

**TITLE 2**  
**EXECUTIVE**

**CHAPTERS**

- 1 Presidential Succession (§§ 101-105)**
- 2 Executive Organization (§§ 201-210)**
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TITLE 2 - EXECUTIVE

CHAPTER 1  
Presidential Succession

SECTIONS

- § 101. Succession to Office of President
- § 102. Vacancy in the Office of Vice President.
- § 103. Vacancy in the Offices of President and Vice President.
- § 104. Declaration of the President's inability to serve.
- § 105. Disappearance, kidnapping, or total disability of the President.

**§ 101. Succession to Office of President.**

If the President dies, resigns, or is impeached, the Vice President shall become President.

**Source:** PL IC-32 § 1.

**§ 102. Vacancy in the Office of Vice President.**

If the Vice President dies, resigns, is impeached, or becomes President, the Congress shall elect a Vice President and declare a vacancy in the Congress.

**Source:** PL IC-32 § 2.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

**§ 103. Vacancy in the Offices of President and Vice President.**

If both the President and Vice President die, resign, or are impeached, the Speaker of the Congress shall immediately assume the powers and duties of the President as Acting President, and the Congress shall within 30 days of the last vacancy elect a President and Vice President, convening for that purpose if not in session, and declare vacancies in the Congress. If the Office of the Speaker is vacant, or if the Speaker dies or resigns from Congress during said 30-day period, the Vice Speaker shall immediately assume the powers and duties of the President as Acting President.

**Source:** PL IC-32 § 3.

**Cross-reference:** FSM Const., art. X, § 6 states as follows:

Section 6. If the office of the President is vacant, or the President is unable to perform his duties, the Vice-President becomes President. The Congress shall provide by statute for the succession in the event both offices are vacant, or either or both officers are unable to discharge their duties.

The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

**§ 104. Declaration of the President's inability to serve.**

(1) If two-thirds of all Members of Congress transmit to the Speaker of the Congress their written declaration that the President is unable to discharge the powers and duties of his or her office, the Vice President shall immediately assume the powers and duties of the President as Acting President.

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(2) If the President transmits to the Speaker of the Congress his or her written declaration that no inability exists, he or she shall four days thereafter resume the powers and duties of his or her office, unless three-fourths of all Members of Congress shall sooner transmit to the Speaker of the Congress their written declaration that the President is unable to discharge the powers and duties of his or her office.

(3) Thereupon the Supreme Court shall convene within three days to decide the issue, shall hear evidence for a period not to exceed seven days, and shall issue its decision within three days after the close of evidence. If the Supreme Court determines by majority or tie vote that the President is unable to discharge the powers and duties of his or her office, the Vice President shall become President. Otherwise, the President shall resume the powers and duties of his or her office.

(4) If the President does not transmit the declaration provided for in subsection (2) of this section within 180 days after the declaration provided for in subsection (1) of this section, the Vice President shall become President.

**Source:** PL IC-32 § 4; PL 7-91 § 2.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

### **§ 105. Disappearance, kidnapping, or total disability of the President.**

(1) If the majority of the principal officers of the executive departments appointed by the President pursuant to article X, section 2(d) of the Constitution transmit to the Speaker of the Congress their written declaration that the President has disappeared or has been kidnapped or has become totally disabled, the Vice President shall immediately assume the powers and duties of the President as Acting President.

(2) The President shall resume the powers and duties of his or her office if his or her disappearance or kidnapping or total disability shall cease, as certified by his or her written declaration transmitted to the Speaker of the Congress, within 180 days after the Vice President has assumed the powers and duties of the President as Acting President; otherwise, the Vice President shall become President.

(3) For purposes of this section, the term “total disability” shall mean the inability of the President to transmit the written declaration provided for in subsection (2) of section 104 of this chapter.

**Source:** PL IC-32 § 5; PL 7-91 § 3.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

**CHAPTER 2**  
**Executive Organization**

**SECTIONS**

- § 201. **Definitions.**
- § 202. **Executive authority.**
- § 203. **Departments.**
- § 204. **Other Executive Offices.**
- § 205. **Establishment of additional departments, offices, and agencies.**
- § 206. **Duties, responsibilities, and functions of departments and offices.**
- § 207. **Appointment Authority.**
- § 208. **Positions vacant pending appointment.**
- § 209. **Salaries for President and Vice President.**
- § 210. **Establishment of Former President Benefit Trust Fund and Allowance for Former Presidents.**

**§ 201. Definitions.**

As used in this chapter:

- (1) "*Appointment*" means an appointment by the President which requires, and to which has been given, the advice and consent of the Congress.
- (2) "*Nominee*" means a person nominated by the President for an appointment which requires, but to which has not been given, the advice and consent of the Congress.
- (3) "*Position*" and "*regular employee*" have the meaning and definitions stated in section 112 of title 52 of this code.

