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COMMITTEE ON
JUDICIARY AND
GOVERNMENTAL OPERATIONS

STANDING COMMITTEE REPORT NO. 23-70

RE: C.B. NO. 23-66/J&GO

SUBJECT: IMPLEMENTING THE CONSTITUTIONAL AMENDMENT THAT PERMITS DUAL CITIZENSHIP BY REPEALING SECTION 203 OF TITLE 7 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), WHICH PROHIBITS DUAL CITIZENSHIP

MAY 30, 2024

The Honorable Esmond B. Moses
Speaker, Twenty-Third Congress
Federated States of Micronesia
Fourth Regular Session, 2024

Dear Mr. Speaker:

Your Committee on Judiciary & Governmental Operations to which was referred C.B. NO. 23-66, entitled:

"A BILL FOR AN ACT IMPLEMENTING THE CONSTITUTIONAL AMENDMENT THAT PERMITS DUAL CITIZENSHIP BY REPEALING SECTION 203 OF TITLE 7 OF THE CODE OF THE FEDERATED STATES

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OF MICRONESIA (ANNOTATED), WHICH PROHIBITS DUAL CITIZENSHIP, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of this bill are expressed in its title.

The purpose of this bill is to align the national statute, 7 FSMC §203, with the constitutional amendment permitting dual citizenship under Article III, Section 3 of the Constitution. However, this is not clear from the title, which denotes that there is further action required by Congress in order for the dual citizenship constitutional amendment to be in effect. This is incorrect.

Upon the constitutional amendment passing on July 4, 2023, any person born to at least one FSM citizen parent is a FSM citizen and no further action is required by the individual for purposes of having FSM citizenship. Article III, Sections 3 and 5 of the Constitution are self-executing, meaning no further legislation is required to give effect to the constitutional amendment.

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However, in the case where a person has knowingly renounced his or her FSM citizenship under Article III, Section 4 of the Constitution, the person may be able to regain FSM citizenship upon meeting the residency requirement and other requirements set by law. This means Congress has the discretion to set additional eligibility requirements by legislation for FSM nationals, whom formally renounced their FSM Citizenship, to regain FSM citizenship.

Upon ratification of the dual citizenship constitutional amendment, effective July 4, 2023, Article III of the Constitution reads as follow (amendment underlined).

> "Section 1. A person who is a citizen of the Trust Territory immediately prior to the effective date of this Constitution and a domiciliary of a District ratifying this Constitution is a citizen and national of the Federated States of Micronesia.
>
> Section 2. A person born of parents one or both of whom are citizens of the Federated States of Micronesia is a citizen and national of the Federated States by birth.

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Section 3. Citizenship of another country shall not affect a persons' Federated States of Micronesia citizenship, as provided under Section 2.

Section 4. A person who has knowingly renounced his citizenship of the Federated States of Micronesia shall remain a national of the Federated States of Micronesia, except as may be provided by law. A national of the Federated States of Micronesia may regain his citizenship of the Federated States of Micronesia in accordance with the residency requirement and other conditions as may be prescribed by law.

Section 5. This Article shall be applied retroactively."

Your Committee held a hearing on C.B. No. 23-66 on May 24, 2024.

SUMMARY OF COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS HEARING ON C.B. NO. 23-66.

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Congressional members present at hearing: Chairman Johnson Asher, Speaker Esmond B. Moses, Floor Leader Quincy Lawrence, Senator Joseph J. Urusemal, and Senator Fabian Nimea.

Witnesses present at hearing: Acting Secretary of the FSM Department of Justice Leonito Bacalando Jr., and Division of Litigation staff.

Chairman Asher opened the hearing by welcoming congressional members, witnesses and the public to the hearing.

Chairman Asher questioned the FSM Department of Justice on technical aspects of C.B. No. 23-66. First, the Chairman asked why the current bill does not accurately reflect 7 FSMC §203 as amended by Public Law No. 19-91. 7 FSMC § 203 provides for a rebuttable presumption provision that the renewal of a passport twice in a row means the person has renounced all foreign citizenship and is a FSM citizen. This provision is missing from C.B. No. 23-66 per Public Law No. 19-91, which states:

> "A citizen who holds an FSM passport that has been renewed twice in a row is entitled to a rebuttable presumption that

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> he has renounced the citizenship of another nation and that he is solely an FSM citizen."

