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:

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.

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.

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

Override 7/26/21

________________________
David W. Panuelo
President
Federated States of Micronesia