**Source:** PL 1-120 § 1; PL 7-91 § 4.

**Cross-reference:** FSM Const., art. X, § 8. The provisions of the Constitution are found in Part I of this code.

Title 52 of this code is on Public Employment.

**Editor's note:** Subsections of this section rearranged in alphabetical order. This chapter supersedes 2 TTC chapter 2.

**§ 202. Executive authority.**

The executive authority of the Government of the Federated States of Micronesia is vested by, and in accordance with, the Constitution of the Federated States, subject to the provisions of section 207 of this chapter. The executive branch of the Government of the Federated States of Micronesia shall be organized in the manner set forth in this chapter, and as may be provided elsewhere in the law of the Federated States of Micronesia.

**Source:** PL 1-6 § 1; PL 7-91 § 5.

**Cross-reference:** FSM Const., art. X is on the Executive. FSM Const., art. X, §§ 1 and 2(a) state as follows:

Section 1. The executive power of the national government is vested in the President of the Federated States of Micronesia. He is elected by Congress for a term of four years by a majority vote of all the members. He may not serve for more than 2 consecutive terms.

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Section 2. The following powers are expressly delegated to the President:

- (a) to faithfully execute and implement the provisions of this Constitution and all national laws;
- ...

The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

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### **§ 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 of Micronesia:

- (a) Department of Resources and Development;
- (b) Department of Finance and Administration;
- (c) Department of Foreign Affairs;
- (d) Department of Health and Social Affairs;
- (e) Department of Justice;
- (f) Department of Transportation, Communication and Infrastructure, which shall contain among other units, a Project Management Unit for the Compact Infrastructure Grants; and
- (g) Department of Education.

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

(3) The administrative head of each office shall be designated as a “Director”.

(4) Succession.

(a) Any reference to a previously existing department, office, or division thereof shall apply to the appropriate successor entity.

(b) Any reference to any office or employee of an entity referred to in subsection (4)(a) of this section shall be construed as applying to the person holding the same or most similar position in the appropriate successor entity.

**Source:** PL 1-6 § 2; PL 1-114 § 1; PL 4-65 § 1; PL 5-21 § 1; PL 6-62 § 1; PL 7-97 § 1; PL 10-55 § 1; PL 15-9 § 1; PL 15-74 § 1.

**Cross-reference:** FSM Const., art. X, § 8 states as follows:

Section 8. Executive departments shall be established by statute.

The provisions of the Constitution are found in Part I of this code.

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The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

### **§ 204. Other Executive Offices.**

There shall be the following executive offices:

- (1) Office of the Public Defender;
- (2) Office of Statistics, Budget, Overseas Development Assistance and COMPACT Management;
- (3) Office of Environment and Emergency Management;
- (4) Office of National Archives, Culture and Historic Preservation.

**Source:** PL 1-6 § 3; PL 4-65 § 2; PL 5-21 § 2; 10-55 § 2; PL 13-75 § 10; PL 15-9 § 2.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

**Case annotations:** The Office of the Public Defender was created by 2 F.S.M.C. 204(5). For at least the criminal side of the docket, this represents Congress's affirmative implementation of the Constitution's Professional Services Clause. The primary, perhaps even the sole, responsibility, for the Professional Services Clause's affirmative implementation lies with Congress. *FSM v. Kansou*, 13 FSM R. 392, 394 & n.1 (Chk. 2005).

The Professional Services Clause provides that the FSM national government recognizes the people's right to education, health care, and legal services and shall take every step reasonable and necessary to provide these services. The term "the people" refers only to natural persons, and does not include juridical persons such as corporations. *FSM v. Kansou*, 13 FSM R. 392, 394-95 (Chk. 2005).

### **§ 205. Establishment of additional departments, offices, and agencies.**

Additional departments or offices may be established by law. Independent agencies and temporary agencies may be established and need not be organized under a department or office.

**Source:** PL 1-6 § 4.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

### **§ 206. Duties, responsibilities, and functions of departments and offices.**

The respective duties, responsibilities, and functions of each department and office within the organization of the executive branch of the Government of the Federated States of Micronesia shall be as established by, and in accordance with, administrative directive of the President until amended or superseded by law. The President shall also provide for subdivisions of departments and offices and shall set forth the duties, responsibilities, and functions thereof by administrative directive.

