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

Dear Speaker Simina:

I am pleased to transmit the following Act, which I signed into Public Law No. 20-101:


Thank you.

Sincerely,

[Signature]

 xc: Chief Justice, FSM Supreme Court
July 05, 2018

His Excellency Peter M. Christian
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Christian:

I have the honor to transmit herewith Congressional Act No. 20-97, "AN ACT TO REPEAL IN THEIR ENTIRETY PUBLIC LAWS NOS. 20-13 AND 20-20 PERTAINING TO THE ASSETS AND LIABILITIES OF THE OPEN ACCESS ENTITY, AND TO REINSTATE THE PREVIOUS LANGUAGE OF SECTIONS 203 AND 389 OF TITLE 21 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, AND FOR OTHER PURPOSES.", which was passed by the Twentieth Congress of the Federated States of Micronesia, Fourth Special Session, 2018, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

[Signature]

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

Enclosures
ACT NO. 20-97

(CONGRESSIONAL BILL NO. 20-209)

We hereby certify that on July 04 the foregoing act passed
Second and Final Reading of the Twentieth Congress of the
Federated States of Micronesia, Fourth Special Session, 2018,
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

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

To repeal in their entirety Public Laws Nos. 20-13 and 20-20 pertaining to the assets and liabilities of the Open Access Entity, and to reinstate the previous language of sections 203 and 389 of title 21 of the Code of the Federated States of Micronesia (Annotated), as amended, and for other purposes.

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

1. Section 1. Purpose. Public Laws 20-13 and 20-20 pertain to the assets and liabilities of the Open Access Entity associated with the HANTRU1 fiber optic project. In particular the public laws mandate certain relations between the Open Access Entity and the FSM Telecommunications Corporation. The public laws were subsequently found not to be in compliance with certain conditions of the financing agreement of the project. The Open Access Entity and the FSM Telecommunications Corporation negotiated also an agreement concerning their mutual relationship. The public laws are therefore no longer necessary and may create inconsistency problems with the negotiated agreement. They therefore need to be repealed and the language reinstated previous to what it was before the amending of sections 203 and 389 of title 21 of the Code of the Federated States of Micronesia (Annotated).

2. Section 2. Public Laws Nos. 20-13 and 20-20 are hereby repealed in their entirety.

3. Section 3. Section 203 of title 21 of the Code of...
the Federated States of Micronesia (Annotated), as amended, is hereby further amended to read as follows:

"Section 203. Powers and responsibilities of the Corporation. The Corporation has the following powers and responsibilities:

(1) to operate as a provider of all telecommunications within the Federated States of Micronesia and between points in the Federated States of Micronesia and points outside thereof;

(2) to operate and manage such services on the basis of commercially accepted practices, treating all users of telecommunications services on equitable terms in accordance with its published tariffs, and requiring all users to pay for the services provided;

(3) to plan for the expansion and improvement of telecommunications facilities and services;

(4) to the extent practicable, to expand telecommunications services to areas and communities in the Federated States of Micronesia that are presently unserved or poorly served and to improve the quality, reliability, and variety of services available to all users in a manner consistent with commercial reasonableness and with promoting economic development, the advancement of education and health care, and the preservation of the cultural identity of the people of
the Federated States of Micronesia;

(5) to improve the telecommunications skills and promote the telecommunications training of Micronesian citizens who are employees of the Corporation;

(6) to establish, publish, and implement a structure of tariffs and rates for telecommunications services calculated to ensure that, to the extent practicable, adequate and equitable charges are imposed for services and that the tariff structure promotes the increased use of telecommunications services;

(7) to invest all surplus revenues of the Corporation in the expansion and improvement of telecommunications facilities and services;

(8) to incur indebtedness for the purpose of expanding and improving telecommunications facilities, to the extent and on such terms as are deemed commercially reasonable by the Corporation;

(9) to provide on a reimbursable basis emergency telecommunications services to governments, individuals, and entities in the Federated States of Micronesia.”

Section 4. Section 389 of title 21 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended to read as follows:

“Section 389. Establishment of Open Access Entity and
authority to acquire assets and assume liabilities and obligations.

(1) Should the Secretary certify that it is in the interests of the Federated States of Micronesia for a corporation owned by the Government to be established under this section in order to own and operate submarine and terrestrial cable assets within the Federated States of Micronesia or serving the Federated States of Micronesia (the Open Access Entity), the corporation shall be deemed to be established as at the vesting date, and with such assets and liabilities, specified in such certificate.

(2) The Open Access Entity shall provide international and domestic connectivity for the transmission of data for communications services as a wholesaler but not at retail. Such connectivity shall be provided on non-discriminatory and cost-based terms.

(3) The assets, liabilities and obligations referred to in a certificate issued under subsection (1) or any amending or supplementary certificate issued by the Secretary may be described specifically or by class, and no objection shall be taken in any court to the accuracy or completeness of such description.

(4) Nothing in this section shall restrict or prevent the Open Access Entity from acquiring other assets or
undertaking other activities that in the opinion of the board of the Open Access Entity are required in order to provide the services referred to in subsection (3)."

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

July 20th, 2018

[Signature]

Peter M. Christian
President
Federated States of Micronesia