



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

**PRESIDENTIAL COMM. NO. 22-237**  
**FSM CONGRESS**



April 19, 2022

The Honorable Wesley W. Simina  
Speaker  
Twenty-Second Congress  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

I am pleased to transmit the following act, which I signed to become Public Law No. 22-100 :

Congressional Act No. 22-88, entitled: "AN ACT TO FURTHER AMEND THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, TO REPEAL AND RESERVE SECTION 208 OF TITLE 2 THEREOF, AS AMENDED BY PUBLIC LAWS NOS. 18-53, 20-99, AND 21-58, TO ENACT A NEW SECTION 139 OF TITLE 52, TO MAKE TECHNICAL AMENDMENTS IN ORDER TO CLARIFY THAT THE PROVISIONS REGARDING ACTING CAPACITY APPLY TO ALL POSITIONS IN THE NATIONAL GOVERNMENT, AND FOR OTHER PURPOSES."

Thank you.

Sincerely,

David W. Panuelo  
President

xc: Chief Justice, FSM Supreme Court



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

Palikir, Sokehs Pohnpei State, FM 96941

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PRESIDENTIAL COMM. NO. 22-237  
FSM CONGRESS

March 25, 2022

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear President Panuelo:

I have the honor to transmit herewith Congressional Act No. 22-88, "AN ACT TO FURTHER AMEND THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, TO REPEAL AND RESERVE SECTION 208 OF TITLE 2 THEREOF, AS AMENDED BY PUBLIC LAWS NOS. 18-53, 20-99, AND 21-58, TO ENACT A NEW SECTION 139 OF TITLE 52, TO MAKE TECHNICAL AMENDMENTS IN ORDER TO CLARIFY THAT THE PROVISIONS REGARDING ACTING CAPACITY APPLY TO ALL POSITIONS IN THE NATIONAL GOVERNMENT, AND FOR OTHER PURPOSES", which was passed by the Twenty-Second Congress of the Federated States of Micronesia, Fourth Special Session, 2022, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in black ink, appearing to read "JR", with a long horizontal line extending to the right.

Jessicalynn Reyes  
Chief Clerk, Congress of the  
Federated States of Micronesia

Enclosures





PRESIDENTIAL COMM. NO. 22-237  
FSM CONGRESS

TWENTY-SECOND CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
FOURTH SPECIAL SESSION  
MARCH 21 - 25, 2022

## An Act

TO FURTHER AMEND THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, TO REPEAL AND RESERVE SECTION 208 OF TITLE 2 THEREOF, AS AMENDED BY PUBLIC LAWS NOS. 18-53, 20-99, AND 21-58, TO ENACT A NEW SECTION 139 OF TITLE 52, TO MAKE TECHNICAL AMENDMENTS IN ORDER TO CLARIFY THAT THE PROVISIONS REGARDING ACTING CAPACITY APPLY TO ALL POSITIONS IN THE NATIONAL GOVERNMENT, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: MARCH 22, 2022

REFERRED TO: COMMITTEE ON WAYS AND MEANS

WITHDRAWN – MARCH 22, 2022

FIRST READING: – MARCH 22, 2022

SECOND READING: – MARCH 24, 2022

A stylized, handwritten signature in black ink, consisting of a large, looping 'J' and 'R' followed by a horizontal line.

Jessicalynn Reyes  
Chief Clerk, FSM Congress





Office of the Speaker

**CONGRESS OF THE FEDERATED STATES OF MICRONESIA**

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**PRESIDENTIAL COMM. NO. 22-237**  
**FSM CONGRESS**

ACT NO. 22-88

(CONGRESSIONAL BILL NO. 22-152)

We hereby certify that on March 24 the foregoing act passed  
Second and Final Reading of the Twenty-Second Congress of the  
Federated States of Micronesia, Fourth Special Session, 2022,  
by a two-thirds vote of all the State delegations as required  
under article IX, section 20, of the Constitution of the  
Federated States of Micronesia.

A handwritten signature in black ink, appearing to read "W. Simina", written over a horizontal line.

Wesley W. Simina  
Speaker  
Congress of the  
Federated States of Micronesia

A handwritten signature in black ink, appearing to read "Jessicalynn Reyes", written over a horizontal line.

Jessicalynn Reyes  
Chief Clerk  
Congress of the  
Federated States of Micronesia

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AN ACT

To further amend the Code of the Federated States of Micronesia (Annotated), as amended, to repeal and reserve section 208 of title 2 thereof, as amended by Public Laws Nos. 18-53, 20-99, and 21-58, to enact a new section 139 of title 52, to make technical amendments in order to clarify that the provisions regarding acting capacity apply to all positions in the National Government, and for other purposes.

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

1       Section 1. Purpose. Section 208 of title 2 of the Code of  
2 the Federated States of Micronesia (Annotated), as amended,  
3 provides, when a vacancy exists in a position in the National  
4 Government, for a regular employee so designated to serve in an  
5 "acting" capacity, to perform the duties of that position, and to  
6 receive appropriate compensation if serving in an "acting"  
7 capacity for more than 90 days. The provisions of this section  
8 originally applied only to certain positions in the Executive  
9 Branch, and section 208 was therefore located in title 2 of the  
10 Code of the Federated States of Micronesia. The provisions of  
11 this section have since its enactment been expanded to include all  
12 positions in the National Government, and is therefore more  
13 appropriately located in title 52. This bill repeals section 208  
14 of title 2, reserves the section to prevent future use, and enacts  
15 a new section 139 of title 52 to move the provisions of section  
16 208 to the appropriate title, and provides further clarification  
17 that the provisions regarding vacant positions apply to all

1 positions in the National Government. The substantive provisions  
2 of the law are unchanged.

3 Section 2. Section 208 of title 2 of the Code of the  
4 Federated States of Micronesia (Annotated), as amended by Public  
5 Laws Nos. 18-53, 20-99, and 21-58, is hereby repealed and  
6 reserved.

7 Section 3. Title 52 of the Code of the Federated States of  
8 Micronesia (Annotated), as amended, is hereby further amended by  
9 enacting a new section 139 to read as follows:

10 "Section 139. Positions vacant pending appointment.

11 (1) Whenever a vacancy exists in a position  
12 in the Government of the Federated States of  
13 Micronesia, including a position exempt from the  
14 Public Service System, the administrative duties  
15 and ministerial functions of that position may  
16 be performed by a qualified regular employee  
17 designated to serve in that position in "acting"  
18 capacity.

19 (2) Any employee designated under paragraph  
20 (1) of this section who serves in an "acting"  
21 capacity in a position vacated pending  
22 appointment for more than ninety days shall be  
23 entitled to that position's compensation. The  
24 entitlement shall be retroactive to the day  
25 actingship began; PROVIDED HOWEVER, that no

1 additional compensation shall be given for any  
2 time served prior to January 1, 2001."

3 Section 4. This act shall become law upon approval by the  
4 President of the Federated States of Micronesia or upon its  
5 becoming law without such approval.

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7  
8 April 19<sup>th</sup>  
9 \_\_\_\_\_, 2022

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14 David W. Panuelo  
15 President  
16 Federated States of Micronesia  
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