**Source:** PL 1-6 § 5.

**Cross-reference:** FSM Const., art. X, § 8. The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

## TITLE 2 - EXECUTIVE

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### **§ 207. Appointment Authority.**

(1) The President shall nominate and, with the advice and consent of the Congress, as provided in article X, section 2(d), of the Constitution, shall appoint ambassadors, the secretaries of departments and their deputies, if any, and the head of the office of the Public Defender, including the secretaries, and heads of departments and offices established by subsequent law; and including the chairman and the members of the Board of Advisors for the Investment Development Fund to be appointed by the President; and including the Federated States of Micronesia members of the Board of Regents of the College of Micronesia; and including the Federated States of Micronesia's consul generals and the deputy chiefs of mission of the various embassies and diplomatic missions.

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

(3) Any nomination submitted to Congress which is not acted upon within two consecutive sessions of Congress, not including the session in which Congress first receives the nomination, or 30 days, whichever occurs later in time, shall be deemed rejected. A nomination submitted when Congress is not in session shall, for the purposes of this section, be deemed to have been received on the first day of the following session. The President shall not resubmit the nomination of any person to the Congress for its action if the same Congress shall have previously rejected such nomination, unless the Congress shall by resolution authorize such resubmission.

(4) With the exception of the Chief Justice and Associate Justices of the Supreme Court, the Public Auditor, members of boards, commissions, and other entities with fixed terms, a public official whose appointment is subject to the advice and consent of the Congress shall submit his or her resignation no later than 90 days after the President of the Federated States of Micronesia takes the oath of office, or at the time a new nominee for such position is confirmed by the Congress, whichever is earlier. The President may renominate the same public official for the same position subject to the advice and consent of the Congress.

**Source:** PL 1-6 § 6; PL 1-114 § 2; PL 3-24 § 1; PL 4-63 § 1; PL 5-2 § 1; PL 5-50 § 1; PL 7-6 § 1; PL 7-91 § 6; PL 9-128 § 1; PL 13-77 § 1; PL 15-23 § 1; PL 16-61 § 1; PL 17-2 § 1.

**Cross-reference:** FSM Const., art. X, § 2(d) states as follows:

Section 2. The following powers are expressly delegated to the President:

...

(d) with the advice and consent of Congress, to appoint ambassadors; all judges of the Supreme Court and other courts prescribed by statute; the principal officers of executive departments in the national government; and such other officers as may be provided for by statute. Ambassadors and principal officers serve at the pleasure of the President.

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The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the Legislature (the Congress of the Federated States of Micronesia) are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

### **§ 208. Positions vacant pending appointment.**

Whenever a vacancy exists in a position exempted from the National Public Service System under subsections (8), (9), or (10) of section 117 of title 52 of this code, the administrative duties and ministerial functions of that position may be performed by a qualified regular employee designated by the President to serve in that position in "acting" capacity, pending an appointment to fill the vacancy. A qualified regular employee so designated by the President to serve in "acting" capacity may serve in that capacity for not more than 60 days.

**Source:** PL 1-120 § 3.

**Cross-reference:** Title 52 of this code is on Public Employment.

### **§ 209. Salaries for President and Vice President.**

As of the date of the commencement of their terms of office, the President of the Federated States of Micronesia shall receive a salary of \$32,000 per annum, and the Vice President shall receive a salary of \$30,000 per annum. The President or Vice President shall continue to receive the salary set hereby until their successors take office. Should a vacancy in either office occur, the successor shall be entitled to the salary attendant to the office assumed as of the date of succession.

**Source:** PL IC-27 § 1; PL 4-75 § 1.

**Editor's note:** PL 4-75, § 1 increased the salary of the Vice President from \$25,000 per annum to \$30,000 per annum. PL 4-75, § 2 made the effective date of this increase the beginning of the term of office of the next Vice President at the time which was expected to occur May 11, 1987.

**Cross-reference:** FSM Const., art. X, § 7. The provisions of the Constitution are found in Part I of this code.

### **§ 210. Establishment of Former President Benefit Trust Fund and Allowance for Former Presidents.**

(1) There shall be established in the Treasury of the Federated States of Micronesia a trust fund that shall be known as the "Former President Benefit Trust Fund." The fund shall be administered by the Secretary of Finance and Administration and shall consist of such amounts as may be advanced by the Congress of the Federated States of Micronesia by budget appropriation, and such gifts, bequests, donations, contributions or grants as may be received by the Federated States of Micronesia which are specifically designated for the benefit of former Presidents.