Second, the Chairman asked why the current bill does not address 7 FSMC § 204(c), which requires all persons seeking naturalization to have renounced all citizenship to any foreign country. The Chairman asked the Department of Justice to opine on whether changes should be made to 7 FSMC § 204(c), which states:

> "upon naturalization, shall have renounced previous citizenship and allegiance to any and all foreign powers and rulers, and submitted positive and verifiable documentary evidence of said renunciations, and taken an oath of allegiance in a manner and form prescribed by law or regulation."

In regards to the first question, Acting Secretary of Justice testified that C.B. No. 23-66 was submitted by the Executive to implement the constitutional amendment on dual citizenship that took effect on July 4, 2023. Acting Secretary stated that 7 FSMC § 203 requires a FSM citizen that is also entitled to citizenship of another country to register his or her intent to

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remain an FSM citizen with the proper FSM authorities before age twenty-one. Acting Secretary discussed how the Executive is attempting to remove this requirement in the law because no longer applicable as the Constitution now permits dual citizenship.

Acting Secretary's testimony emphasized that the dual citizenship constitutional amendment is self-executing. According to the Acting Secretary, the Executive moved forward with Executive Order 23-07 to provide practical guidance to persons on obtaining a FSM Passport. Acting Secretary added that the bill is straightforward and the failure to include the rebuttable presumption provision in C.B. No. 23-66 (repealing 7 FSMC § 203) is an oversight that the Department of Justice will review.

In regards to the second question, Acting Secretary of Justice explained the Department of Justice will review the application of the dual citizenship constitutional amendment to 7 FSMC § 204(c). Acting Secretary noted the Department will have to assess whether 7 FSMC § 204(c), which deals with naturalization, should be handled distinct and separately as two different processes.

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In follow-up, the Committee informed Acting Secretary of Justice that the dual citizenship constitutional amendment has two provisions: 1) section 3 which permits dual citizenship; and 2) section 4 which provides that a FSM National that lost citizenship by knowingly renouncing their FSM citizenship can regain FSM citizenship if satisfy the residency requirement among other requirements established by law.

Article III, Section 4 states:

> "A person who has knowingly renounced his citizenship of the Federated States of Micronesia shall remain a national of the Federated States of Micronesia, except as may be provided by law. A national of the Federated States of Micronesia may regain his citizenship of the Federated States of Micronesia in accordance with the residency requirement and other conditions as may be prescribed by law."

In addition, Section 8 of Executive Order 23-07 issued on October 20, 2023 states:

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> "VIII. Status of citizens who lost FSM citizenship by renunciation. Former citizens of the Federated States of Micronesia who previously renounced their FSM citizenship may regain their FSM citizenship through naturalization according to existing procedure."

The Committee brought to the Department of Justice attention that the naturalization process under 7 FSMC § 204 is implicated by Executive Order 23-07, and should be reviewed for compliance with the constitutional amendment.

Acting Secretary of Justice testified the constitutional amendment means in practice that any person born to at least one FSM citizen parent is a FSM citizen. There is no longer a requirement to register intent to remain a FSM citizen prior to age 21 for those who have another foreign citizenship. For example, a child of a FSM citizen whom is born in Guam is a FSM citizen. The child's dual citizenship of also being a U.S. citizen by virtue of being born in the United States, no longer hinders his ability to be a FSM citizen.

In follow-up, congressional members asked for clarification on how the constitutional amendment permitting dual citizenship

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works in practice and explain the process for obtaining FSM citizenship. Different hypotheticals were posed on the application of the constitutional amendment, including the application to a person born in the United States, born to an FSM citizen parent, and is currently living in the FSM but over 21 years old and forgot to register intent to remain a FSM citizen prior to the constitutional amendment. Another hypothetical posed was the application to a person born to FSM citizen parents, but left the FSM as a child and have not physically resided in the FSM for many years - living outside the FSM, and did not register intent to retain FSM citizenship.

