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A BILL FOR AN ACT

To further amend title 2 of the Code of the Federated States of Micronesia, as amended by amending section 207, to require that Ambassadors and the FSM members of the Joint Economic Management Committee and Joint Trust Fund Committee be appointed by the President with the advice and consent of the Congress; by further amending title 55, as amended, by enacting a new subchapter 15 concerning Joint Economic Management Committee; to delete the requirement that appointment of deputy ambassadors is subject to the advice and consent of Congress; to limit the term of Ambassadors to the term of the President; and for other purposes.

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

1           Section 1. Section 207 of title 2 of the Code of the Federated  
2 States of Micronesia, as amended by Public Laws Nos. 10-55 and 11-40,  
3 is hereby further amended to read as follows:

4           "Section 207. Appointment authority.

5           (1) The President shall nominate and, with the advice and  
6 consent of the Congress, as provided in article X, section  
7 2(d), of the Constitution, shall appoint the following:

8                   (a) ambassadors

9           ~~[(a)]~~ (b) the secretaries of departments and their deputies,  
10 if any ~~[and]~~;

11           ~~[(b)]~~ (c) the head of the office of the Public Defender~~[~~  
12 ~~including the secretaries, and]~~;

13           ~~[(c)]~~ (d) heads of departments and offices established by  
14 subsequent law; ~~[and including]~~

15           ~~[(d)]~~ (e) the chairman and the members of the Board of  
16 Advisors for the Investment Development Fund to be appointed  
17 by the President; ~~[and including]~~

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1           ~~[(e)]~~ (f) the Federated States of Micronesia members of  
2 the Board of Regents of the College of Micronesia; ~~[and~~  
3 ~~including]~~

4           ~~[(f)]~~ (g) the Federated States of Micronesia's members  
5 of the Joint Economic Management Committee and the Joint  
6 Trust Fund Committee created pursuant to the Compact of  
7 Free Association, as amended, between the United States  
8 of America and the Federated States of Micronesia; and

9           ~~[(g)]~~ (h) ~~the Federated States of Micronesia's deputy~~  
10 ~~ambassadors (assistant to the ambassadors) and consuls~~  
11 ~~general.; provided that nothing herein shall be~~  
12 ~~construed to require the appointment of the deputies and~~  
13 ~~deputy ambassadors (assistant to the ambassadors) and~~  
14 ~~consuls general named above.~~

15           (2) The President or his or her designee may appoint  
16 officers and employees not included in subsection (1) of  
17 this section, without the advice and consent of the  
18 Congress; provided that such appointments are not  
19 inconsistent with the provisions of this chapter or  
20 other laws of the Federated States of Micronesia.

21           (3) Any nomination submitted to Congress which is not  
22 acted upon within two (2) consecutive sessions of  
23 Congress, not including the session in which Congress  
24 first receives the nomination, or ninety (90) days,  
25 whichever occurs later in time, shall be deemed

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1 rejected. The President shall not resubmit the  
2 nomination of any person to the Congress, for its action  
3 if the same Congress shall have previously rejected such  
4 nomination, unless the Congress shall by resolution  
5 authorize such resubmission.

6 (4) With the exception of the Chief Justice and  
7 Associate Justices of the Supreme Court, the Public  
8 Auditor, ~~ambassadors~~, members of boards, commissions,  
9 and other entities with fixed terms, a public official  
10 whose appointment is subject to the advice and consent  
11 of the Congress shall submit his or her resignation no  
12 later than ninety (90) days after the President of the  
13 Federated States of Micronesia takes the oath of office,  
14 or at the time a new nominee for such position is  
15 confirmed by the Congress , whichever is earlier;  
16 provided that, in the case of ambassadors only, the  
17 resignation requirement of this subsection shall not  
18 become effective until May 11, 2007. The President may  
19 renominate the same public official for the same  
20 position subject to the advice and consent of the  
21 Congress."

22 Section 2. Title 55 of the Code of the Federated States of  
23 Micronesia, as amended, is hereby further amended by enacting a  
24 new chapter 15 concerning FSM Joint Economic Management Committee  
25 and FSM Joint Trust Fund Committee.

