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

Dear Speaker Simina:

I am transmitting the following congressional act, which I have assigned Public Law No. 22-29 after being re-passed by the 22nd FSM Congress:

Congressional Act No. 22-17, entitled: "AN ACT TO AMEND TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, BY INSERTING A NEW SECTION 106 THEREOF, TO CLARIFY THE PROCEDURES FOR SUCCESSION IN THE EVENT THAT THE VICE PRESIDENT IS UNABLE TO DISCHARGE THE DUTIES OF THE OFFICE, AND FOR OTHER PURPOSES."

Thank you.

Sincerely,

[Signature]

David W. Panuelo  
President

xc: Chief Justice, FSM Supreme Court
July 27, 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. 22-17, "AN ACT TO AMEND TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, BY INSERTING A NEW SECTION 106 THEREOF, TO CLARIFY THE PROCEDURES FOR SUCCESSION IN THE EVENT THAT THE VICE PRESIDENT IS UNABLE TO DISCHARGE THE DUTIES OF THE OFFICE, AND FOR OTHER PURPOSES.", which was repassed on July 26, by the Twenty-Second Congress of the Federated States of Micronesia, First Special Session, 2021, by a three-fourths vote of all the State delegations as required and as duly certified.

Sincerely yours,

[Signature]

JessicaLynn Reyes
Chief Clerk, Congress of the Federated States of Micronesia

Enclosures
An Act

TO AMEND TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, BY INSERTING A NEW SECTION 106 THEREOF, TO CLARIFY THE PROCEDURES FOR SUCCESSION IN THE EVENT THAT THE VICE PRESIDENT IS UNABLE TO DISCHARGE THE DUTIES OF THE OFFICE, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: MAY 21, 2021

REPASS: JULY 26, 2021

Jessica Lynn Reyes
Chief Clerk, FSM Congress
ACT NO. 22-17

(CONGRESSIONAL BILL NO. 22-23)

I hereby certify that on July 26 the foregoing act was repassed by the Twenty-Second Congress of the Federated States of Micronesia, First Special Session, 2021, 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 title 2 of the Code of the Federated States of Micronesia (Annotated), as amended, by inserting a new section 106 thereof, to clarify the procedures for succession in the event that the Vice President is unable to discharge the duties of the office, and for other purposes.

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

1. Section 1. Purpose. Pursuant to article X, section 6, of the Constitution of the Federated States of Micronesia, Congress shall provide by statute for succession if the President or Vice President is unable to discharge the duties of the office.

2. Section 104 of title 2 of the Code of the Federated States of Micronesia (Annotated), as amended, currently provides for the succession procedure if the President is unable to discharge the duties of the presidency; however, there is no current statute that provides for the succession procedure if the Vice President is unable to discharge the duties of the vice presidency. This act amends title 2 of the Code of the Federated States of Micronesia (Annotated), as amended, by inserting a new section 106 thereof to clarify that procedure.

3. Section 2. Title 2 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 106 thereof to read as follows:

"§106. Declaration of the Vice President’s inability to serve. (1) The President, by transmitting a written
declaration to the Speaker of the Congress, may declare
that the Vice President is unable to discharge the
powers and duties of the office. The written
declaration must set forth the basis for the
President's declaration and declare the Vice Presidency
vacant.

(2) Congress shall, within 30 days of receipt of the
declaration, elect a Vice President in accordance with
the provisions of article X, section 5, of the
Constitution of the Federated States of Micronesia,
convening for that purpose if not in session, and
declare a vacancy in Congress.

(3) If, prior to Congress acting under paragraph (2) of
this section, the Vice President transmits to the Speaker
of the Congress a written declaration that no inability
exists, the Vice President shall, four days thereafter,
resume the powers and duties of the office, unless the
President shall sooner transmit to the Speaker of the
Congress a second written declaration that the Vice
President is unable to discharge the powers and duties of
the office.

(4) If the President submits a second declaration to
the Speaker pursuant to paragraph (3) of this section,
the Supreme Court shall convene within three days to
decide the issue, shall hear evidence for a period not
to exceed seven days, and shall issue its decision
within three days after the close of evidence. If the
Supreme Court determines by majority or tie vote that
the Vice President is unable to discharge the powers
and duties of the office, the office shall be deemed
vacant and Congress shall elect a Vice President
pursuant to paragraph (2) of this section. Otherwise,
the Vice President shall resume the powers and duties
of the office."

Section 3. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its
becoming law without such approval.

_________________________, 2021

                                                                                   David W. Panuelo
                                                                                   President
                                                                                   Federated States of Micronesia