July 20, 2017

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

Dear Speaker Simina:

I hereby return the following congressional act, which was repassed and became Public Law No. 20-20:

Congressional Act No. 20-16, entitled "AN ACT TO AMEND SECTION 389 UNDER CHAPTER 3 OF TITLE 21 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, PERTAINING TO ASSETS AND LIABILITIES OF THE OPEN ACCESS ENTITY, AND FOR OTHER PURPOSES."

Sincerely,

Peter M. Christian
President

Enclosure:

xc: Chief Justice, FSM Supreme Court
July 18, 2017

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. 20-16, "AN ACT TO AMEND SECTION 389 UNDER CHAPTER 3 OF TITLE 21 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED) AS AMENDED, PERTAINING TO ASSETS AND LIABILITIES OF THE OPEN ACCESS ENTITY, AND FOR OTHER PURPOSES.", which was repassed on July 14, by the Twentieth Congress of the Federated States of Micronesia, First Special Session, 2017, by a three-fourths vote of all the State delegations as required and as duly certified.

Sincerely yours,

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

Enclosures
ACT NO. 20-16

(Congressional Bill No. 20-15, C.D.1)

I hereby certify that on July 14 the foregoing act was repassed by the Twentieth Congress of the Federated States of Micronesia, First Special Session, 2017, by a three-fourths vote of all the State delegations as required under article IX, section 2(q), of the Constitution of the Federated States of Micronesia.

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

To amend section 389 under Chapter 3 of title 21 of the Code of the Federated States of Micronesia (Annotated) as amended, pertaining to assets and liabilities of the Open Access Entity, and for other purposes.

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

Section 1. 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;
PROVIDED, HOWEVER, that the Open Access Entity shall
provide connectivity free of charge to the Corporation,
established by Section 202 of Title 21 of the Code of
the Federated States of Micronesia, from Pohnpei to
Chuuk and Chuuk to Guam on terms substantially similar
to those demanded by the Open Access Entity from the
Corporation on the HANTRUL Cable System.

(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 (2).”
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.

July 20, 2017

Peter M. Christian
President
Federated States of Micronesia