In addition, there was some discussion on application of the two principles of citizenship, citizenship by blood (*jus sanguinis)* versus citizenship by place of birth (*jus soli)*, and the Fourth Constitutional Convention rationale in proposing the dual citizenship constitutional amendment. Congressional members expressed concerns on the effect of the constitutional amendment in terms of land resources, and the need for human capital to support development in light of the increased out-migration.

Acting Secretary explained that the constitutional amendment aims to addresses two classes of people: 1) FSM nationals who

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have already loss FSM citizenship by virtue of not registering their intent to remain FSM citizen prior to age 21; and 2) FSM citizens who may lose their FSM citizenship due to the dual citizenship prohibition.

In regards to the hypothetical, Acting Secretary answered that yes those persons are FSM citizens by virtue of the constitutional amendment. Acting Secretary explained that the fact that a person resides in the United States or lives abroad in some other country does not impact their FSM citizenship per the constitutional amendment. Acting Secretary emphasized that it does not matter when the person was born or where the person was born, the only requirement is to be the child of a FSM citizen. Acting Secretary of Justice noted that the FSM Constitution only recognizes citizenship by blood.

Acting Secretary discussed how prior to the constitutional amendment a child born to a FSM citizen parent in the United States or any other country that recognizes citizenship by place of birth or by blood, whom did not register their intent to retain FSM citizenship before age 21, would have lost their FSM citizenship and considered only a FSM national. However, this

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is no longer the case due to the constitutional amendment, which is retroactive. Thus, the failure to register intent to retain FSM citizenship is moot and not required.

Acting Secretary added that no further action is required by a person who is a dual citizen. Acting Secretary discussed how the purpose of Executive Order 23-07 is to facilitate the practical side of persons whom are dual citizens, but due to the prior dual citizenship prohibition did not have an FSM passport.

Chairman Asher questioned the Department of Justice on the requirements to prove FSM citizenship as laid out in Section 4 of Executive Order 23-07.

Acting Secretary Justice testified that Executive Order 23-07 sets out the procedure for persons to obtain a FSM passport and the documentation that is required to demonstrate proof of FSM citizenship. Persons will have to complete the standard passport form, provide the supporting documentation, and submit the application with the necessary application processing fees to the Division of Immigration and Passport Services. Sections 4 and 5 of Executive Order 23-07 state:

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"IV. Proof of citizenship. The following may be considered as proof of citizenship in support of passport application:

(a) Certificate of Live Birth showing FSM parentage
(b) Certificate of Live Birth of parents showing FSM citizenship
(c) Previously issued FSM passport
(d) Court order by the FSM Supreme Court declaring the applicant FSM citizen

V. Additional documentation. Supporting documentation other than the above may be considered as additional or supplementing proof of citizenship if such documentation is considered reliable. An affidavit alone signed by the applicant is insufficient as proof of citizenship."

Acting Secretary of Justice expressed that a person can prove citizenship by submission of the Certificate of Live Birth showing FSM parentage and/or FSM citizenship. Acting Secretary explained the certificate of live birth operates as primary evidence where no additional documentation will be required. The other two acceptable documentation to prove FSM citizenship (previously issued FSM passport and Court Order declaring FSM

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citizenship) are included to address potential cases where the individual lost their birth certificate or unable to produce their Certificate of Live Birth. These documents will help facilitate the Department's review process to verify the applicant's FSM citizenship.

In follow-up, Senator Nimea asked the Department of Justice for clarification regarding the Live Certificate of Birth showing FSM Parentage being used as primary evidence of proof FSM citizenship and not requiring any additional documentation. The concern is that a birth certificate only indicates where the parent was born, not that the parent is a FSM citizen. The concern is that a Live Certificate of Birth showing FSM parentage may be insufficient as only FSM citizens can pass on citizenship to their children. Whereas a FSM national can be born in the FSM, but cannot pass on citizenship.

Acting Secretary answered that in his review of state issued Live Certificates of Birth, there is a check box and/or space on the certificate form that identifies whether the parent is a FSM citizen or not. Acting Secretary acknowledged that each application will have to be evaluated on a case by case basis.

