

A 11/08/96

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A RESOLUTION

To transmit to the Speaker of the Congress, pursuant to section 104(1) of title 2 of the Code of the Federated States of Micronesia, the written declaration of the Members that the President is unable to discharge the powers and duties of his office, and to enable the Vice President thereupon to assume immediately the powers and duties of the President as Acting President.

1           WHEREAS, the President of the Federated States of  
2   Micronesia, the Honorable Bailey Olter, has been and remains  
3   hospitalized following a cerebral vascular accident that occurred  
4   on July 16, 1996; and

5           WHEREAS, as a result of his condition and the symptoms of  
6   his illness, the President is unable to discharge the powers and  
7   duties of his office; and

8           WHEREAS, the Vice President cannot become the Acting  
9   President without a declaration made pursuant to section 105(1) of  
10  title 2 of the Code of the Federated States of Micronesia by a  
11  majority of principal officers of the executive departments  
12  appointed by the President under article X, section 2(d) of the  
13  Constitution, or a declaration of two-thirds of the Congress  
14  pursuant to section 104(1) of title 2 of the Code of the Federated  
15  States of Micronesia; and

16          WHEREAS, the principal officers of the executive departments  
17  have not transmitted the statutory declaration to the Speaker; and

18          WHEREAS, it is essential to the proper continued operation  
19  of the National Government that the President's powers and duties  
20  be exercised; and

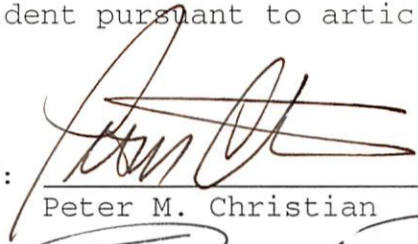
21          WHEREAS, section 104(2) of title 2 of the Code of the  
22  Federated States of Micronesia provides that the President shall  
23  resume the powers and duties of his office upon his written  
24  declaration that no inability exists, provided that Congress does  
25  not transmit, within four days, a written declaration that the

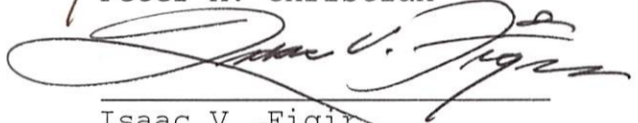
1 President is unable to discharge the powers and duties of his  
2 office; now therefore,

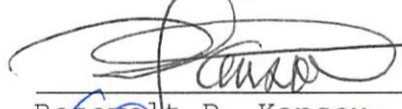
3 BE IT RESOLVED by the Ninth Congress of the Federated States  
4 of Micronesia, Fourth Regular Session, 1996, that a declaration  
5 made pursuant to section 104(1) of title 2 of the Code of the  
6 Federated States of Micronesia, stating the foregoing and bearing  
7 the signatures of no less than two-thirds of the Members of  
8 Congress, be transmitted to the Speaker upon adoption of this  
9 resolution; and

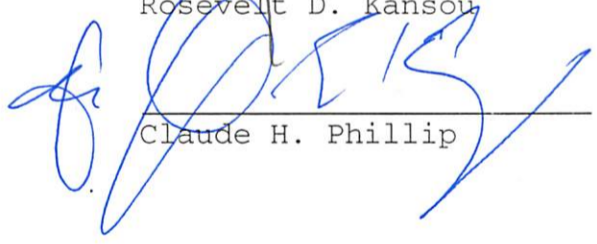
10 BE IT FURTHER RESOLVED that certified copies of this  
11 resolution be transmitted to the President and the Vice President  
12 of the Federated States of Micronesia and to the Chief Justice of  
13 the Supreme Court, and the principal executive officers of the  
14 executive branch appointed by the President pursuant to article X,  
15 section 2(d).

16 Date: Nov. 8, 1996

17 Introduced by:   
Peter M. Christian

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19 Isaac V. Figiri

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21 Rosevelt D. Kansou

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23 Claude H. Phillip  
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