(2) Each former President shall be entitled for the remainder of his or her life to receive from the Trust Fund a monetary allowance in an amount of not more than \$700 per month, payable by the Secretary of Finance; provided, however, that the amount of such allowance shall not exceed an amount which, when applied equally to all eligible former presidents, would exceed the maximum distribution from such Trust Fund as determined pursuant to subsection (d). Provided further that such allowance shall not be paid to a former President for any period year in which he or she earned over \$25,000 gross per annum, unless the former President is over the age of 60.



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(3) For clarity, the monetary allowance is paid to a beneficiary of a trust, and is not subject to social security contributions.

(4) As used in this section, the term “former President” means a person who shall have held the office of President of the Federated States of Micronesia, who does not then currently hold such office and whose service in such office shall have terminated other than by removal pursuant to the Constitution and statutes of the Federated States of Micronesia.

(5) At the beginning of each fiscal year, the Secretary of Finance and Administration shall determine the maximum allowable distribution from the Trust Fund. The Secretary of Finance and Administration shall take into consideration:

- (a) appropriations by Congress;
- (b) earnings of the Trust Fund;
- (c) the need to preserve the corpus of the Trust Fund;
- (d) other relevant factors that will insure the permanency of the Trust Fund;
- (e) after the end of each fiscal year, and before October 31 of the next fiscal year, the

Secretary of Finance and Administration will report to Congress on all activity relating to the Trust Fund.

**Source:** PL 15-47 § 1.

**Editor’s note:** Former section 210 was enacted by PL 1-6 § 7, modified by PL 1-120 § 4, and repealed in its entirety by PL 7-91. Congress created the current section 210 by enacting PL 15-47, and overriding President Emmanuel Mori’s veto on September 13, 2008.

The reference to “subsection (d)” in subsection (2) of this section has been corrected and replaced with “subsection (5)”, as this subsection refers to the determination of the maximum allowable distribution.

**CHAPTER 3**  
**Statistics and Census**

**SECTIONS**

- § 301. Short title.
- § 302. Definitions.
- § 303. Statement of purpose.
- § 304. Functions and responsibilities of the Division of Statistics.
- § 305. Authority to gather and compile statistical data.
- § 306. Conduct of censuses and sample surveys and collection of statistical data.
- § 307. Dissemination of statistical data; Restrictions on use.
- § 308. Confidentiality of information.
- § 309. Oath of employees.
- § 310. Statistical surveys by other government departments.
- § 311. Exchange of data authorized.
- § 312. Wrongful disclosure of information prohibited.
- § 313. Refusal or neglect to answer questions pertaining to census data; False answers pertaining to census data.
- § 314. Administration of chapter.

**§ 301. Short title.**

This chapter may be cited as the Statistics and Census Act of 1988.

**Source:** PL 5-77 § 1.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

**§ 302. Definitions.**

As used in this chapter, unless the context requires another meaning or unless it is otherwise provided:

- (1) "Census" means a survey of all the persons, owners, officials, agents, corporations, businesses, institutions, establishments or other organizations in a field of inquiry;
- (2) "Chief" means the Chief of the Division of Statistics;
- (3) "Congress" means the Congress of the Federated States of Micronesia;
- (4) "Division of Statistics" means the Division of Statistics within the Office of Planning and Statistics of the Federated States of Micronesia;
- (5) "National Government" means the Government of the Federated States of Micronesia;
- (6) "National Planner" means the highest management official of the Office of Planning and Statistics of the Federated States of Micronesia;
- (7) "President" means the President of the Federated States of Micronesia;
- (8) "Respondent" includes a corporation, company, association, firm, partnership, proprietorship, society, joint stock company, individual, or other organization or entity which reported or is required to report, or on behalf of which information was reported, in response to a questionnaire, inquiry, or other request of the Division of Statistics;

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(9) “Sample Survey” means a survey of some but not all of the persons, owners, officials, agents, corporations, businesses, institutions, establishments or other organizations in a field of inquiry; and

(10) “State government” means the government of any of the states of the Federated States of Micronesia.

