

A BILL FOR AN ACT

To further amend title 55 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-16, 5-88, 5-119, 5-121, 5-136 and 6-22, by adding a new section 228 concerning prohibition of discrimination by programs and activities receiving National Government financial assistance, and for other purposes.

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

1 Section 1. Title 55 of the Code of the Federated States of
2 Micronesia is hereby further amended by the addition of a new
3 section 228 to read as follows:

4 "Section 228. Prohibition of discrimination.

5 (1) No program or activity receiving financial
6 assistance from the National Government of the Federated
7 States of Micronesia shall subject any person to exclusion
8 of benefits, denial of participation, or other discrimina-
9 tion based on sex, race, ancestry, national origin, or
10 social status. Differential treatment based on one
11 or more of these factors shall be permitted only when
12 there is a compelling social or governmental purpose
13 justifying such differential purpose.

14 (2) The President or his designee may seek to
15 achieve compliance with subsection (1) of this section by:

16 (a) Terminating, or refusing to grant or
17 continue, National Government financial assistance under the
18 program or activity involved to any recipient with respect
19 to whom there has been an express finding on the record,
20 after reasonable notice and opportunity for hearing, of a
21 failure to comply with subsection (1) of this section; or

22 (b) By any other means authorized by law.

23 (3) Any termination of, or refusal to grant or to
24 continue, financial assistance under subsection (2)(a) of
25 this section shall be limited to the particular entity or

1 recipient with respect to which a finding has been made
 2 under subsection (2)(a). Any such termination or refusal
 3 shall be limited in its effect to the particular program or
 4 activity, or part of such program or activity, with respect
 5 to which such program has been made. No such termination or
 6 refusal shall be based in whole or in part on any finding
 7 with respect to any program or activity which does not
 8 receive Federal financial assistance. Whenever funds are
 9 withheld pursuant to subsection (2)(a) of this section, the
 10 President may disburse the funds so withheld to any public
 11 or nonprofit private organization or agency, or any State or
 12 subdivision thereof, which demonstrates the ability to
 13 achieve the goals of the National statute authorizing the
 14 program or activity while complying with subsection (1) of
 15 this section.

16 (4) No action may be taken under subsection (2)(a) of
 17 this section until the President or his designee has advised
 18 the appropriate person of the failure to comply with sub-
 19 section (1) of this section and has determined that compliance
 20 cannot be secured by voluntary means.

21 (5) Any interested person may inform the President
 22 by written notice by registered mail of a violation of sub-
 23 section (1) of this section. If the President or his
 24 designee fails to make a finding with regard to the complaint
 25 within 180 days of its receipt or issue a finding in favor of

1 the recipient of the financial assistance, whichever comes first,
2 the interested person may bring an action in the Trial Division
3 of the Supreme Court of the Federated States of Micronesia
4 seeking an injunction to prevent further National Government
5 financial assistance to the program or activity, or part
6 thereof, violating subsection (1). This remedy shall be in
7 addition to any other forms of relief the person is entitled
8 to by law.

9 (6) A program or activity which has its National Govern-
10 ment financial assistance terminated, or which is refused such
11 assistance, pursuant to an action by the President or his
12 designee under subsection (2)(a) of this section may seek
13 judicial review of such action under sections 111 and 112 of
14 title 17 of the Code of the Federated States of Micronesia."

15 Section 2. This act shall become law upon approval by the
16 President of the Federated States of Micronesia or upon its becoming
17 law without such approval.

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19 Date: Nov. 06, 1989

Introduced by: 
Redley Killion

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