

## TITLE 3

### LEGISLATIVE

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#### CHAPTER 1

#### Congressional Organization

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#### **§ 101. Membership.**

(1) The Congress of the Federated States of Micronesia shall be a unicameral National legislature. Unless the Congress is reapportioned, it shall consist of 14 Members to be known as Senators as follows:

- (a) four at-large Members, one from each of the States of Kosrae, Pohnpei, Chuuk, and Yap, who are elected on the basis of State equality to serve for a four-year term.
- (b) ten Members serving for a term of two years and elected on the basis of population as follows:
- (i) one Member elected from Kosrae as a single-member congressional district;
  - (ii) one Member elected from Yap as a single-member congressional district;
  - (iii) three Members elected from Pohnpei, one of whom representing each single-member congressional district; and
  - (iv) five Members elected from Chuuk, one of whom representing each single-member congressional district.
- (2) Single-member congressional districts shall be reapportioned at least every ten years. The first such reapportionment shall be made in 1988.

**Source:** PL IC-1 § 7; PL IC-24 § 1; PL 5-53 § 1; PL 5-98 § 1; PL 7-89 § 1.

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

Section 8. The Congress consists of one member elected at large from each state on the basis of state equality, and additional members elected from congressional districts in each state apportioned by population. Members elected on the basis of state equality serve for a 4-year term, and all other members for 2 years. Each member has one vote, except on the final reading of bills. Congressional elections are held biennially as provided by statute.

FSM Const., art. IX, § 10 states as follows:

Section 10. At least every 10 years Congress shall reapportion itself. A state is entitled to at least one member of Congress on the basis of population in addition to the member elected at large. A state shall apportion itself by law into single member congressional districts. Each district shall be approximately equal in population after giving due regard to language, cultural, and geographic differences.

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

The official website of the Congress of the Federated States of Micronesia is found at <http://www.fsmcongress.fm/>.

**Case annotation:** Congress may constitutionally authorize by statute administrative agencies to perform many different investigatory functions, among them the auditing of books and records, the issuance of subpoenas requiring the disclosure of information relevant to the agency's functions, and requiring the sworn testimony of witnesses. *FSM Social Sec. Admin. v. Weilbacher*, 7 FSM R. 137, 141-42 (Pon. 1995).

## **§ 102. Presiding Officer.**

The Presiding Officer of the Congress of the Federated States of Micronesia is responsible for the operation of the Congress.

**Source:** PL 1-14 § 1.

### **§ 103. Immediate offices.**

There shall be the following offices which shall be under the direct supervision of the Presiding Officer:

- (1) Office of the Chief Clerk and assistant Chief Clerk; and
- (2) Public Information Office.

**Source:** PL 1-14 § 2; PL 17-55 § 1.

### **§ 104. Offices.**

There shall be the following offices which shall be responsible to the Presiding Officer:

- (1) Administrative and Budget Office; and within that the following functional activities:
  - (a) finance,
  - (b) administration and personnel,
  - (c) State delegation administrative support,
  - (d) secretaries, and
  - (e) sergeant at Arms; and
- (2) Office of the Legislative Counsel, and within that the Library and research.

**Source:** PL 1-14 § 3; PL 13-79 § 1.

### **§ 105. Duties, responsibilities, and functions of offices.**

The respective duties, responsibilities, and functions of each office within the organization of the Congress of the Federated States of Micronesia shall be established by and in accordance with administrative directives of the Presiding Officer until amended or superseded by law.

**Source:** PL 1-14 § 4.

### **§ 106. Holding other offices.**

A Member of the Congress of the Federated States of Micronesia may not hold another public office or employment. During the term for which he is elected and three years thereafter, a Member may not be elected or appointed to public office or employment created by a National statute enacted during his term. A Member may not engage in any activity which conflicts with the proper discharge of his duties.

**Source:** PL IC-1 § 14; PL IC-24 § 3.

**Cross-reference:** FSM Const., art. IX, § 13 states as follows:

Section 13. A member of Congress may not hold another public office or employment. During the term for which he is elected and three years thereafter, a member may not be elected or appointed to a public office or employment created by national statute during his term. A member may not engage in any activity which conflicts with the proper discharge of his duties. The Congress may prescribe further restrictions.

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

**Case annotation:** Where plaintiffs seek to challenge issuance to a third party of a permit which plaintiffs reasonably allege will cause them harm, and where they allege that the actions of a nat'l senator were crucial to issuance of the permit, those plaintiffs have standing to be heard on the question of whether the senator's membership on the board is violative of the "incompatibility clause," art. IX, § 13 of the FSM Constitution. *Aisek v. FSM Foreign Investment Board*, 2 FSM Intrm. 95, 101 (Pon. 1985).

### **§ 107. Terms of office.**

Each Senator elected at large shall hold office for a term of four years. Senators elected on the basis of population shall each hold office for a term of two years. The terms of office of all Members of the Congress of the Federated States of Micronesia shall commence at noon of the eleventh day of May following their election and upon taking the oath of office, except as otherwise provided by law. Any Member elected or appointed to fill a vacancy may assume office upon acceptance of his credentials by the Congress and taking of the oath of office, and shall serve only for the unexpired term of the person he succeeds.

**Source:** PL 5-98 § 2.

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

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