

FIFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 1987

CONGRESSIONAL BILL NO. 5-20, C.D.1, C.D.2

AN ACT.

To further amend title 3 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-36 and 4-84, by adding a new chapter 7 for the purpose of setting forth the procedures for removal of the President, Vice-President, and Justices of the Supreme Court of the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Title 3 of the Code of the Federated States of Micro-
2 nesia is hereby further amended by the addition of a new chapter 7 to
3 be entitled "Impeachment and Removal."

4 Section 2. Title 3 of the Code of the Federated States of Micro-
5 nesia is hereby further amended by the addition of a new section 701
6 of chapter 7 to read as follows:

7 "Section 701. Definitions. For the purposes of this chapter,
8 unless otherwise required by the context:

9 (1) 'Bribery' means any act prohibited by section 531
10 of title 11 of the Code of the Federated States of Micronesia.

11 (2) 'Conduct involving corruption in office' means any
12 act prohibited by either chapter 5 or chapter 13 of title
13 11 of the Code of the Federated States of Micronesia; PROVIDED,
14 however, that any action prohibited by section 531 of title
15 11 of the Code of the Federated States of Micronesia shall be
16 considered bribery rather than conduct involving corruption
17 in office.

18 (3) 'Official' means the President of the Federated
19 States of Micronesia, the Vice-President of the Federated
20 States of Micronesia, or a Justice of the Supreme Court of
21 the Federated States of Micronesia.

22 (4) 'Treason' means any act prohibited by section 401

1 of title 11 of the Code of the Federated States of Micronesia."

2 Section 3. Title 3 of the Code of the Federated States of Micro-
3 nesia is hereby further amended by the addition of a new section 702
4 of chapter 7 to read as follows:

5 "Section 702. Resolution; Probability; Notification.

6 (1) Impeachment proceedings must be initiated by a
7 resolution of Congress. An impeachment resolution:

8 (a) Shall state that the Congress has found that
9 it is probable that the accused official committed an act of
10 treason, bribery, or conduct involving corruption in office;

11 (b) Shall plainly describe each alleged instance
12 of treason, bribery, or conduct involving corruption in
13 office for which the Congress has made a finding of
14 probability; and

15 (c) Shall provide or state the location of documen-
16 tary evidence of each alleged instance of treason, bribery,
17 or conduct involving corruption in office for which Congress
18 has made a finding of probability.

19 (2) For purposes of this section, it is probable that
20 an act occurred if it is more likely than not that the act
21 occurred.

22 (3) A finding of probability in an impeachment
23 resolution shall not be subject to judicial review.

24 (4) An affirmative vote of two-thirds of the Members
25 of Congress is required to pass an impeachment resolution.

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1 (5) If Congress passes an impeachment resolution, the
2 Speaker shall notify the accused official and present him
3 with a copy of the resolution."

4 Section 4. Title 3 of the Code of the Federated States of
5 Micronesia is hereby further amended by the addition of a new section
6 703 of chapter 7 to read as follows:

7 "Section 703. Impeached official's status. Upon receipt
8 of an impeachment resolution pursuant to section 702 of this
9 chapter, an official shall not exercise the powers and duties
10 of office, shall not receive Government compensation or
11 benefits, and shall not use Government property."

12 Section 5. Title 3 of the Code of the Federated States of Micro-
13 nesia is hereby further amended by the addition of a new section 704 of
14 chapter 7 to read as follows:

15 "Section 704. Prosecutor. The Speaker shall appoint and
16 employ an impartial, competent person who is not holding a
17 National Government public office or National Government
18 employment to prosecute a resolution of impeachment before
19 the Congress. The Legislative Counsel of the Congress of
20 the Federated States of Micronesia and his staff shall
21 advise the Speaker and the Congress during proceedings
22 pursuant to this chapter."

23 Section 6. Title 3 of the Code of the Federated States of Micro-
24 nesia is hereby further amended by the addition of a new section 705
25 of chapter 7 to read as follows:

1 "Section 705. Impeached official's counsel. Persons holding
2 public office may not serve as an impeached official's
3 counsel or assist the official in impeachment proceedings.
4 For purposes of this section, testifying as a witness on the
5 official's behalf shall not be considered to be assisting
6 the official."

7 Section 7. Title 3 of the Code of the Federated States of Micro-
8 nesia is hereby further amended by the addition of a new section 706
9 of chapter 7 to read as follows:

10 "Section 706. Trial.

11 (1) An impeached official has the right to counsel, to
12 be confronted with the witnesses against him, and to compel a
13 witness to testify.

14 (2) The Speaker or a Member of Congress designated by
15 the Speaker shall conduct the trial of an impeached official.

16 (3) To the extent consistent with law, trial on the
17 impeachment resolution is pursuant to the Supreme Court of
18 the Federated States of Micronesia's rules of criminal
19 procedure and evidence, except that the Congress may, by
20 rule, provide for other or different rules."

21 Section 8. Title 3 of the Code of the Federated States of Micro-
22 nesia is hereby further amended by the addition of a new section 707 of
23 chapter 7 to read as follows:

24 "Section 707. Vote.

25 (1) The Congress shall listen to the evidence presented

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1 by the prosecutor and the impeached official, and at the
2 conclusion of proceedings meet to consider the evidence and
3 reach a judgment.

4 (2) Whether the deliberations of Congress are public
5 shall be determined by a majority vote of the Members present.

6 (3) The vote on the judgment shall be public and by
7 call of the roll.

8 (4) Proof beyond a reasonable doubt is necessary to
9 establish a judgment of guilty.

10 (5) The Congress shall express its vote by a written
11 judgment, certified by the Speaker and the Clerk, which shall
12 plainly state a judgment of guilty or not guilty. A two-
13 thirds vote of the Members of Congress is required for a
14 judgment of guilty. If the Congress reaches a judgment
15 of guilty, the judgment shall express the consequences of
16 the judgment for the impeached official which shall be
17 removal from office. An impeached official who by virtue
18 of Congress' judgment of not guilty resumes his Government
19 duties shall be entitled to receive compensation deferred
20 pursuant to section 703 of this chapter.

21 (6) The Speaker shall promptly inform the President,
22 the Vice-President, the Chief Justice of the Supreme Court,
23 the Attorney General, the Governors of each State, and the
24 public of the Congress' judgment and its consequences. If
25 one of these persons is the impeached official and another

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1 person is lawfully acting in his place, the Speaker shall
2 inform the person who is so acting of the Congress' judgment
3 and its consequences."

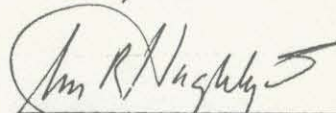
4 Section 9. Title 3 of the Code of the Federated States of
5 Micronesia is hereby further amended by the addition of a new section
6 708 of chapter 7 to read as follows:

7 "Section 708. Review. When the President or Vice-President
8 is removed from office, the Supreme Court shall review the
9 decision. When a Justice of the Supreme Court is removed,
10 the decision shall be reviewed by a special tribunal composed
11 of one State court judge from each State appointed by the
12 State chief executive. The special tribunal shall meet at
13 the call of the President."

14 Section 10. This act shall become law upon approval by the
15 President of the Federated States of Micronesia or upon its becoming
16 law without such approval.

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August 21st, 1987



John R. Hagelgam
President
Federated States of Micronesia