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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 subchapter I of chapter 15 concerning FSM Joint Economic  
4 Management Committee.

5        Section 4. Title 55 of the Code of the Federated States of  
6 Micronesia, as amended, is hereby further amended by enacting a  
7 new section 1511 to read as follows:

8            "Section 1511. Creation of FSM Joint Economic  
9            Management Committee. There is hereby created a  
10           committee to be known as the Federated States of  
11           Micronesia Joint Economic Management Committee,  
12           hereinafter referred to as 'the FSM JEMCO'."

13        Section 5. Title 55 of the Code of the Federated States of  
14 Micronesia, as amended, is hereby further amended by enacting a  
15 new section 1512 to read as follows:

16           "Section 1512. Purpose. The purpose of the FSM JEMCO  
17           shall be to strengthen management and accountability of  
18           funds provided under the Compact of Free Association, as  
19           amended, to promote the effective use of funding  
20           provided thereunder, and to represent the FSM National  
21           Government in the Joint Economic Management Committee  
22           called for in Section 213 of Article I, Title Two of the  
23           Compact of Free Association, as amended."

24        Section 6. Title 55 of the Code of the Federated States of  
25 Micronesia, as amended, is hereby further amended by enacting a

1 new section 1513 to read as follows:

2 "Section 1513. Members.

3 (1) There shall be two members of the FSM JEMCO, both  
4 of whom shall be appointed by the President with the  
5 advice and consent of the Congress.

6 (2) One member shall represent the four states on a  
7 rotational basis, and the other member shall be from the  
8 FSM National Government.

9 (3) The member representing the state governments  
10 shall be appointed by the President after consultation  
11 with the relevant state governor.

12 (4) The member from the FSM National Government shall  
13 not be an official then holding a Department Secretary  
14 position."

15 Section 7. Title 55 of the Code of the Federated States of  
16 Micronesia, as amended, is hereby further amended by enacting a  
17 new section 1514 to read as follows:

18 "Section 1514. Terms.

19 (1) The terms of the members of the FSM JEMCO shall be  
20 two years.

21 (2) The member representing the FSM National  
22 Government may be reappointed at the end of each term.

23 (3) No member from the states shall serve for more  
24 than one (1) term in any given eight-years period."

25 Section 8. Title 55 of the Code of the Federated States of

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1 Micronesia, as amended, is hereby further amended by enacting a  
2 new section 1515 to read as follows:

3 "Section 1515. Duties. The duties of the FSM JEMCO  
4 shall be to:

5 (1) Review the Development Plan and other planning and  
6 budget documents of the states and national governments,  
7 and monitor the progress made by the governments toward  
8 sustainable economic development and budgetary self-  
9 reliance in relation to their written goals and  
10 performance measures;

11 (2) Work closely with the various governments in the  
12 preparation of their annual budgets and to insure  
13 compliance with reporting requirements of the Compact,  
14 as amended;

15 (3) Review performance outcomes and other reported  
16 data in relation to the previous year's grant funding  
17 levels, terms, and conditions;

18 (4) Recommend grant allocations and performance  
19 objectives for the upcoming year,

20 (5) Formulate policy recommendations to the various  
21 governments relating to the duties in subsections (1) to  
22 (3) of this section.

23 (6) Represent the FSM National Government in the Joint  
24 Economic Management Committee called for in Section 213  
25 of Article I, Title Two of the Compact of Free

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1           Association, as amended."

2           Section 9. Title 55 of the Code of the Federated States of  
3 Micronesia, as amended, is hereby further amended by enacting a  
4 new section 1516 to read as follows:

5           'Section 1516. Annual Meetings. The FSM JEMCO shall  
6           meet at least once each year to:

7           (1) Review the audits and reports required under Title  
8           Two of the Compact of Free Association, as amended;

9           (2) Review the proposed annual budgets of the state  
10           and national governments;

11           (3) Evaluate the progress made by the state and  
12           national governments in meeting the objectives  
13           identified in their plan described in subsection (c) of  
14           Section 211 of Title Two of the Compact, as amended;

15           (4) Identify problems encountered, and recommend ways  
16           to increase the effectiveness of the assistance made  
17           available under Title Two of the Compact, as amended.'

