December 17, 2010

The Honorable Isaac V. Figir
Speaker
16th FSM Congress
Palikir, Pohnpei State, FM 96941

Dear Speaker Figir:

I hereby transmit the following Congressional Act which I have approved to become Public Law No. 16-55:

Congressional Act No. 16-61, "AN ACT TO AMEND SECTION 115 OF TITLE 50 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, FOR THE PURPOSE OF ENABLING DIVISIONS OF THE NATIONAL GOVERNMENT RESPONSIBLE FOR IMMIGRATION, CUSTOMS, AND QUARANTINE TO DEFRAY THE COSTS OF OVERTIME ACCRUED BY THEIR OFFICIALS BY COLLECTING PAYMENTS FROM THE OPERATIONS OF AIRCRAFT AND SEA VESSELS, AND FOR OTHER PURPOSES."

I commend Congress for taking the initiative in the passage of the act. Nonetheless, I wish to draw your attention to similar legislative bills concerning compensation of overtime works of other divisions in the executive branch, for example, for DOJ administrative and legal staffs and certain staffs in the Office of SBOC involved in the Census. Those bills are equally important and must be addressed as well in order to give effect to the equal protection clause in the FSM constitution. I therefore urge Congress to consider those bills at its subsequent session.

With warm personal regards, I remain,

Sincerely,

[Signature]
Manny Mori
President

Enclosures:

xc: Chief Justice, FSM Supreme Court
    Secretary, Department of Justice
    Director, Office of SBOC
    Legislative Counsel, CFSM
    Library, CFSM
    PIO, FSM
November 25, 2010

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. 16-61, "AN ACT TO AMEND SECTION 115 OF TITLE 50 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, FOR THE PURPOSE OF ENABLING DIVISIONS OF THE NATIONAL GOVERNMENT RESPONSIBLE FOR IMMIGRATION, CUSTOMS, AND QUARANTINE TO DEFRAY THE COSTS OF OVERTIME ACCRUED BY THEIR OFFICIALS BY COLLECTING PAYMENTS FROM THE OPERATORS OF AIRCRAFT AND SEA VESSELS, AND FOR OTHER PURPOSES.", which was passed by the Sixteenth Congress of the Federated States of Micronesia, Fifth Special Session, 2010, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

[Signature]

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

Enclosures
An Act

To amend Section 115 of Title 50 of the Code of the Federated States of Micronesia, for the purpose of enabling divisions of the National Government responsible for immigration, customs, and quarantine to defray the costs of overtime accrued by their officials by collecting payments from the operators of aircraft and sea vessels, and for other purposes.

Introduced by: Senator Dohis Halbert
Date: November 15, 2010

Referred to: Committee on Judiciary and Governmental Operations
S.C.R. No. 16-121 – November 22, 2010

First Reading: November 22, 2010
Second Reading: November 23, 2010

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress
ACT NO. 16-61

(CONGRESSIONAL BILL NO. 16-152, C.D.1, C.D.2)

We hereby certify that on November 23 the foregoing act passed Second and Final Reading of the Sixteenth Congress of the Federated States of Micronesia, Fifth Special Session, 2010, 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.

Isaac V. Figir
Speaker
Congress of the Federated States of Micronesia

Liwiana Ramon Ioanis
Chief Clerk
Congress of the Federated States of Micronesia
AN ACT

To amend Section 115 of title 50 of the Code of the Federated States of Micronesia, for the purpose of enabling divisions of the National Government responsible for immigration, customs, and quarantine to defray the costs of overtime accrued by their officials by collecting payments from the operators of aircraft and sea vessels, and for other purposes.

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

Section 1. Section 115 of title 50 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 115. Aircraft and sea vessel operator responsibilities for overtime. The operator of any aircraft or sea vessel landing at any airport or calling at any port in the Federated States of Micronesia shall be responsible for paying an amount equal to the actual costs to the National Government for overtime accrued by the officials responsible for carrying out the purposes of this title, chapter 4 of title 22, and chapter 2 of title 54 whenever such officials are required to carry out their official duties relating to the aircraft or sea vessel at a time outside of the official's ordinary working hours. The respective heads of the Division of Immigration and Labor of the Department of Justice, the Agriculture Unit of the Department of Resources and
Development, and the Division of Customs and Tax Administration of the Department of Finance and Administration shall determine the amount payable for each of their respective officials under this section and shall submit invoices to the operator of the aircraft or sea vessel for payment of such amounts on a prompt basis; PROVIDED, HOWEVER, in the case an aircraft or sea vessel's arrival is for one time only or is likely to occur at infrequent intervals the invoice shall be made as soon as possible after the arrival of the vessel or aircraft, including at the time of arrival itself as may be provided for by regulations. For purposes of this section, overtime means actual hours worked in excess of 40 actual hours per week worked by an official or employee of the National Government. The President shall ensure the promulgation of regulations consistent with this section."
Section 2. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

December 17, 2010

Manny Mori
President
Federated States of Micronesia