

VHGO

A BILL FOR AN ACT

To further amend title 2 of the Code of the Federated States of Micronesia, as amended, by amending section 207, as amended by Public Laws Nos. 5-2, 5-50, 7-6 and 7-91, and to further amend title 3 of the Code of the Federated States of Micronesia, as amended, by amending section 501 to provide for specific time periods in which the President shall designate nominees for positions requiring the advice and consent of Congress, 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 States of
2 Micronesia, as amended by Public Laws Nos. 5-2, 5-50, 7-6 and 7-91, is hereby
3 further amended to read as follows:

4 "Section 207. Appointment authority.

5 (1) The President shall nominate and, with the advice and
6 consent of the Congress, as provided in article X, section 2(d), of
7 the Constitution, shall appoint the secretaries of departments and
8 their deputies, if any, and the heads of the offices of the Attorney
9 General, Budget, Planning and Statistics, Administrative Services,
10 and the Public Defender, and their deputies, if any, including the
11 secretaries, deputies, and heads of departments and offices
12 established by subsequent law; and including the chairman and the
13 members of the Board of Advisors for the Investment
14 Development Fund to be appointed by the President; and including
15 the Federated States of Micronesia members of the Board of
16 Regents of the College of Micronesia; provided that nothing herein
17 shall be construed to require the appointment of the deputies
18 named above.

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

24 (3) The President shall not resubmit the nomination of
25 any person to the Congress for its action if the same Congress

1 shall have previously ~~rejected~~ not given its advice and consent or
 2 its approval to such nomination, unless Congress shall by
 3 resolution authorize such resubmission.

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

16 Section 2. Section 501 of title 3 of the Code of the Federated States of
 17 Micronesia is hereby amended to read as follows:

18 "Section 501. Advice and consent appointments.

19 Appointments to all positions in the National Government
 20 which require the advice and consent of the Congress are made
 21 by the President designating a nominee for the position, and shall
 22 be deemed made only when delivered in writing to the Office of the
 23 Speaker of the Congress and shall otherwise be made in the
 24 following manner:

25 (1) if the nomination is made during a session of

1 Congress, the President shall submit the nomination to
 2 the Speaker of the Congress, and advice and consent to
 3 the nomination shall be provided by a resolution of the
 4 Congress. Approval of the nomination requires a two-
 5 thirds vote of Congress. If the Congress fails to take
 6 action to either approve or reject a nomination prior to
 7 the close of the session, the nomination may not be
 8 deemed either approved or rejected by the Congress.

9 The President shall designate the nominees within seventy (75)
 10 days of taking office for those positions for which the public
 11 official holding the office must resign at the time the newly elected
 12 President commences a term of office as provided in title 2
 13 section 208(4) of the Code of the Federated States of Micronesia.

14 (2) If the nomination is made while Congress is
 15 not in session, Congress shall consider the nomination
 16 at the next session following the nomination. A non-
 17 session nomination is subject to the same procedure as
 18 set out in subsection (1) of this section.

19 The President shall designate a nominee for the
 20 position of Public Auditor or for a member of a board,
 21 commission, or other entity with a fixed term:

22 (a) within thirty (30) days of the end of the term
 23 of the person last holding the position; or

24 (b) within seventy-five days (75) days of a
 25 vacancy for a position becoming vacant more than thirty (30)

1 days prior to the end of its term or for a position that is vacant
2 at the time a President takes office without having succeeded
3 himself, whichever comes later.

4 (3) The President shall designate a nominee for the
5 position of Justice or Chief Justice within one hundred twenty
6 (120) days of a vacancy or within one hundred twenty (120)
7 days of the President taking office without having succeeded
8 himself, whichever comes later.

9 (4) The President shall designate a nominee for
10 ambassador within sixty (60) days of the position becoming
11 vacant as a result of the President selecting another person for
12 the position, within ninety (90) days of the position becoming
13 vacant for any other reason, or within ninety (90) days of the
14 President taking office without having succeeded himself if the
15 position is vacant prior thereto.

16 (5) Should the President fail to comply with the
17 requirements set forth in subsections (1), (2), (3), and (4) of
18 section (2) for designating the nominee to a position for any
19 office, department, board, commission or other entity for which
20 the advice and consent of Congress is required:

21 (a) No person may serve as a consultant to it:

22 (b) The person previously serving in the position
23 shall not serve as a consultant for, have a contract for services
24 with, or be employed in any capacity with the National
25 Government; and

1 (c) The amount of that position's compensation
2 and benefits shall be impounded unless Congress specifically
3 approves its release by subsequent enactment. Impounded funds
4 may not be spent for any purpose, including reprogramming to
5 any part of the government, and the impoundment carries
6 forward to all subsequent fiscal years unless Congress releases it
7 by specific enactment.

8 (6) Should the President fail to comply with the
9 provisions of subsection (5) of section (2) that portion of the
10 budget for the mission to which the vacancy relates for the
11 compensation and benefits of the ambassador shall be impounded
12 unless Congress specifically approves its release by subsequent
13 enactment. Impounded funds may not be spent for any purpose,
14 including reprogramming to any part of the government, and the
15 impoundment carries forward to all subsequent fiscal years unless
16 Congress releases it by specific enactment.

17 (7) Congress may act on a nomination for a position
18 requiring its advice and consent at any session. A nomination
19 submitted more than ten (10) days after the commencement of
20 any regular session and not approved during that session shall be
21 deemed to have not received the advice and consent of Congress
22 and is not approved.

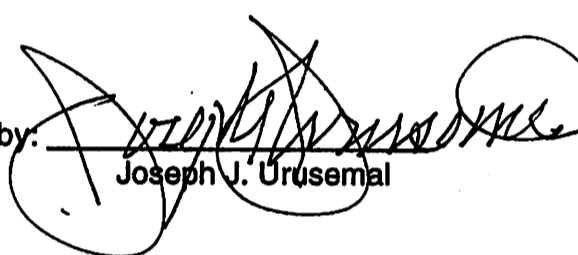
23 (a) The office or department may continue to
24 employ a consultant for the position if otherwise authorized to do
25 so and the person who was rejected may continue to be

1 employed as a consultant if otherwise eligible for any office or
2 department otherwise authorized to do so provided the President
3 submits another nomination for the position within sixty (60) days
4 of the last day of the session which either voted to not approve
5 or deemed not approved a nomination.

6 (b) Failure to submit a subsequent nomination
7 within sixty (60) days of the end of a session that voted to not
8 approve or deemed to not approve a nomination shall result in
9 the consequences for failure to timely submit a nomination as set
10 forth above in this section."

11 Section 3. Effective date. This act shall become law upon approval by
12 the President of the Federated States of Micronesia or upon its becoming law
13 without such approval.

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15 Date: 5/28/96

Introduced by: 
Joseph J. Urusemal

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