

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:

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

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

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

9 (2) [~~"Chief" means the Chief of the Division of Statistics]~~
10 reserved;

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

13 (4) '~~[Division of Statistics]~~ National Statistics Office'
14 means the Division of Statistics within the [~~Office of~~
15 ~~Planning and Statistics]~~ Department of Economic Affairs of
16 the Federated States of Micronesia;

17 (5) 'National Government' means the Government of the
18 Federated States of Micronesia;

1 (6) [~~"National Planner" means the highest management~~
2 ~~official of the Office of Planning and Statistics of the~~
3 ~~Federated States of Micronesia]~~ reserved;

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

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

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

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

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

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

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

25 (2) To authorize the [~~Division of Statistics]~~ National

1 Statistics Office to develop an integrated and comprehensive
2 statistical and census information system;

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

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

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

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

18 (1) To [~~advise~~] assist the President and the executive
19 branch on matters pertaining to statistical policy;

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

1 following areas:

2 (a) The avoidance of duplication in data collection;

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

6 (c) The maximum possible utilization of statistical
7 data;

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

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

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

14 (g) The general promotion [~~and~~], development and
15 maintenance of integrated social and economic statistics for
16 the [~~National Government~~] Federated States of Micronesia.

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

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

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

24 (6) To collect, [~~and~~] compile, analyze and disseminate
25 official statistic[al]s [data] concerning economic, social,

1 and demographic matters needed for the formulation of
2 development plans, ~~[and]~~ plan implementation and effective
3 economic policy formulation including but not limited to, the
4 following:

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

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

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

12 ~~[(e)d]~~ Data on internal and external trade; ~~[and]~~

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

15 (f) Data on wages and employment.

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

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

22 ~~(9) To promote and assist statistical activities in the~~
23 ~~States and to assist State governments and organizations in~~
24 ~~the collection, analysis and dissemination of statistical~~
25 ~~information;~~

1 ~~(10) To undertake periodic surveys of the branches and~~
2 ~~agencies of the National and State Governments to determine~~
3 ~~government statistical data requirements and to identify any~~
4 ~~statistical problems or difficulties being encountered; and]~~
5 ([11]8) To liaise with statistical organizations in other
6 nations and with international organizations regarding
7 statistical matters; and

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

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

14 "Section [5] 105. Authority to gather and compile
15 statistical data. The [~~Division of Statistics~~] National
16 Statistics Office shall have the following authority to
17 gather and compile statistical data at such times and for
18 such periods as determined by the [~~National Planner~~]
19 Secretary of Economic Affairs or his designee:

- 20 ~~[(1) To gather statistical information;]~~
21 ([2]1) To design and prepare forms and questionnaires;
22 ([3]2) To undertake statistical investigations and carry out
23 censuses and sample surveys;
24 ([4]3) To select sampling methodologies for use in surveys;
25 ([5]4) To request respondents to supply estimates where

1 recorded data are not available;
2 (~~[6]~~5) To prepare programs relating to the acquisition of
3 statistical information;
4 (~~[7]~~6) To consult or cooperate with any other person or body
5 for the purpose of compiling statistical data; and
6 (~~[8]~~7) To undertake any other necessary actions to fulfill its
7 functions and responsibilities."

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

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

19 (1) Supply a schedule to any respondent and require such
20 respondent to supply to the best of his knowledge, orally or
21 in writing, all of the information requested in the schedule
22 in accordance with instructions in the schedule or
23 accompanying it, and require that person to complete the
24 schedule, if necessary with the assistance of the ~~[National~~
25 ~~Planner]~~ Secretary of Economic Affairs or his designee, and

1 to return the completed schedule to the [~~National Planner~~]
2 Secretary of Economic Affairs or his designee by a specific
3 date; and

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

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

12 "Section [~~7~~] 107. Dissemination of statistical data;
13 Restrictions on use.

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

21 (2) The information furnished under subsection (1) of this
22 section shall not be used by the National and State
23 Governments, or by any of its agencies, subdivisions, or
24 public corporations, or by any of its officers or employees
25 acting in an official capacity to the detriment of any

1 respondent or other person to whom such information relates
2 in any legal proceeding, except in the prosecution of alleged
3 violations of this [~~act~~] chapter."