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In follow-up, Senator Urusemal asked the Department of Justice how an prior issued FSM passport works to demonstrate proof of citizenship, namely in the case of where a person has two passports (expired FSM Passport and foreign passport issued prior to July 4, 2023).

Acting Secretary answered that having a foreign passport does not matter. The important fact is that the person was previously issued an FSM passport. The prior issuance of a FSM passport demonstrates that the individual at one point had FSM citizenship, because the person could only be issued a FSM passport upon proving FSM citizenship. Acting Secretary acknowledged there may be instance where an applicant is an FSM national not citizen and each application will have to be reviewed on a case by case basis.

The Committee asked the Department of Justice why the Executive decided the process for FSM nationals whom renounced FSM citizenship to regain FSM citizenship instead of waiting for Congress to establish the requirements by law as explicitly provided for in the constitutional amendment.

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Acting Secretary stated that Congress can establish by law the requirements for FSM nationals whom have renounced FSM citizenship to be eligible to regain FSM citizenship. Acting Secretary expressed that the "may" language in Article III, Section 4 of the Constitution denotes discretion on the Congress to act, but Congress is not required to act. Acting Secretary stated that there are current provisions in the law on how persons can apply for FSM citizenship and the Executive decreed Section 8 of Executive Order 23-07 in order to provide some temporary gap measures in the meantime, as the constitutional amendment is already in effect. Acting Secretary stated the Executive position is to facilitate the process. Acting Secretary added that Congress may wish to consider setting physical residency requirements in legislation as raised earlier in the hearing.

Speaker Moses and Senator Urusemal asked the Department of Justice to opine on what "knowingly renounce his [FSM] citizenship" means under the constitutional amendment and what is the impact on FSM citizens whom join the U.S. military. The concern is that FSM citizens whom serve in the U.S. military may have to swear an oath voluntarily relinquishing all foreign citizenship and allegiance, and swearing allegiance to the

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United States. An additional concern, is that FSM citizens serving in the U.S. military may have obtained U.S. citizenship and voluntarily relinquished FSM citizenship as part of the U.S. citizenship process in order to move up in miliary rank beyond an E9 officer, which is currently the maximum rank that an FSM citizen can obtain.

Acting Secretary testified the Department interprets "knowingly renounce his [FSM] citizenship" in the new constitutional amendment as applicable to when voluntarily relinquishment of FSM citizenship occurs before the FSM appropriate authorities (FSM Department of Justice). The Department does have a record of all voluntarily relinquishments made to FSM authorities by FSM citizens. Acting Secretary testified that not many FSM citizens have voluntarily relinquished FSM citizenship before FSM authorities. Acting Secretary noted that it is infeasible for the FSM national government to monitor all acts of FSM citizenship relinquishment before other foreign governments, as there are over 193 countries in the world. Further, each foreign country have their own laws and requirements on obtaining citizenship, and each country is charged with its own enforcement on citizenship.

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The Department does have a record of every act of a FSM Citizen voluntarily relinquishing their FSM citizenship to an FSM authority. Acting Secretary agreed to submit a report to the Committee on the total number of FSM citizens whom have voluntarily relinquished their FSM citizenship with a breakdown by year.

In closing the hearing, Chairman Asher asked the Department of Justice to follow-up with the Committee on the stated requests, including but not limited to review rebuttable presumption provision under 7 FSMC § 203 and application of the dual citizenship constitutional amendment to 7 FSMC § 204(c). The Chairman thanked the witnesses for taking the time to testify at the hearing and adjourned the hearing.