18           Section 10. Title 55 of the Code of the Federated States of  
19           Micronesia, as amended, is hereby further amended by enacting a  
20           new subchapter II of chapter 15 concerning the FSM Joint Trust  
21           Fund Committee.

22           Section 11. Title 55 of the Code of the Federated States of  
23           Micronesia, as amended, is hereby further amended by enacting a  
24           new section 1521 to read as follows:

25           'Section 1521. Creation of the Joint Trust Fund

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1           Committee. There is hereby created a committee to be  
2           known as the FSM Joint Trust Fund Committee.'

3           Section 12. Title 55 of the Code of the Federated States of  
4 Micronesia, as amended, is hereby further amended by enacting a  
5 new section 1522 to read as follows:

6           'Section 1522. Purpose. The FSM Joint Trust Fund  
7           Committee is created consistent with Article 7, Part III  
8           of the Agreement Between the Government of the United  
9           States of America and the Government of the Federated  
10           States of Micronesia Implementing Section 215 and  
11           Section 216 of the Compact, as Amended Regarding a Trust  
12           Fund. The Committee shall represent the FSM National  
13           Government in the Joint Trust Fund Committee called for  
14           in Section 215 of Article I, Title Two of the Compact,  
15           as amended."

16           Section 13. Title 55 of the Code of the Federated States of  
17 Micronesia, as amended, is hereby further amended by enacting a  
18 new section 1523 to read as follows:

19           'Section 1523. Members.  
20           (1) The President shall appoint, with the advice and  
21           consent of the Congress, the two FSM representatives to  
22           the Joint Trust Fund Committee called for in Paragraph  
23           2(a) of Article 7 of the Agreement Between the  
24           Government of the United States of America and the  
25           Government of the Federated States of Micronesia

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1 Implementing Section 215 and Section 216 of the Compact,  
2 as Amended Regarding a Trust Fund.

3 (2) One representative shall be from the FSM National  
4 Government, and the other member shall represent the  
5 four states on a rotational basis.

6 (3) The member representing the FSM National  
7 Government shall not be a person then holding a  
8 Department Secretary position.

9 (4) The President shall also appoint, with the advice  
10 and consent of the Congress, two alternate  
11 representatives, who shall represent the FSM National  
12 Government in the Joint Trust Fund Committee if one of  
13 the members appointed pursuant to subsection (1) of this  
14 section is temporarily unable to attend a Joint Trust  
15 Fund Committee meeting. The two alternate members shall  
16 be appointed in the same manner set forth in subsections  
17 (2) and (3) of this section."

18 Section 14. Title 55 of the Code of the Federated States of  
19 Micronesia, as amended, is hereby further amended by enacting a  
20 new section 1524 to read as follows:

21 "Section 1524. Terms.

22 (1) The FSM representatives to the Joint Trust Fund  
23 Committee shall serve for a term of 2 years.

24 (2) The representative of the FSM National Government  
25 may be reappointed.

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1           (3) No representative of the state governments shall  
2           serve for more than one (1) term in any given eight-year  
3           period."

4           Section 15. Title 55 of the Code of the Federated States of  
5 Micronesia, as amended, is hereby further amended by enacting a  
6 new section 1525 to read as follows:

7           'Section 1525. Annual Meeting. The FSM Joint Trust Fund  
8           Committee shall meet at least once each year to consider  
9           the state and national governments positions concerning:

10           (1) the operation, supervision, and management of the  
11           Trust Fund;

12           (2) the investment and distribution of resources of  
13           the Trust Fund; and

14           (3) the agreements and arrangements with subsequent  
15           contributors and other organizations."

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

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20 Date: \_\_\_\_\_

Introduced by: \_\_\_\_\_

Dion G. Neth

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