

A BILL FOR AN ACT

To further amend title 55 of the Code of the Federated States of Micronesia, as amended, by enacting a new chapter 8 thereof for the purpose of establishing a Compact Implementation Board and an FSM Compact Secretariat, 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, as amended, is hereby further amended by enacting a
3 new chapter 8 thereof, entitled "Compact Implementation Board",
4 for the purposes of (a) establishing a Compact Implementation
5 Board to represent the interests of the Federated States of
6 Micronesia in connection with matters relating to the Compact of
7 Free Association between the Federated States of Micronesia and
8 the United States, as amended ("the Compact"), and to manage
9 certain functions and activities necessary to compliance with the
10 Compact; and (b) establishing an FSM Compact Secretariat with the
11 purpose of supporting the work of the Compact Implementation
12 Board.

13 Section 2. Title 55 of the Code of the Federated States of
14 Micronesia, as amended, is hereby further amended by enacting a
15 new section 801 to read as follows:

16 "Section 801. Establishment of Board.
17 There is hereby established a Compact Implementation
18 Board ("the Board") within the Federated States of
19 Micronesia.

1 Section 3. Title 55 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by enacting a
3 new section 802 thereof to read as follows:

4 "Section 802. Appointment and removal of Board Members.

5 (1) The Board shall comprise five members. One member
6 shall be appointed by the President of the Federated
7 States of Micronesia with the advice and consent of
8 Congress. One member shall be appointed by each of the
9 four States of the Federated States of Micronesia in
10 such manner as may be established by State law.

11 (2) Each member of the Board shall be appointed for a
12 term of two years, and may continue to serve on the
13 Board until a replacement member has been duly
14 appointed. Members may be reappointed to a second two-
15 year term. A vacancy on the Board may be filled, pending
16 appointment of a new member as provided in subsection
17 (1), by the President, in the case of a vacancy in the
18 position on the Board appointed by the National
19 Government, or by the Governor of the appropriate State,
20 in the case of a vacancy in the position appointed by
21 that State.

22 (3) The member of the Board appointed by the National
23 Government may be removed from the Board by a two-thirds
24 vote of Congress. A member of the Board appointed by a
25 State may be removed as may be provided by the law of
26 that State."

1 Section 3. Title 55 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by enacting a
3 new section 803 thereof to read as follows:

4 "Section 803. Powers and responsibilities of the Board
5 The Board shall have the following powers and
6 responsibilities:

7 (1) To represent the interests of the Federated States
8 of Micronesia in matters relating to the Compact of Free
9 Association between the Federated States of Micronesia
10 and the United States, as amended ("the Compact");

11 (2) To appoint, as described more fully in section 804
12 hereof, one of the members of the Joint Economic
13 Management Committee ("JEMCO") and the Trust Fund Board
14 created under the Compact;

15 (3) To meet and consult with representatives of the
16 National Government and the State Governments on matters
17 relating to the Compact;

18 (4) To identify, consider and formulate positions, on
19 behalf of the Federated States of Micronesia, with
20 regard to issues to be addressed by JEMCO and other
21 issues relating to implementation of the Compact,
22 provided that the Board shall not alter either the
23 proposals for Compact Sector Grant Awards submitted by
24 the President to JEMCO on behalf of any of the
25 governments or the Infrastructure Development Plan or
26 Strategic Plan submitted by the Federated States of

1 Micronesia to JEMCO, and further provided that a vote of
2 a majority of the Board members shall be required to
3 approve positions or actions to be taken by the Board;
4 (5) To submit to JEMCO and the United States such
5 reports, presentations and information as may be needed
6 to support proposals to JEMCO for Sector Grant Awards,
7 and to support positions taken on behalf of the
8 Federated States of Micronesia on issues relating to
9 implementation of the Compact;
10 (6) To ensure that reports required by the Compact are
11 submitted on a timely basis;
12 (7) To provide oversight, and as the Board deems
13 appropriate, to conduct investigations to ensure that
14 the National Government and each of the State
15 Governments is in compliance with all terms of the
16 Compact;
17 (8) To direct the work of the FSM Compact Secretariat
18 established by section 805 hereof and to appoint the
19 staff of the Secretariat;
20 (9) To establish procedures or rules for conducting the
21 business of the Board; and
22 (11) To report to the President, Congress and each of
23 the States concerning the activities of the Board, the
24 actions of JEMCO and the Trust Fund Board, and other
25 significant matters relating to the Compact."

26 Section 4. Title 55 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by enacting a
2 new section 804 thereof to read as follows:

3 "Section 804. Appointment of JEMCO and Trust Fund Board
4 Members.

5 The member of the Board appointed by the National
6 Government shall also serve as one of the members of
7 JEMCO and of the Trust Fund Board, representing the
8 Federated States of Micronesia. The Board shall select,
9 by a vote of a majority of its members, one of its
10 members to also serve as a member of JEMCO, representing
11 the Federated States of Micronesia. The Board shall
12 select one of its members to serve as a member of the
13 Trust Fund Board, which member may, but need not be the
14 same person chosen to serve on JEMCO."

15 Section 5. Title 55 of the Code of the Federated States of
16 Micronesia, as amended, is hereby further amended by enacting a
17 new section 805 to read as follows:

18 "Section 805. Establishment of the FSM Compact
19 Secretariat.

20 There is hereby established an FSM Compact Secretariat
21 ('the Secretariat'), which shall operate under the
22 direction of the Board. The functions of the
23 Secretariat shall include the following:

24 (1) To be principally responsible, on behalf of the
25 Federated States of Micronesia, for day-to-day
26 communications with JEMCO and the United States with

1 regard to JEMCO and Compact matters;

2 (2) Under the direction of the Board, to gather, develop
3 and submit to JEMCO and the United States information,
4 data and reports relating to Compact matters, including
5 such reports as may be required by the Compact;

6 (3) Under the direction of the Board, to submit to the
7 President, Congress and the States reports relating to
8 the activities of the Secretariat and the Board, issues
9 pertaining to the Compact, and actions by JEMCO and the
10 Trust Fund Board;

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

14 (5) To do such further and additional things as may be
15 directed by the Board."

16 Section 6. Title 55 of the Code of the Federated States of
17 Micronesia, as amended, is hereby further amended, by enacting a
18 new section 806 thereof to read as follows:

19 "Section 806. Cooperation from the governments.

20 The National Government and the State Governments and
21 each of their respective departments and agencies shall
22 cooperate with the Board and the Secretariat by
23 providing such data, information and reports as may be
24 requested. The Board shall have the power to issue
25 subpoenas, enforceable by the courts of the Federated
26 States of Micronesia, in the event that the Board finds

1 that any government has failed to provide requested
2 data, information and reports in a timely manner."

3 Section 7. This act shall become law upon approval by the
4 President of the Federated States of Micronesia or upon its
5 becoming law without such approval.

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7 Date: 9/2/04

Introduced by: /s/ Peter M. Christian
Peter M. Christian

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