AN ACT

To reorganize the Government of the Federated States of Micronesia, and for other purposes.

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

Section 1. Section 203 of title 2 of the Code of the Federated States of Micronesia, as amended by Public Law No. 4-65, is hereby further amended to read as follows:

"Section 203. Departments.

(1) There shall be the following departments which shall be responsible for major programs or administrative support areas in the Government of the Federated States:

(a) Department of Finance;
(b) Department of External Affairs;
(c) Department of Transportation;
(d) Department of Resources and Development; and
(e) Department of Human Resources.

(2) The administrative head of each department shall be designated as a 'Secretary.'

(3) Succession.

(a) Any reference to the Office of Information, the Office of Personnel, the Office of Education, or the Office of Health Services shall apply to the appropriate successor entity.

(b) Any reference to any official or employee of an entity referred to in subsection (3)(a) of this section shall be construed as applying to the person holding the same or most similar position in the appropriate successor entity."
Section 2. Section 204 of title 2 of the Code of the Federated States of Micronesia, as amended by Public Law No. 4-65, is hereby further amended to read as follows:

"Section 204. Other executive offices. There shall be the following executive offices:

(1) Office of the Attorney General;
(2) Office of Budget;
(3) Office of Administrative Services;
(4) Office of Planning and Statistics; and
(5) Office of the Public Defender."

Section 3. Section 201 of title 26 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 201. Authorization. The Director of Administrative Services shall oversee the identification, conservation, and protection of historic properties and cultural attributes within the Federated States of Micronesia through the effective administration of funds from various sources. As used herein, 'Institute' means the Director of Administrative Services or his designee."

Section 4. Section 202 of title 32 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 202. Definitions. When words defined in this section are used in this chapter, unless otherwise required by the context, the following definitions shall govern:

(1) 'Board' means the Secretary of Resources and
Development.

(2) 'Business' means any sole proprietorship, partnership, corporation, or any other association engaged in commerce.

(3) 'Citizen' means any person or business not included in the definition of noncitizen contained in this chapter.

(4) 'Licensee' means any noncitizen who has been issued a foreign-investment permit under this chapter, including agents or employees of the noncitizen.

(5) 'Noncitizen' means any person who is not a citizen of the Federated States of Micronesia, and any business in which any interest is owned by a person who is not a citizen of the Federated States of Micronesia.

(6) 'President' means the President of the Federated States of Micronesia.

(7) 'Secretary' means the Secretary of Resources and Development of the Federated States of Micronesia.

(8) 'State authority' means any official or entity designated by a State of the Federated States of Micronesia to consider foreign-investment applications under this chapter and, failing such designation, means the Governor of a State."

Section 5. Section 101 of title 41 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 101. Duties of director of Health Services generally.

(1) The director of Health Services shall either personally or by his duly authorized representatives maintain
and improve health and sanitary conditions, minimize and control communicable disease, establish standards of medical and dental care and practice, encourage scientific investigation in the field of health, and supervise and administer all Government-owned hospitals, sanitariums, clinics, dispensaries, and such other medical and dental facilities as are or may be established throughout the Federated States of Micronesia.

(2) As used in this title 'Director of Health Services' means the Secretary of Human Resources or his designee."

Section 6. Section 117 of title 52 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 117. Application of chapter; Exemptions. The National Public Service System shall apply to all employees of and positions in the central Government of the Federated States of Micronesia now existing or hereafter established and to all personnel services performed for that Government except the following, unless this chapter or provisions thereof are specifically made applicable to them:

(1) members of the Congress of the Federated States of Micronesia;

(2) the President and Vice President of the Federated States of Micronesia;

(3) Justices and other Judges of the National Courts;