**Source:** PL 5-77 § 2.

**Editor’s note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 303. Statement of purpose.**

The purpose of this chapter is as follows:

- (1) To define the functions and responsibilities of the Division of Statistics;
- (2) To authorize the Division of Statistics to develop an integrated and comprehensive statistical and census information system;
- (3) To guarantee the confidentiality of data collected by the Division of Statistics and other departments and agencies of the National Government or jointly by departments or agencies of the National and State Governments; and
- (4) To promote cooperation between the National and State Governments with respect to the Improvement of recording and reporting of statistics in the Federated States of Micronesia.

**Source:** PL 5-77 § 3.

**Editor’s note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 304. Functions and responsibilities of the Division of Statistics.**

The Division of Statistics shall have the following functions and responsibilities:

- (1) To advise the President and the executive branch on matters pertaining to statistical policy;
- (2) To coordinate the statistical work of all National Government departments with particular emphasis on the following areas:
  - (a) the avoidance of duplication in data collection;
  - (b) the attainment of compatibility between, and the integration of statistics compiled by National Government departments and agencies;
  - (c) the maximum possible utilization of statistical data;
  - (d) the formulation and implementation of standards for carrying out statistical operations;
  - (e) the provision of statistical advice and assistance to National Government departments and agencies;
  - (f) the recruitment and training of statistical staff; and
  - (g) the general promotion and development of integrated social and economic statistics for the National Government.
- (3) To compile, analyze and disseminate official statistics and related information;

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- (4) To collect statistics and related information concerning economic, social, and demographic matters;
- (5) To prepare and publish an annual statistical abstract for the Federated States of Micronesia;
- (6) To collect and compile statistical data needed for the formulation of development plans and plan implementation including, but not limited to, the following:
  - (a) data required for the compilation of National accounts;
  - (b) data on wholesale and retail price changes;
  - (c) data on internal and external trade; and
  - (d) data on government and household expenditures.
- (7) To conduct periodic censuses of population and other censuses and sample surveys at the request of the President;
- (8) To design and prepare questionnaires for use in censuses or sample surveys;
- (9) To promote and assist statistical activities in the states and to assist State governments and organizations in the collection, analysis and dissemination of statistical information;
- (10) To undertake periodic surveys of the branches and agencies of the National and State Governments to determine government statistical data requirements and to identify any statistical problems or difficulties being encountered; and
- (11) To liaise with statistical organizations in other nations and with international organizations regarding statistical matters.

**Source:** PL 5-77 § 4.

### **§ 305. Authority to gather and compile statistical data.**

The Division of Statistics shall have the following authority to gather and compile statistical data at such times and for such periods as determined by the National Planner:

- (1) To gather statistical information;
- (2) To design and prepare forms and questionnaires;
- (3) To undertake investigations and carry out censuses and sample surveys;
- (4) To select sampling methodologies for use in surveys;
- (5) To request respondents to supply estimates where recorded data are not available;
- (6) To prepare programs relating to the acquisition of statistical information;
- (7) To consult or cooperate with any other person or body for the purpose of compiling statistical data; and
- (8) To undertake any other necessary actions to fulfill its functions and responsibilities.

**Source:** PL 5-77 § 5.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 306. Conduct of censuses and sample surveys and collection of statistical data.**

In order to conduct the censuses and sample surveys and collect the statistical data as authorized by sections 304 and 305 of this chapter, the National Planner, the Chief, or other employees of the Division of Statistics designated by the National Planner, shall be empowered to:

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(1) Supply a schedule to any respondent and require such respondent to supply to the best of his knowledge, orally or in writing, all of the information requested in the schedule in accordance with instructions in the schedule or accompanying it, and require that person to complete the schedule, if necessary with the assistance of the National Planner or his designee, and to return the completed schedule to the National Planner or his designee by a specific date; and

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

**Source:** PL 5-77 § 6.

### **§ 307. Dissemination of statistical data; Restrictions on use.**

(1) The Chief may furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf of, any particular respondent, and may make special statistical compilations or surveys, for departments, offices, and agencies of the National Government, and State and local governments.

(2) Information furnished under subsection (1) of this section shall not be used by the National Government, or by any of its agencies, subdivisions, or public corporations, or by any of its officers or employees acting in an official capacity to the detriment of any respondent or other person to whom such information relates in any legal proceeding, except in the prosecution of alleged violations of this chapter.

**Source:** PL 5-77 § 7.

### **§ 308. Confidentiality of information.**

The National Planner, the Chief, and any other officer or employee of the Division of Statistics, or any person provided with data pursuant to section 311 of this chapter, shall not:

(1) Use the information furnished under the provisions of this chapter for any purpose other than for the purpose of conducting a census or sample survey, gathering statistical data, or for compiling and disseminating tabulations or other statistical materials pursuant to section 307 of this chapter;

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

(3) Permit anyone other than the National Planner, the Chief, or sworn employees of the Division of Statistics to examine the individual reports, except in the prosecution of alleged violations of this chapter.

