
A BILL FOR 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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14 Date: 5/21/21

Introduced by: /s/ Wesley W. Simina
Wesley W. Simina

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