

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, for the purpose of clarifying the time during which Congress must take action on a nomination to prevent it being deemed rejected, and for other purposes.

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

1           Section 1. Section 207 of title 2 of the Code of the  
2 Federated States of Micronesia, as amended by Public Laws Nos. 5-  
3 2, 5-50, 7-6, 7-91, 9-128, 10-55, 11-40 and 13-77, is hereby  
4 further amended to read as follows:

5           "Section 207. Appointment Authority.

6           (1) The President shall nominate and, with the advice  
7 and consent of the Congress, as provided in article X,  
8 section 2(d), of the Constitution, shall appoint the  
9 secretaries of departments and their deputies, if any,  
10 and the head of the office of the Public Defender,  
11 including the secretaries, and heads of departments and  
12 offices established by subsequent law; and including the  
13 chairman and the members of the Board of Advisors for  
14 the Investment Development Fund to be appointed by the  
15 President; and including the Federated States of  
16 Micronesia members of the Board of Regents of the  
17 College of Micronesia; and including the Federated  
18 States of Micronesia's deputy ambassadors (assistants to

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1 the ambassadors) and consuls general; provided that  
2 nothing herein shall be construed to require the  
3 appointment of the deputies and deputy ambassadors  
4 (assistant to the ambassadors) and consuls general named  
5 above; and further provided that nothing herein shall be  
6 construed to require the advice and consent of Congress  
7 for the appointment of deputy Ambassadors (assistant to  
8 the Ambassadors) named above.

9 (2) The President or his or her designee may appoint  
10 officers and employees not included in subsection (1) of  
11 this section, without the advice and consent of the  
12 Congress; provided that such appointments are not  
13 inconsistent with the provisions of this chapter or  
14 other laws of the Federated States of Micronesia.

15 (3) Any nomination submitted to Congress which is not  
16 acted upon within two (2) consecutive sessions of  
17 Congress, not including the session [~~in~~] during which,  
18 or immediately prior to which, Congress first receives  
19 the nomination, or ninety (90) days, whichever occurs  
20 later in time, shall be deemed rejected. The President  
21 shall not resubmit the nomination of any person to the  
22 Congress, for its action if the same Congress shall have  
23 previously rejected such nomination, unless the Congress  
24 shall by resolution authorize such resubmission.

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1           (4) With the exception of the Chief Justice and  
2           Associate Justices of the Supreme Court, the Public  
3           Auditor, ambassadors, members of boards, commissions,  
4           and other entities with fixed terms, a public official  
5           whose appointment is subject to the advice and consent  
6           of the Congress shall submit his or her resignation no  
7           later than ninety (90) days after the President of the  
8           Federated States of Micronesia takes the oath of office,  
9           or at the time a new nominee for such position is  
10          confirmed by the Congress, whichever is earlier,  
11          provided that no ambassador shall be required by this  
12          subsection to submit a resignation earlier than July 31,  
13          2007. The President may re-nominate the same public  
14          official for the same position subject to the advice and  
15          consent of the Congress. In the case of ambassadors  
16          only, the President may elect not to accept a  
17          resignation submitted under this subsection. An  
18          ambassador whose resignation is not accepted shall  
19          continue to serve in his position under the same terms  
20          as if re-appointed with the advice and consent of  
21          Congress."

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

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1 Date: 5/4/06

Introduced by: /s/ Dohsis Halbert  
Dohsis Halbert