



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL COMM. NO. 22-79
FSM CONGRESS

July 28, 2021

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

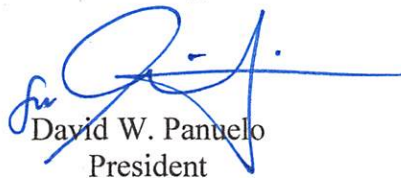
Dear Speaker Simina:

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,


David W. Panuelo
President

xc: Chief Justice, FSM Supreme Court





Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3
Palikir, Sokehs Pohnpei State, FM 96941
Tel: (691) 320-2324 / 2338 Fax: (691) 320-5122

PRESIDENTIAL COMM. NO. 22-79
FSM CONGRESS

July 27, 2021

RECEIVED
JUL 27 2021
Office of the
President FSM

His Excellency David W. Panuelo
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Panuelo:

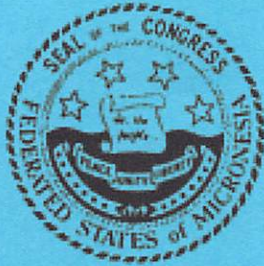
I have the honor to transmit herewith Congressional Act No. 22-17, "AN ACT TO AMEND TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, BY INSERTING A NEW SECTION 106 THEREOF, TO CLARIFY THE PROCEDURES FOR SUCCESSION IN THE EVENT THAT THE VICE PRESIDENT IS UNABLE TO DISCHARGE 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,

A handwritten signature in black ink, appearing to read "Jessicalynn Reyes", with a long horizontal flourish extending to the right.

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

Enclosures



PRESIDENTIAL COMM. NO. 22-79
FSM CONGRESS

TWENTY-SECOND CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FIRST SPECIAL SESSION
JULY 19 – 28, 2021

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

REPASSED: – JULY 26, 2021

A handwritten signature in black ink, appearing to read "Jessicalynn Reyes", is written over a horizontal line.

Jessicalynn Reyes
Chief Clerk, FSM Congress



Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3 Palikir, Sokehs

Pohnpei State, FM 96941

Tel: (691) 320-2324 /2338

Fax: (691) 320-5122

PRESIDENTIAL COMM. NO. 22-79
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.

A handwritten signature in black ink, appearing to read "Wesley W. Simina".

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
2 the Constitution of the Federated States of Micronesia, Congress
3 shall provide by statute for succession if the President or Vice
4 President is unable to discharge the duties of the office.

5 Section 104 of title 2 of the Code of the Federated States of
6 Micronesia (Annotated), as amended, currently provides for the
7 succession procedure if the President is unable to discharge the
8 duties of the presidency; however, there is no current statute
9 that provides for the succession procedure if the Vice President
10 is unable to discharge the duties of the vice presidency. This
11 act amends title 2 of the Code of the Federated States of
12 Micronesia (Annotated), as amended, by inserting a new section
13 106 thereof to clarify that procedure.

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

17 "§106. Declaration of the Vice President's inability
18 to serve. (1) The President, by transmitting a written

1 declaration to the Speaker of the Congress, may declare
2 that the Vice President is unable to discharge the
3 powers and duties of the office. The written
4 declaration must set forth the basis for the
5 President's declaration and declare the Vice Presidency
6 vacant.

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

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

22 (4) If the President submits a second declaration to
23 the Speaker pursuant to paragraph (3) of this section,
24 the Supreme Court shall convene within three days to
25 decide the issue, shall hear evidence for a period not

1 to exceed seven days, and shall issue its decision
 2 within three days after the close of evidence. If the
 3 Supreme Court determines by majority or tie vote that
 4 the Vice President is unable to discharge the powers
 5 and duties of the office, the office shall be deemed
 6 vacant and Congress shall elect a Vice President
 7 pursuant to paragraph (2) of this section. Otherwise,
 8 the Vice President shall resume the powers and duties
 9 of the office."

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

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16 _____, 2021

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20 *Override*
 21 *7/26/21*

 David W. Panuelo
 President
 Federated States of Micronesia

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