



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL COMM. NO. 21-495
FSM CONGRESS

January 29, 2021

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

Dear Speaker Simina:

I am pleased to transmit the following act, which I have signed to become Public Law No. 21-224:

Congressional Act No. 21-235, entitled: "AN ACT TO AMEND SECTION 163 OF TITLE 52 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, TO SET A MINIMUM AND RAISE THE LIMIT ON THE PROFESSIONAL PREMIUM, TO SPECIFY WHO DETERMINES THE AMOUNT OF PROFESSIONAL PREMIUM, AND FOR OTHER PURPOSES."

I wish to express my sincere appreciation to the 21st FSM Congress for the passage of this Act.
Thank you.

Sincerely,

David W. Panuelo
President

Enclosure:

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. 21-495
FSM CONGRESS

January 20, 2021

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. 21-235, "AN ACT TO AMEND SECTION 163 OF TITLE 52 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, (ANNOTATED), AS AMENDED, TO SET A MINIMUM AND RAISE THE LIMIT ON THE PROFESSIONAL PREMIUM, TO SPECIFY WHO DETERMINES THE AMOUNT OF PROFESSIONAL PREMIUM, AND FOR OTHER PURPOSES", which was passed by the Twenty-First Congress of the Federated States of Micronesia, Sixth Regular Session, 2021, by a two-thirds vote of all the State delegations as required and as duly certified.

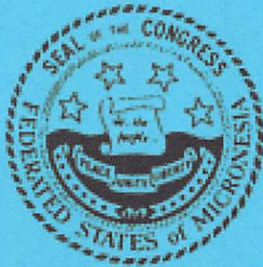
Sincerely yours,

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

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

Enclosures





PRESIDENTIAL COMM. NO. 21-495
FSM CONGRESS

TWENTY-FIRST CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
SIXTH REGULAR SESSION
JANUARY 11 – 30, 2021

An Act

TO AMEND SECTION 163 OF TITLE 52 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, (ANNOTATED), AS AMENDED, TO SET A MINIMUM AND RAISE THE LIMIT ON THE PROFESSIONAL PREMIUM, TO SPECIFY WHO DETERMINES THE AMOUNT OF PROFESSIONAL PREMIUM, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: JANUARY 15, 2021

REFERRED TO: COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS

WITHDRAWN – JANUARY 18, 2021

FIRST READING: – JANUARY 18, 2021

SECOND READING: – JANUARY 19, 2021

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

Jessicalynn Reyes
Acting Chief Clerk, FSM Congress



Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

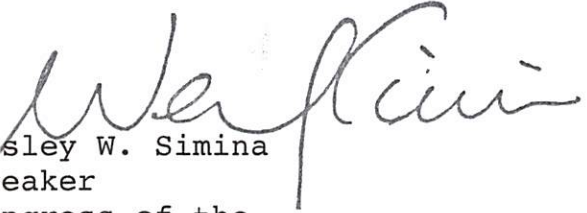
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PRESIDENTIAL COMM. NO. 21-495
FSM CONGRESS

ACT NO. 21-235

(CONGRESSIONAL BILL NO. 21-358)

We hereby certify that on January 19 the foregoing act passed Second and Final Reading of the Twenty-First Congress of the Federated States of Micronesia, Sixth Regular Session, 2021, 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.


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


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

AN ACT

To amend section 163 of title 52 of the Code of the Federated States of Micronesia, (Annotated), as amended, to set a minimum and raise the limit on the professional premium, to specify who determines the amount of professional premium, and for other purposes.

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

1 Section 1. Section 163 of title 52 of the Code of the
2 Federated States of Micronesia (Annotated), as amended, is hereby
3 amended to read as follows:

4 "Section 163. Premiums.

5 To recognize circumstances of employment which make it
6 appropriate that consideration be given to labor
7 market conditions outside the Federated States of
8 Micronesia, and to recognize and reward the attainment
9 of certain advanced professional status, the following
10 premiums are provided to public service employees:

11 (1) Market place premium. An employee who is
12 recruited in a location outside the Federated States
13 of Micronesia, who is a noncitizen of the Federated
14 States of Micronesia, and at the time of original
15 hire, a nonresident thereof, may be paid a premium
16 based on labor market conditions in the place of
17 recruitment and on the level of the base salary. A
18 market-place premium may be paid if prevailing rates

1 of pay for equivalent positions are substantially
2 higher in the country of recruitment than in the
3 Federated States of Micronesia. Upon request from the
4 allottee of the funds from which the employee's
5 compensation is to be paid, the Secretary of the
6 Department of Finance and Administration shall report
7 to the allottee on the difference, insofar as it can
8 best be estimated, between the prevailing rates in the
9 Federated States of Micronesia and in the country of
10 recruitment. The allottee may then determine what
11 portion, if any, of the difference will be paid as a
12 market-place premium. The amount of the premium
13 determined by the allottee shall not be greater than
14 90 percent of the value of the employee's base salary.

15 (2) Foreign service premium. An employee who is a
16 citizen of the Federated States of Micronesia and who
17 is assigned to a permanent duty station outside the
18 Federated States of Micronesia may be paid a premium
19 based on the cost of living in the place of
20 assignment.

21 (3) Professional premium. An employee who has
22 achieved advanced professional status in one of the
23 following manners and who is employed in a position
24 which requires or, directly utilizes such professional
25 status may receive, in addition to the base salary of

his position, a professional premium. The amount of professional premium to be paid, if any, shall be determined by the head of the branch to whom the employee reports based upon the employee's education, experience and expertise. The amount of the premium determined by the head of the branch shall not be less than 90 percent or more than 150 percent of the value of the employee's base salary. To be eligible for such a professional premium, the employee must meet one or more of the following requirements:

(a) attainment of an earned degree in law from a law school accredited by the competent authority in the jurisdiction in which it operates, and admission either to the FSM Supreme Court Bar or to practice law in another jurisdiction;

(b) admission to the FSM Supreme Court Bar and eight years of experience in the legal field;

(c) full membership of one or more of the professional accountancy associations listed in the Public Service Regulations, as amended from time to time, or certification by the Public Auditor that the employee's qualifications and experience are equivalent to those which would be required to obtain full membership of such an association;

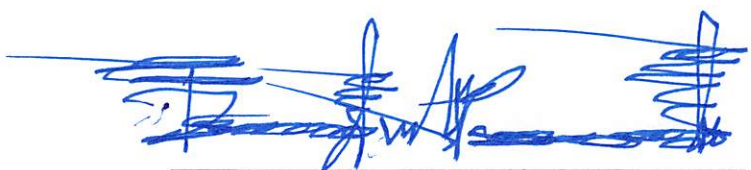
(d) attainment of an earned degree in

1 engineering upon completion of a four-year course of
2 study from a college, university or educational
3 institution which is accredited by the competent
4 authority in the jurisdiction in which the college,
5 university or educational institution is located; and
6 (e) attainment of an earned doctorate in any
7 field.

8 (4) The Public Auditor will conduct an annual audit
9 of all professional and market place
10 premiums being paid to public service employees. The
11 audit findings shall be transmitted to the President
12 and Congress."

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

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18 Jan 21st, 2021

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23 David W. Panuelo
24 President
25 Federated States of Micronesia