COMMITTEE RECOMMENDATIONS:

Based on review of C.B. No. 23-66, review of Chapter 2 of Title 7 of the FSM Code to identify other statutory provisions that should be changed to align with the constitutional amendment, and hearing testimony, your Committee recommends the following amendments to C.B. No. 23-66 as follows:

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1. Page 1, title, delete "implementing the constitutional amendment that permits dual citizenship by repealing section 203 of title 7 of the Code of the Federated States of Micronesia (Annotated), which prohibits dual citizenship, and for other purposes."

   and insert the following:

   "To amend section 202 of title 7 of the Code of the Federated States of Micronesia (Annotated), to align the statute with the dual citizenship constitutional amendment, and to repeal section 203 of title 7 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 19-91, in its entirety which requires a FSM citizen entitled to foreign citizenship to register their intent to remain an FSM citizen within three years of their eighteenth birthday and insert a new section 203 to establish that FSM Citizens whom have knowingly renounced their FSM Citizenship are FSM Nationals and are eligible to apply to regain FSM Citizenship in accordance with the naturalization process under section 204 of title 7 of the Code of the Federated States of Micronesia (Annotated), and to amend section 204 of title 7 of the Code of the

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Federated States of Micronesia to remove the provision that requires persons to renounce all previous citizenship and allegiance to all foreign powers upon naturalization, and to amend section 206 of title 7 of the Code of the Federated States of Micronesia (Annotated) to remove the provision that a FSM citizen can lose FSM citizenship if obtain naturalization in a foreign state, take an oath of allegiance to a foreign state or vote in a foreign state election, and for other purposes."

2. Page 1, line 1, after "Section 1." insert the following:

Section 202 of title 7 of the Code of the Federated States of Micronesia (Annotated), is hereby amended to read as follows:

"Section 202. Citizenship.

(1) For all official purposes, a citizen of the Federated States of Micronesia as defined by the relevant provisions of this chapter shall be referred to as a Micronesian citizen" or, in the alternative, "Micronesian".

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(2) The following are citizens of the Federated States of Micronesia:

(a) a person who is a citizen of the Trust Territory of the Pacific Islands immediately prior to the effective date of the Constitution and a domiciliary of a district ratifying the Constitution of the Federated States of Micronesia;

(b) a person born, at any time, of parents one or both of whom are citizens of the Federated States of Micronesia; and

(c) a person who becomes a citizen pursuant to section 4 [~~or 5~~] of article III of the Constitution.

Section 2."

3. Page 1, line 2-4, after "amended" insert the following:

"by Public Law No. 19-91," is hereby further amended to read as follows: [Section 203. Renunciation of FSM Citizenship.

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A FSM Citizen who knowingly renounced his or her FSM Citizenship shall be a FSM national. A FSM national who knowingly renounced his or her FSM citizenship is eligible to apply for naturalization in accordance with the provisions under Section 204 of title 7 of the Code of the Federated States of Micronesia.

4. Page 1, line 15, after "~~Micronesia.]~~" insert the following:

~~A citizen who holds an FSM passport that has been renewed twice in a row is entitled to a rebuttable presumption that he has renounced the citizenship of another nation and that he is solely an FSM citizen.~~]"

5. Page 1, line 16, insert the following:

Section 3. Section 204 of title 7 of the Code of the Federated States of Micronesia (Annotated), is hereby amended to read as follows:

"Section 204. Naturalization.

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(1) A person may be naturalized as a citizen of the Federated States of Micronesia in a manner or form prescribed by laws or regulation if the person:

(a) shall have lawfully resided within the Federated States of Micronesia, whether prior or subsequent to the effective date of the Constitution, for at least five years immediately preceding the date of filing his petition for naturalization;

(b) is a child of a citizen, or is a national, of the Federated States of Micronesia;

(c) upon naturalization, [~~shall have renounced previous citizenship and allegiance to any and all foreign powers and rulers, and submitted positive and verifiable documentary evidence of said renunciations, and taken~~] shall take an oath of allegiance in a manner and form prescribed by law or regulation;

(d) has competence in at least one of the indigenous language examination prepared and administered by the President or his designees; and

(e) has not been convicted of a felony as defined by the laws of the place where conviction took place.

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(2) The President, on Congress' recommendation by bill, may naturalize a person as a citizen of the Federated States of Micronesia in a manner or form prescribed by law or regulation if the person:

(a) is in compliance with the criteria set out in subsection s 204(1)(a)(c)(d) and (e) of this section; and

(b) is a spouse of a citizen of the Federated States of Micronesia.

Section 4. Section 206 of title 7 of the Code of the Federated States of Micronesia (Annotated), is hereby amended to read as follows:

"Section 206. Loss of Citizenship.

