A BILL FOR AN ACT

To further amend chapter 5 of title 11 of the Code of the Federated States of Micronesia, as amended by Public Law Nos. 11-72 and 11-76, by creating a new subchapter V under chapter 5 to criminalize improper conflict of interest by former government officials or employees, and for other purposes.

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

Section 1. Title 11 of the Code of the Federated States of Micronesia, as amended by Public Law Nos. 11-72 and 11-76, is hereby further amended by creating a new subchapter V under chapter 5, entitled “Bribery and Related Offense of corrupt influence”.

Section 2. Title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 11-72 and 11-76, is hereby further amended by inserting a new section 531 to Subchapter V of chapter 5 to read as follows:

“Section 531. Improper conflict of interest former government official or employee.

(1) No former national government official or employee, after the termination of his or her employment or term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person or entity (other than the national government of the Federated States of Micronesia) before any court of government administrative agency or any officer or
employee thereof by making any formal or informal appearance, or by making any oral or written communication with the intent to influence, in connection with any judicial, quasi-judicial or other proceedings if both of the following apply:

(a) the national government of the Federated States of Micronesia is a party or has a direct and substantial interest.

(2) No former national government official or employee who holds a position which entails the making, or participation in the making, of decisions which may foreseeably have material effect on any financial interest, and no member of a national government administrative agency, for a period of one year after leaving office or employment, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person or entity (other than the national government of the Federated States of Micronesia), by making formal or informal appearance, or by making any oral or written communication, before any government administrative agency, or officer or employee thereof, for which he or she has worked or represented during the 12 months before leaving employment, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any
action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

(3) A person convicted under this section shall be punished by imprisonment for not more than five years.”

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

Date: 1/16/12

Introduced by: /s/ Isaac V. Figir

Isaac V. Figir