

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