(1) No citizen of the Federated States of Micronesia may be deprived of his citizenship unless subsequent to attaining such citizenship:
[~~(a) he shall voluntarily obtain naturalization in a foreign state upon his own application~~;
~~(b) he shall voluntarily take an oath or make an affirmation or other formal declaration of~~

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~~allegiance to a foreign state or political subdivision thereof~~;

~~(c)~~] (a) he shall voluntarily enter, or serve in, the armed forces of a foreign state, provided, however, that he may serve in the Armed Forces of the United States of America without loss of citizenship during the remainder of the Trusteeship Agreement, any future relationship of free association with the United States, and thereafter as may be required by his prior enlistment or contract;

[~~(d) he shall vote in a political election in a foreign state where a prerequisite to such a vote is citizenship of that foreign state;~~] or

~~(e)~~] (b) he shall, if over 18 years of age, voluntarily make a formal renunciation of the Federated States of Micronesia citizenship.

(2) Whenever the loss of Federated States of Micronesia citizenship is put in issue in any action or proceeding, the person or party claiming that such loss occurred must establish such claim by preponderance of the evidence."

STANDING COMMITTEE REPORT NO. 23-70

RE: C.B. NO. 23-66/J&GO

SUBJECT: IMPLEMENTING THE CONSTITUTIONAL AMENDMENT THAT PERMITS DUAL CITIZENSHIP BY REPEALING SECTION 203 OF TITLE 7 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), WHICH PROHIBITS DUAL CITIZENSHIP

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6. Page 2, line 1, delete "Section 2." and insert "Section 5."

CONCLUSION

The Committee on Judiciary and Governmental Operations has reviewed C.B. No. 23-66. Your Committee recommends that C.B. No. 23-66 is placed on the bill calendar for passage on First reading, and Second and Final reading in the form attached hereto as C.B. No. 23-66 C.D.1. Your Committee is in accord with the intent and purpose of C.B. No. 23-66 C.D.1

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MAY 30, 2024

Respectfully submitted,

Johnson Asher, chairman

Esmond B. Moses, member

Robson U. Romolow, member

Isaac V. Figir, member

Fabian S. Nimea, member

Tiwiter Aritos, member

Julio M. Marar, member

TWENTY-THIRD CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 2024 C.B. NO. 23-66 C.D.1

A BILL FOR AN ACT

[~~Implementing the constitutional amendment that permits dual citizenship by repealing section 203 of title 7 of the Code of the Federated States of Micronesia (Annotated), which prohibits dual citizenship,~~] To amend section 202 of title 7 of the Code of the Federated States of Micronesia (Annotated), to align the statute with the dual citizenship constitutional amendment, and to repeal section 203 of title 7 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 19-91, in its entirety which requires a FSM citizen entitled to foreign citizenship to register their intent to remain an FSM citizen within three years of their eighteenth birthday and insert a new section 203 to establish that FSM Citizens whom have knowingly renounced their FSM Citizenship are FSM Nationals and are eligible to apply to regain FSM Citizenship in accordance with the naturalization process under section 204 of title 7 of the Code of the Federated States of Micronesia (Annotated), and to amend section 204 of title 7 of the Code of the Federated States of Micronesia to remove the provision that requires persons to renounce all previous citizenship and allegiance to all foreign powers upon naturalization, and to amend section 206 of title 7 of the Code of the Federated States of Micronesia (Annotated) to remove the provision that a FSM citizen can lose FSM citizenship if obtain naturalization in a foreign state, take an oath of allegiance to a foreign state or vote in a foreign state election, and for other purposes.

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

Section 1. Section 202 of title 7 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 202. Citizenship.

(1) For all official purposes, a citizen of the Federated States of Micronesia as defined by the relevant provisions of this chapter shall be referred to as a

Micronesian citizen" or, in the alternative, "Micronesian".

