



*The President*  
*Palikir, Pohnpei*  
*Federated States of Micronesia*

PRESIDENTIAL COMM. NO. 18-256  
FSM CONGRESS

April 16, 2014

The Honorable Dohsis Halbert  
Speaker  
Eighteenth Congress of the Federated States of Micronesia  
Palikir, Pohnpei FM 96941



Dear Speak Halbert:

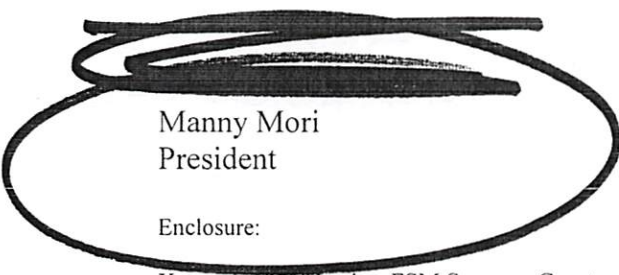
We are returning to Congress the following Congressional Act as **Public Law No. 18-53**:

Congressional Act No. 18-38, entitled: "AN ACT TO FURTHER AMEND SECTION 208 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF COMPENSATING AN EMPLOYEE WHO SERVES IN AN "ACTING" CAPACITY IN A POSITION VACATED PENDING APPOINTMENT FOR MORE THAN NINETY DAYS SHALL BE ENTITLED TO THAT POSITION'S COMPENSATION, IN WHICH THE ENTITLEMENT SHALL BE RETROACTIVE TO THE DAY ACTINGSHIP BEGAN, AND FOR OTHER PURPOSES."

As I advised earlier, the intent of Title 52 is that the salary of appointed officials, subject to the advice and consent of Congress, is reserved to those whose appointment is confirmed by Congress. Employees designated in their "acting" capacity normally perform only the administrative and nondiscretionary functions unlike those confirmed by Congress and while it is in the best interest of the Executive to nominate appropriate officials expeditiously, finding the appropriate qualified appointee is not always possible within a 90 day time frame. Once the qualified appointee for a secretarial level position is found, submitted, and confirmed, if the "acting" designee was in the position over 90 days, now two employees in the same division will be receiving a secretarial rate. This is neither feasible nor sustainable.

Therefore, in transmitting this Public Law No. 18-53, I once again urge that Congress endeavor to act on Executive appointments expeditiously so as to avoid all concerns raised in my earlier veto of this Act.

Sincerely,



Manny Mori  
President

Enclosure:

Xc: Chief Justice, FSM Supreme Court  
Secretary, Department of Justice  
Director, SBOC  
Legislative Counsel, CFSM  
Library, CFSM  
FSM PIO



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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PRESIDENTIAL COMM. NO. 18-256  
FSM CONGRESS

Office of the Chief Clerk

April 04, 2014



His Excellency Manny Mori  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear President Mori:

I have the honor to transmit herewith Congressional Act No. 18-38, "AN ACT TO AMEND SECTION 208 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF COMPENSATING AN EMPLOYEE WHO SERVES IN AN "ACTING" CAPACITY IN A POSITION VACATED PENDING APPOINTMENT FOR MORE THAN NINETY DAYS SHALL BE ENTITLED TO THAT POSITION'S COMPENSATION, IN WHICH THE ENTITLEMENT SHALL BE RETROACTIVE TO THE DAY ACTINGSHIP BEGAN, AND FOR OTHER PURPOSES.", which was repassed on March 28, by the Eighteenth Congress of the Federated States of Micronesia, Third Special Session, 2014, by a three-fourths vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis  
Chief Clerk, Congress of the  
Federated States of Micronesia

Enclosures





PUBLIC LAW No. 18- 53

EIGHTEENTH CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
THIRD SPECIAL SESSION  
MARCH 24 – APRIL 02, 2014

PRESIDENTIAL COMM. NO. 18-256  
FSM CONGRESS

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## An Act

TO AMEND SECTION 208 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF COMPENSATING AN EMPLOYEE WHO SERVES IN AN "ACTING" CAPACITY IN A POSITION VACATED PENDING APPOINTMENT FOR MORE THAN NINETY DAYS SHALL BE ENTITLED TO THAT POSITION'S COMPENSATION, IN WHICH THE ENTITLEMENT SHALL BE RETROACTIVE TO THE DAY ACTINGSHIP BEGAN, AND FOR OTHER PURPOSES.

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INTRODUCED BY: SENATOR WESLEY W. SIMINA

DATE: SEPTEMBER 12, 2013

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REPASSED: MARCH 28, 2014

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A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis", is written over a horizontal line.

Liwiana Ramon Ioanis  
Chief Clerk, FSM Congress





CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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*Office of the Speaker*

PRESIDENTIAL COMM. NO. 18256  
FSM CONGRESS

ACT NO. 18-38

(CONGRESSIONAL BILL NO. 18-61)

I hereby certify that on March 28 the foregoing act was repassed by the Eighteenth Congress of the Federated States of Micronesia, Third Special Session, 2014, by a three-fourths vote of all the State delegations as required under article IX, section 2(q), of the Constitution of the Federated States of Micronesia.

  
Dohsis Halbert  
Speaker  
Congress of the  
Federated States of Micronesia

EIGHTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 2013

CONGRESSIONAL BILL NO. 18-61

PUBLIC LAW No. 18- 53

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AN ACT

To amend section 208 of title 2 of the Code of the Federated States of Micronesia, as amended, for the purpose of compensating an employee who serves in an "acting" capacity in a position vacated pending appointment for more than ninety days shall be entitled to that position's compensation, in which the entitlement shall be retroactive to the day actingship began, and for other purposes.

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

1       Section 1. Section 208 of title 2 of the Code of the  
2 Federated States of Micronesia, as amended, is hereby amended to  
3 read as follows:

4               "Section 208. Positions vacant pending appointment.

5               (1) Whenever a vacancy exists in a position exempted  
6 from the National Public Service System under  
7 subsections (8), (9), or (10) of section 117 of title  
8 52, the administrative duties and ministerial  
9 functions of that position may be performed by a  
10 qualified regular employee designated by the President  
11 to serve in that position in "acting" capacity may  
12 serve in that capacity for not more than sixty days.  
13 An employee who serves in an "acting" capacity in a  
14 position vacated pending appointment for more than  
15 ninety days shall be entitled to that position's  
16 compensation. The entitlement shall be retroactive to  
17 the day actingship began."

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

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\_\_\_\_\_, 2014

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11       *Override*  
12       *March 28, 2014*

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Manny Mori  
President  
Federated States of Micronesia

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