(4) the legislative counsel, deputy legislative counsel, budget officer, and the Clerk of the Congress;"
(5) the Public Auditor;
(6) the administrative officer of the National Courts;
(7) the special assistants and secretaries to the President and Vice President;
(8) persons appointed by the President to fill the following positions: Secretary of External Affairs, Secretary of Finance, Secretary of Resources and Development, Secretary of Transportation, Secretary of Human Resources, Budget Officer, National Planner, Director of Administrative Services, Attorney General, and Public Defender, and their deputies, if any;
(9) persons appointed to any other positions by the President with the advice and consent of the Congress;
(10) the Representative in Washington and all ambassadors;
(11) persons or organizations retained by contract when the Personnel Officer has certified that the service to be performed is special or unique and nonpermanent and is essential to the public interest, and that, because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such services through normal public service recruitment procedures;
(12) persons presently under contract of employment not included in subsection (11) of this section, during the life of such contract. No contract of employment shall be entered into, renewed, or amended after the effective date of this chapter,
except in accordance with the provisions of this chapter;

   (13) temporary positions, required in the public interest,

for which the need does not exceed six months;

   (14) positions requiring part-time or intermittent work

which does not exceed sixty hours in any calendar month;

   (15) positions filled by inmates, patients, and students

of institutions of the Federated States of Micronesia;

   (16) members of any board, public corporation, commission,

or similar body, in their capacity as such;

   (17) officers, faculty, and employees of the Board of

Regents and the College of Micronesia;

   (18) positions specifically exempted by any other law of the

Federated States of Micronesia."

Section 7. Section 2 of Public Law No. 2–60, as amended by Public
Law No. 3–64, is hereby further amended to read as follows:

"Section 2. Purpose. The purpose of this act is to establish
four ongoing imprest revolving funds to provide, subject to the
provisions of section 4 of this act, sources of advanced funding
for authorized operations expenses of the Guam and Honolulu
Liaison Offices, the Federated States of Micronesia
Representative Office, and the Japan Economic Liaison Office and
authorized expenses incurred during official travel by qualified
Community College of Micronesia employees and officials, National
and State Government employees and officials, and medical
referral patients and their attendants."
Section 8. Section 3 of Public Law No. 2-60, as amended by Public Law No. 3-64, is hereby further amended to read as follows:

"Section 3. Establishment.

(1) There is hereby established an ongoing imprust revolving fund within the General Fund for each of the following offices of the National Government of the Federated States of Micronesia:

(a) Guam Liaison Office;
(b) Honolulu Liaison Office;
(c) Federated States of Micronesia Representative Office; and
(d) Japan Economic Liaison Office."

Section 9. Section 8 of Public Law No. 2-60, as amended by Public Law No. 3-64, is hereby further amended to read as follows:

"Section 8. Authorization.

(1) The sum of $80,000, or so much thereof as may be necessary, is hereby authorized to be used within the General Fund of the Federated States of Micronesia for the purpose of funding the imprust revolving funds. The sums authorized by this subsection shall be apportioned as follows:

(a) Guam Liaison Office.................$ 20,000
(b) Honolulu Liaison Office............ 20,000
(c) Federated States of Micronesia Representative Office...................... 20,000
(d) Japan Economic Liaison Office..... 20,000
(2) All funds authorized by this act shall be allotted, managed, administered, and accounted for in accordance with applicable law, including, but not limited to, the Financial Management Act of 1979. The allottee shall be responsible for ensuring that these funds, or so much thereof as may be necessary, are used solely for the purpose specified in this act, and that no obligations are incurred in excess of the sum authorized."

Section 10. Section 3 of Public Law No. 3-83 is hereby amended to read as follows:

"Section 3. Definitions. The following words, for the purpose of this act, shall have the following meanings:

(1) 'Board' means the Secretary of Human Resources;

(2) 'Chairman of the Board' or 'chairman' means the Secretary of Human Resources or his designee;

(3) 'Person' means the Federated States of Micronesia, a State, municipality, political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Federated States of Micronesia or any State or country, lessee or other occupant of property, or individual, acting singly or as a group;

(4) 'Pollutant' means one or more substances or forms of energy which, when present in the air, land, or water, are or may be harmful or injurious to human health, welfare, or safety,
(5) 'Primary drinking water regulation' means a regulation which:

(a) Applies to public water systems;
(b) Specifies contaminants which, in the judgment of the Board, may have any adverse effect on the health of persons; and
(c) Specifies for each such contaminant either:

(i) A maximum contaminant level, if, in the judgment of the Board, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or

(ii) If, in the judgment of the Board, it is not economically or technologically possible to so ascertain the level of such contaminant, each treatment technique known to the Board which leads to a reduction in the level of such contaminant;

(d) Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control and testing procedures to ensure compliance with such levels and to ensure proper operation and maintenance of the system and requirements as to:

(i) The minimum quality of water which may be
taken into the system; and

(11) Siting for new facilities for public water systems.

(6) 'Secondary drinking water regulation' means a regulation which applies to public water systems and which specifies the maximum contaminant level which in the judgment of the Board is requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water:

(a) Which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of persons served by the public water system providing such water to discontinue its use; or

(b) Which may otherwise adversely affect the public welfare. Such regulations may vary according to geographic or other circumstances.

(7) 'Trust Territory Environmental Protection Board' means the board established pursuant to 25 F.S.M.C. 201."

Section 11. Section 2 of Public Law No. 4-41, as amended by Public Law No. 4-102, is hereby further amended to read as follows:

"Section 2. Definitions. As used herein unless otherwise indicated by the context:

(1) 'Board' means the Secretary of Human Resources.

(2) 'Practice of medical health care' includes activities as a doctor, nurse, optometrist, dentist or pharmacist, as those activities may be described by the President or the Board
pursuant to this act or amendments hereto.

(3) 'President' means the President of the Federated States of Micronesia.

Section 12. Sections 101 through 112 of title 8 of the Code of the Federated States of Micronesia, which established the Commission on Future Political Status and Transition, are hereby repealed in their entirety.

Section 13. Sections 202 and 203 of title 26 of the Code of the Federated States of Micronesia are hereby repealed in their entirety.

Sections 204 and 205 are hereby renumbered as sections 202 and 203, respectively.

Section 14. Sections 206, 207, and 208 of title 32 of the Code of the Federated States of Micronesia are hereby repealed in their entirety.

Sections 209 through 232 are hereby renumbered as sections 206 through 229, respectively.

Section 15. Sections 4, 5, 6 and 8 of Public Law No. 3–83 are hereby repealed in their entirety. Sections 7 and 9 through 21 are hereby renumbered as sections 4 and 5 through 17, respectively.

Section 16. Sections 4 and 8 of Public Law No. 4–41 are hereby repealed in their entirety. Sections 5 through 7 are hereby renumbered as sections 4 through 6, respectively. Sections 9 through 14 are hereby renumbered as sections 7 through 12, respectively.

Section 17. Notwithstanding any provision in any other law, any person serving as an employee or official on the day prior to the effective date of this act in a department or office the existence of which is
terminated by this act shall be eligible to serve as the acting secretary
or director of any new department or office created by this act until
a secretary or director is confirmed, or until the conclusion of the
final day of the Second Regular Session of the Fifth Congress of the
Federated States of Micronesia, whichever is sooner.

Section 18. Notwithstanding any law to the contrary, for purposes
of this reorganization, the President may reassign any person employed on
the day prior to the effective date of this act by any independent agency
the existence of which is terminated by this act, or any National
Government department, or any National Government office, to a comparable
position in any other National Government department or office.

The President's authority pursuant to this section shall be limited to such
assignments as are reasonably necessary to implement the intent and purpose
of this act, and shall expire on January 22, 1988. This section shall not
constitute authority to exceed personnel ceilings set by Public Law
No. 5-15 or amendments thereto, and shall not constitute authority to
reassign a person to a position requiring the advice and consent of
Congress without compliance with existing law.

Section 19. This act shall take effect on January 1, 1988.
Section 20. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

November 6, 1987

John R. Hagelisi
President
Federated States of Micronesia