(2) The following are citizens of the Federated States of Micronesia:

(a) a person who is a citizen of the Trust Territory of the Pacific Islands immediately prior to the effective date of the Constitution and a domiciliary of a district ratifying the Constitution of the Federated States of Micronesia;

(b) a person born, at any time, of parents one or both of whom are citizens of the Federated States of Micronesia; and

(c) a person who becomes a citizen pursuant to section 4 [~~or 5~~] of article III of the Constitution."

Section 2. Section 203 of title 7 of the Code of the Federated States of Micronesia (Annotated), as amended[~~is hereby repealed in its entirety~~] by Public Law No. 19-91, is hereby further amended to read as follows:

"Section 203. Renunciation of FSM Citizenship.

A FSM citizen who knowingly renounced his or her FSM citizenship shall be a FSM national. A FSM national who knowingly renounced his or her FSM citizenship is eligible to apply for naturalization in accordance with the provisions under Section 204 of title 7 of the Code of the Federated States of Micronesia."

[~~"Section 203. A citizen of the Federated States of Micronesia who is recognized as a citizen of another national shall, within three years of his eighteenth birthday, or within three years of the effective date of the Constitution, which ever is later, register his intent to remain a citizen of the Federated States of Micronesia with the President or his designee in a manner and form prescribed by law or regulation and renounce his citizenship of another nation. If he fails to comply with this section, he becomes a national of the Federated States of Micronesia.~~][~~ A citizen who holds an FSM passport that has been renewed twice in a row is entitled to a rebuttable presumption that he has renounced the citizenship of another nation and that he is solely an FSM citizen.~~]"

Section 3. Section 204 of title 7 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 204. Naturalization.

(1) A person may be naturalized as a citizen of the Federated States of Micronesia in a manner or form prescribed by laws or regulation if the person:

(a) shall have lawfully resided within the Federated States of Micronesia, whether prior or subsequent to the effective date of the

Constitution, for at least five years immediately preceding the date of filing his petition for naturalization;

(b) is a child of a citizen, or is a national, of the Federated States of Micronesia;

(c) upon naturalization, [~~shall have renounced previous citizenship and allegiance to any and all foreign powers and rulers, and submitted positive and verifiable documentary evidence of said renunciations, and taken~~] shall take an oath of allegiance in a manner and form prescribed by law or regulation;

(d) has competence in at least one of the indigenous language examination prepared and administered by the President or his designees; and

(e) has not been convicted of a felony as defined by the laws of the place where conviction took place.

(2) The President, on Congress' recommendation by bill, may naturalize a person as a citizen of the Federated States of Micronesia in a manner or form prescribed by law or regulation if the person:

(a) is in compliance with the criteria set out in subsections 204(1)(a), (c), (d) and (e) of this

section; and

(b) is a spouse of a citizen of the Federated States of Micronesia."

Section 4. Section 206 of title 7 of the Code of the Federated States of Micronesia (Annotated) is hereby amended to read as follows:

"Section 206. Loss of Citizenship.

No citizen of the Federated States of Micronesia may be deprived of his citizenship unless subsequent to attaining such citizenship:

[~~(a) he shall voluntarily obtain naturalization in a foreign state upon his own application;~~

~~(b) he shall voluntarily take an oath or make an affirmation or other formal declaration of allegiance to a foreign state or political subdivision thereof;~~

~~(c)~~](a) he shall voluntarily enter, or serve in, the armed forces of a foreign state, provided, however, that he may serve in the Armed Forces of the United States of America without loss of citizenship during the remainder of the Trusteeship Agreement, any future relationship of free association with the United States, and thereafter as may be required by his prior enlistment or contract;

[~~(d) he shall vote in a political election in a foreign state where a prerequisite to such a vote is citizenship of that foreign state;~~] or

[~~(c)~~] (b) he shall, if over 18 years of age, voluntarily make a formal renunciation of the Federated States of Micronesia citizenship.

(2) Whenever the loss of Federated States of Micronesia citizenship is put in issue in any action or proceeding, the person or party claiming that such loss occurred must establish such claim by preponderance of the evidence."

Section [~~2~~]5. This act shall become law with the approval of the President of the Federated States of Micronesia or by its becoming law without such approval.

Date: 1/8/24

Introduced by: /s/ Quincy Lawrence
Quincy Lawrence
(by request)