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 Micronesia, the Honorable Bailey Olter, has been and remains hospitalized following a cerebral vascular accident that occurred on July 16, 1996; and

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

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

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

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

6 WHEREAS, section 104(2) of title 2 of the Code of the Federated States of Micronesia provides that the President shall resume the powers and duties of his office upon his written declaration that no inability exists, provided that Congress does not transmit, within four days, a written declaration that the
President is unable to discharge the powers and duties of his office; now therefore,

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

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

Date: Nov 8, 1996

Introduced by:

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