

A BILL FOR AN ACT

To further amend title 2 of the Code of the Federated States of Micronesia, as amended, by further amending section 207, as amended by Public Laws Nos. 5-2, 5-50, 7-6, 7-91, 9-128 and 10-55, for the purpose of requiring congressional action on Presidential nominations within 90 days of nomination or nominee is deemed rejected, and for other purposes.

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

1 Section 1. Section 207 of title 2 of the Code of the Federated  
2 States of Micronesia, as amended by Public Laws Nos. 5-2, 5-50, 7-6,  
3 7-91, 9-128 and 10-55, is hereby further amended to read as follows:

4 "Section 207. Appointment Authority.

5 (1) The President shall nominate and, with the advice  
6 and consent of the Congress, as provided in article X,  
7 section 2(d), of the Constitution, shall appoint the  
8 secretaries of departments and their deputies, if any,  
9 and the head of the office of the Public Defender,  
10 including the secretaries, and heads of departments and  
11 offices established by subsequent law; and including the  
12 chairman and the members of the Board of Advisors for the  
13 Investment Development Fund to be appointed by the  
14 President; and including the Federated States of  
15 Micronesia members of the Board of Regents of the College  
16 of Micronesia; and including the Federated States of  
17 Micronesia's deputy ambassadors (assistants to the  
18 ambassadors) and consuls general[s]; provided that  
19 nothing herein shall be construed to require the  
20 appointment of the deputies and deputy ambassadors  
21 (assistants to the ambassadors) and consuls general[s]  
22 named above.

23 (2) The President or his or her designee may appoint  
24 officers and employees not included in subsection (1) of  
25 this section, without the advice and consent of the

1 Congress; provided that such appointments are not  
2 inconsistent with the provisions of this chapter or other  
3 laws of the Federated States of Micronesia.

4 (3) Any nomination submitted to Congress which is not  
5 acted upon within ninety (90) days shall be deemed  
6 rejected. The President shall not resubmit the  
7 nomination of any person to the Congress for its action  
8 if the same Congress shall have previously rejected such  
9 nomination, unless the Congress shall by resolution  
10 authorize such resubmission.

11 (4) With the exception of the Chief Justice and Associate  
12 Justices of the Supreme Court, the Public Auditor, ambassadors,  
13 members of boards, commissions, and other entities with fixed terms,  
14 a public official whose appointment is subject to the advice and  
15 consent of the [e]Congress shall submit his or her resignation no  
16 later than ninety (90) days after the President of the Federated  
17 States of Micronesia takes the oath of office, or at the time a new  
18 nominee for such position is confirmed by the Congress, whichever is  
19 earlier. The President may renominate the same public official for  
20 the same position subject to the advice and consent of the  
21 Congress."

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1 Section 2. This act shall become law upon approval by the  
2 President of the Federated States of Micronesia or upon its becoming  
3 law without such approval.

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Date: 7-8-99

Introduced by:   
Isaac V. Figir