FOURTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 2006

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 amending section 1503 to allow for the removal of Board members, by amending section 1504 to state that the work of the Office of Compact Management will be subject to the ultimate authority of the President, by amending section 1508 to state that the Head and at least one Board member will be JEMCO representatives and representatives of the Trust Fund Committee, by amending section 1509 to state that direction given by the Board is subject to the ultimate authority of the President and by amending section 1511 to state that employees of the Office are subject to the National Public Service Systems Act.

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

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

"Section 1503. Appointment and removal of Board members.

(1) The Board shall consist of seven members, appointed in the following manner:

(a) The Head of the Office of Compact Management, appointed as provided in section 207 of title 2 of the Code of the Federated States of Micronesia;
(b) Two members shall be appointed by the President of the Federated States of Micronesia on the advice and consent of Congress;
(c) One member shall be appointed by each State in such manner as may be established by State law.

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

(3) Each member shall serve at the pleasure of its Appointing Authority, however, no member's term shall be less than one year.

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

(a) in the case of a member appointed pursuant to subsection (1)(b), by the President or his designee; or
(b) in the case of a member appointed pursuant to subsection (1)(c) by the Governor of the appointing State or his designee.

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

(6) Members shall not be entitled to compensation for their position on the Board. All related expenses incurred by a member shall be the responsibility of the Appointing Authority.

Section 2. Section 1504 of title 55 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 13-75, is hereby amended to read as follows:

"Section 1504. Powers and responsibilities of the Board.

The Board shall have the following powers and responsibilities:

(1) To formulate guidelines for the JEMCO Representatives to follow in their communications of Compact matters at JEMCO meetings.

(2) To support the JEMCO Representatives in matters relating to the Compact.

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

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

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

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

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

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

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

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

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

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

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

(2) The President shall appoint one of the members
appointed pursuant to subsection 1503(1)(b) to serve as
a JEMCO Representative. The President shall appoint the same or the other member appointed pursuant to subsection 1503(1)(b) to serve as a representative of the Federated States of Micronesia on the Trust Fund Committee.

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

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

(5) In the event of a vacancy or absence of a JEMCO Representative or representative of the Federated States of Micronesia on the Trust Fund Committee, the member appointed pursuant to subsection 1503(1)(b) who is not a JEMCO Representative or, as the case may be, a Trust Fund Committee representative shall become the JEMCO Representative or Trust Fund Committee representative until such vacancy is filled or during such absence.

[(6) JEMCO Representatives shall also serve as the representatives of the Federated States of Micronesia on the Trust Fund Committee.]

Section 4. Section 1509 of title 55 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 13-
Section 1509. Office of Compact Management.

[In addition to] The Office of Compact Management shall assist and advise the President on Compact matters. In addition, pursuant to the directives of the President, the Office of Compact Management shall provide assistance to [and take direction from] the Board. The Board may also give direction to the Office of Compact Management on Compact matters with the concurrence, and subject to the ultimate authority, of the President. The duties that may be asked of the Office of Compact Management by the Board shall include the following:

(1) To be principally responsible, on behalf of the Federated States of Micronesia, for day-to-day communications with JEMCO and the United States with regard to JEMCO and Compact matters;

(2) [Under the direction of the Board,] to gather, develop and submit to JEMCO and the United States information;

(3) To submit to the President, Congress and the States reports relating to the activities of the Office of Compact Management, the Board, and the Trust Fund Committee;

(4) To gather information [for the Board] relating to compliance by the National Government and the States with the requirements of the Compact;

(5) To assist representatives of the National Government and the States;

(6) To do such further and additional things as may be directed by the Board.

Section 5. Section 1511 of title 55 of the Code of the
Federated States of Micronesia, as enacted by Public Law No. 13-75, is hereby amended to read as follows:

"Section 1511. Employees of the Office of Compact Management. [Every Employee of the Office of Compact Management shall be subject to the provisions of title 52 of the Code of the Federated States of Micronesia: the National Public Service System Act."

Section 6. 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:[b] Introduced by: Simiram Sipenuk (by request)