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
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,

Jessica Lynn Reyes  
Chief Clerk, Congress of the  
Federated States of Micronesia

Enclosures
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WITHDRAWN – MARCH 22, 2022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

Jessica Lynn Reyes
Chief Clerk, FSM Congress
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.

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

Jessicalynn Reyes  
Chief Clerk  
Congress of the  
Federated States of Micronesia
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 the Federated States of Micronesia (Annotated), as amended, provides, when a vacancy exists in a position in the National Government, for a regular employee so designated to serve in an "acting" capacity, to perform the duties of that position, and to receive appropriate compensation if serving in an "acting" capacity for more than 90 days. The provisions of this section originally applied only to certain positions in the Executive Branch, and section 208 was therefore located in title 2 of the Code of the Federated States of Micronesia. The provisions of this section have since its enactment been expanded to include all positions in the National Government, and is therefore more appropriately located in title 52. This bill repeals section 208 of title 2, reserves the section to prevent future use, and enacts a new section 139 of title 52 to move the provisions of section 208 to the appropriate title, and provides further clarification that the provisions regarding vacant positions apply to all
positions in the National Government. The substantive provisions of the law are unchanged.

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of the Federated States of Micronesia (Annotated), as amended by Public Laws Nos. 18-53, 20-99, and 21-58, is hereby repealed and reserved.

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

"Section 139. Positions vacant pending appointment.

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

(2) Any employee designated under paragraph (1) of this section 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. The entitlement shall be retroactive to the day actingship began; PROVIDED HOWEVER, that no
additional compensation shall be given for any
time served prior to January 1, 2001."

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

\[April 19, 2022\]

David W. Panuelo
President
Federated States of Micronesia

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