers and employees of the department or agency of the governmental entity participating in the exchange of data to abide by the provisions of this [act] chapter."

Section 11. Section 112 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [1[12] 112. Wrongful disclosure of information prohibited. Any person being or having been the [National Planner] Secretary of Economic Affairs, [or Chief] or an employee of the [Division of Statistics] National Statistics Office, either temporary or permanent, or having taken and subscribed the oath as set forth in section [9] 109 of this [act] chapter, or otherwise having sworn to observe the limitations imposed by this [act] chapter, who publishes or communicates any information, the disclosure of which is prohibited under the terms of this [act] chapter, and which comes into his possession by reason of his being employed or otherwise providing services under the provisions of this [act] chapter, shall be guilty of an offense, and upon conviction therefor shall be fined not more than $3,000, or imprisoned not more than 3 years, or both."

Section 12. Section 113 of title 43 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section [13] 113. Refusal or neglect to answer questions pertaining to census data; False answers pertaining to census data.

(1) Any person being over 18 years of age, who refuses or willfully neglects, when requested by any authorized employee of the National Statistics Office or other governmental entity, to answer to the best of his knowledge any of the questions or any schedule submitted to him in connection with any census authorized under this [act] chapter which census data relate to himself or to the family to which he belongs or is related, shall be guilty of an offense, and upon conviction therefor shall be fined not more than $100;

(2) Any person, being over 18 years of age, when requested by any authorized employee of the National Statistics Office or other governmental entity, to answer to the best of his knowledge any of the questions on any schedule submitted to him in connection with any census authorized under this [act] chapter which census data relate to himself or to the family to which he belongs or is related, knowingly gives any answer that is false, shall be guilty of an offense, and upon conviction therefor shall be fined not more than $500;

(3) Whoever, being the owner, official, agent, person in
charge, or assistant to the person in charge, of any 
corporation, business, institution, establishment, or 
organization of any nature whatsoever, refuses or willfully 
neglects, when requested by the [National Planner,] Secretary 
of Economic Affairs [the Chief,] or by any authorized 
employee of the [Division of Statistics] National Statistics 
Office or other governmental entity to answer completely and 
correctly to the best of his knowledge all questions relating 
to such corporation, business, institution, establishment, or 
other organization, or to records or statistics in his 
official custody, contained in any census authorized by this 
[act] chapter, shall be guilty of an offense, and upon 
conviction therefor shall be fined not more than $500; 

(4) Whoever, being the owner, official agent, person in 
charge, or assistant to the person in charge, of any 
corporation, business, institution, establishment, or 
organization of any nature whatsoever, when requested by the 
[National Planner] Secretary of Economic Affairs, the [Chief] 
Assistant Secretary for Statistics, or by any authorized 
employee of the [Division of Statistics] National Statistic 
Office or other governmental entity to answer completely and 
correctly to the best of his knowledge all questions relating 
to such corporation, business, institution, establishment or 
other organization, or to records or statistics in his 
official custody, contained in any census authorized by this
[act] chapter, knowingly gives a false answer to any such question, shall be guilty of an offense, and upon conviction therefor shall be fined not more than $500, or imprisoned not more than [3] three months, or both; and

(5) Notwithstanding any other provision of this [act] chapter, no person shall be compelled to disclose information relative to his religious beliefs or to membership in a religious organization, nor shall any person incur any liability under this [act] chapter for failure to disclose information as to his religion."

Section 13. Section 114 of title 43 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section [14] 114. Administration of [Act] Chapter. The [National Planner] Secretary of Economic Affairs shall be charged with the administration of this [act] chapter. The [National Planner] Secretary of Economic Affairs shall have all such authority as may be reasonably necessary for the performance of any function of the [Division of Statistics] National Statistics Office or for the administration of this [act] chapter, including the authority to promulgate such rules and regulations as he deems necessary to conduct periodic censuses or sample surveys or to otherwise effect the administration of this [act] chapter. Such rules and regulations shall be promulgated in accordance with the provisions of chapter 1 of title 17 of the Code of the
Federated States of Micronesia and shall have the force and effect of law."

Section 14. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: ____________  Introduced by: ________________

Joseph J. Urusemal
(by request)