**Source:** PL 5-77 § 8.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 309. Oath of employees.**

The National Planner, the Chief, and every other person employed in carrying out the provisions of this chapter shall take and subscribe the following oath:

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

The oath shall be taken, retained, and recorded in such manner as the Chief shall determine.

**Source:** PL 5-77 § 9.

**§ 310. Statistical surveys by other government departments.**

Departments and agencies of the National Government are authorized to conduct surveys under this chapter subject to the following requirements:

(1) All such persons engaged in the collection and processing of replies to statistical surveys are subject to each provision of this chapter including, but not limited to, the required oath of employees contained in section 309 of this chapter and the restrictions on use contained in sections 307 and 308 of this chapter;

(2) The National Planner and the Division of Statistics shall be informed of any surveys being proposed by departments and agencies of the National Government; and

(3) Respondents to any statistical survey conducted by any department or agency of the National Government shall be advised whether the survey is for statistical purposes and is being conducted under the authority of this chapter or whether the survey is for some other purpose.

**Source:** PL 5-77 § 10.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

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**§ 311. Exchange of data authorized.**

The Division of Statistics is authorized to enter into any agreement or arrangement with any department or agency of the National or any of the State governments for the exchange of data collected jointly with that department or agency and for subsequent tabulation or publication of statistics based upon such data provided that all respondents are informed, in writing, that the information is being collected jointly on behalf of the Division of Statistics and the other department or agency concerned. No such agreement or arrangement shall be effective unless it shall require the officers and employees of the department or agency of the governmental entity participating in the exchange of data to abide by the provisions of this chapter.

**Source:** PL 5-77 § 11.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

**§ 312. Wrongful disclosure of information prohibited.**

Any person being or having been the National Planner, or Chief, or an employee of the Division of Statistics, either temporary or permanent, or having taken and subscribed the oath as set forth in section 309 of this chapter, or otherwise having sworn to observe the limitations imposed by this chapter, who publishes or communicates any information, the disclosure of which is prohibited under the terms of this chapter, and which comes into his possession by reason of his being unemployed or otherwise providing services under the provisions of this chapter, shall be guilty of an offense, and upon conviction therefor shall be fined not more than \$3,000, or imprisoned not more than three years, or both.

**Source:** PL 5-77 § 12.

**§ 313. Refusal or neglect to answer questions pertaining to census data; False answers pertaining to census data.**

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

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

(3) Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any corporation, business, institution, establishment, or organization of any nature whatsoever, refuses or willfully neglects, when requested by the National Planner, the Chief, or by any authorized employee of the Division of Statistics or other governmental entity to answer completely and correctly to the best of his knowledge all questions relating to such corporation, business, institution, establishment, or other organization, or to records or statistics in his official custody, contained in any census authorized by this chapter, shall be guilty of an offense, and upon conviction therefor shall be fined not more than \$500;

(4) Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any corporation, business, institution, establishment, or organization of any nature whatsoever, when requested by the National Planner, the Chief, or by any authorized employee of the Division of Statistics or other governmental entity to answer completely and correctly to the best of his knowledge all questions relating to such corporation, business, institution, establishment, or other organization, or to records or statistics in his official custody, contained in any census authorized by this chapter, knowingly gives a false answer to any such question, shall be guilty of an offense, and upon

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conviction therefor shall be fined not more than \$500, or imprisoned not more than three months, or both; and

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

**Source:** PL 5-77 § 13.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.

### **§ 314. Administration of chapter.**

The National Planner shall be charged with the administration of this chapter. The National Planner shall have all such authority as may be reasonably necessary for the performance of any function of the Division of Statistics or for the administration of this chapter, including the authority to promulgate such rules and regulations as he deems necessary to conduct periodic censuses or sample surveys or to otherwise effect the administration of this chapter. Such rules and regulations shall be promulgated in accordance with the provisions of chapter 1 of title 17 of this code and shall have the force and effect of law.

**Source:** PL 5-77 § 14, modified.

**Cross-reference:** The statutory provisions of chapter 1 of title 17 of this code are on Administrative Procedures.

**Editor's note:** PL 5-77 was not explicitly designated to be codified, but has been codified as it has permanent effect.