4 Section 7. Section 108 of title 43 of the Code of the Federated
5 States of Micronesia is hereby amended to read as follows:

6 "Section [~~8~~] 108. Confidentiality of information. The
7 [~~National Planner~~] Secretary of Economic Affairs [~~, the~~
8 ~~Chief,~~] and any other officer or employee of the [~~Division of~~
9 ~~Statistics~~] National Statistics Office, or any person
10 provided with data pursuant to section 111 of this [~~act~~]
11 chapter, shall not:

12 (1) Use the information furnished under the provisions of
13 this [~~act~~] chapter for any purpose other than for the purpose
14 of conducting a census or sample survey, gathering
15 statistical data, or for compiling and disseminating
16 tabulations or other statistical materials pursuant to
17 section [~~7~~] 107 of this chapter;

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

21 (3) Permit anyone other than the [~~National Planner,~~]
22 Secretary of Economic Affairs [~~the Chief,~~] or sworn employees
23 of the [~~Division of Statistics~~] National Statistics Office to
24 examine the individual reports, except in the prosecution of
25 alleged violations of this [~~act~~] chapter."

1 Section 8. Section 109 of title 43 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

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

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

15 The oath shall be taken, retained, and recorded in such
16 manner as the [~~Chief~~] Secretary of Economic Affairs shall
17 determine."

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

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

24 (1) All such persons engaged in the collection and
25 processing of replies to statistical surveys are subject to

1 each provision of this [~~aet~~] chapter including, but not
2 limited to, the required oath of employees contained in
3 section [~~9~~] 109 of this chapter and the restrictions on use
4 contained in sections [~~7~~] 107 and [~~8~~] 108 of this chapter;

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

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

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

18 "Section [~~11~~] 111. Exchange of data authorized. The
19 [~~Division of Statistics~~] National Statistics Office is
20 authorized to enter into any agreement or arrangement with
21 any department or agency of the National or any of the State
22 governments for the exchange of data collected jointly with
23 that department or agency and for subsequent tabulation or
24 publication of statistics based upon such data provided that
25 all respondents are informed, in writing, that the

1 information is being collected jointly on behalf of the
2 [~~Division of Statistics~~] National Statistics Office and the
3 other department or agency concerned. No such agreement or
4 arrangement shall be effective unless it shall require the
5 officers and employees of the department or agency of the
6 governmental entity participating in the exchange of data to
7 abide by the provisions of this [æ] chapter."

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

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

25 Section 12. Section 113 of title 43 of the Code of the Federated

1 States of Micronesia is hereby amended to read as follows:

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

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

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

25 (3) Whoever, being the owner, official, agent, person in

1 charge, or assistant to the person in charge, of any
2 corporation, business, institution, establishment, or
3 organization of any nature whatsoever, refuses or willfully
4 neglects, when requested by the [~~National Planner,~~] Secretary
5 of Economic Affairs [~~the Chief,~~] or by any authorized
6 employee of the [~~Division of Statistics~~] National Statistics
7 Office or other governmental entity to answer completely and
8 correctly to the best of his knowledge all questions relating
9 to such corporation, business, institution, establishment, or
10 other organization, or to records or statistics in his
11 official custody, contained in any census authorized by this
12 [~~act~~] chapter, shall be guilty of an offense, and upon
13 conviction therefor shall be fined not more than \$500;

14 (4) Whoever, being the owner, official agent, person in
15 charge, or assistant to the person in charge, of any
16 corporation, business, institution, establishment, or
17 organization of any nature whatsoever, when requested by the
18 [~~National Planner~~] Secretary of Economic Affairs, the [~~Chief~~]
19 Assistant Secretary for Statistics, or by any authorized
20 employee of the [~~Division of Statistics~~] National Statistic
21 Office or other governmental entity to answer completely and
22 correctly to the best of his knowledge all questions relating
23 to such corporation, business, institution, establishment or
24 other organization, or to records or statistics in his
25 official custody, contained in any census authorized by this

1 [æ] chapter, knowingly gives a false answer to any such
2 question, shall be guilty of an offense, and upon conviction
3 therefor shall be fined not more than \$500, or imprisoned not
4 more than [3] three months, or both; and

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

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

13 "Section [14] 114. Administration of [A] Chapter. The
14 [~~National Planner~~] Secretary of Economic Affairs shall be
15 charged with the administration of this [æ] chapter. The
16 [~~National Planner~~] Secretary of Economic Affairs shall have
17 all such authority as may be reasonably necessary for the
18 performance of any function of the [~~Division of Statistics~~]
19 National Statistics Office or for the administration of this
20 [æ] chapter, including the authority to promulgate such
21 rules and regulations as he deems necessary to conduct
22 periodic censuses or sample surveys or to otherwise effect
23 the administration of this [æ] chapter. Such rules and
24 regulations shall be promulgated in accordance with the
25 provisions of chapter 1 of title 17 of the Code of the

