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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 203, as amended by Public Laws Nos. 5-21, 6-62 and 7-97, by further amending section 204, as amended by Public Law No. 5-21, and by further amending section 207, as amended by Public Law No. 5-2, 5-50, 7-6, 7-91 and 9-128, thereof for the purpose of reorganizing the departments and offices of the executive branch, and changing the terms of the President's appointment authority, and for other purposes.

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

1 Section 1. Section 203 of title 2 of the Code of the Federated States of
2 Micronesia, as amended by Public Laws Nos. 5-21, 6-62 and 7-97, is hereby
3 further amended to read as follows:

4 "Section 203. Departments.

5 (1) There shall be the following departments which shall be
6 responsible for major programs or administrative support areas
7 in the Government of the Federated States of Micronesia:

8 (a) ~~Department of Finance;~~

9 (b) ~~Department of External Affairs;~~

10 (c) ~~Department of Transportation and~~
11 ~~Communications;~~

12 (d) ~~Department of Resources and~~
13 ~~Development;~~

14 (e) ~~Department of Health Services; and~~

15 (f) ~~Department of Education;~~

16 (a) Department of Economic Affairs;

17 (b) Department of Finance and Administration;

18 (c) Department of Foreign Affairs;

19 (d) Department of Health, Education and Social
20 Affairs; and

21 (e) Department of Justice.

22 (2) The administrative head of each department shall be
23 designated as a 'Secretary'.

24 (3) Succession.

25 (a) Any reference to ~~the Office of Information/~~

1 ~~the Office of Personnel, the Office of Education, the~~
 2 ~~Office of Health Services, the Department of Human~~
 3 ~~Resources, or the Department of Transportation a~~
 4 previously existing department, office, or division thereof shall
 5 apply to the appropriate successor entity.

6 (b) Any reference to any official or employee of an
 7 entity referred to in subsection (3)(a) of this section shall be
 8 construed as applying to the person holding the same or most
 9 similar position in the appropriate successor entity."

10 Section 2. Section 204 of title 2 of the Code of the Federated States of
 11 Micronesia, as amended by Public Law No. 5-21, is hereby further amended to
 12 read as follows:

13 "Section 204. Other executive offices. There shall be the following
 14 executive offices:

- 15 (1) ~~Office of the Attorney General,~~
- 16 (2) ~~Office of Budget,~~
- 17 (3) ~~Office of Administrative Services,~~
- 18 (4) ~~Office of Planning and Statistics, and~~
- 19 (5) Office of the Public Defender."

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

23 "Section 207. Appointment authority.

- 24 (1) The President shall nominate and, with the advice and
 25 consent of Congress, as provided in article X, section 2(d), of the

1 Constitution, shall appoint the Secretaries of departments and
2 ~~their/ deputies, if any, and~~ the heads of the offices of the
3 ~~Attorney/ General/ Budget/ Planning/ and/ Statistics/~~
4 ~~Administrative/ Services/ and/ the~~ Public Defender, ~~and/ their~~
5 ~~deputies, if any,~~ including the secretaries, ~~deputies,~~ and heads
6 of departments and offices established by subsequent law; and
7 including the chairman and the members of the Board of Advisors
8 for the Investment Development Fund to be appointed by the
9 President; and including the Federated States of Micronesia
10 members of the Board of Regents of the College of Micronesia;
11 and including the Federated States of Micronesia's deputy
12 ambassadors (assistants to the ambassadors) and consul
13 generals; provided that nothing herein shall be construed to
14 require the appointment of the ~~deputies/ and~~ deputy
15 ambassadors (assistant to the ambassadors) and consul
16 generals named above.

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

22 (3) The President shall not resubmit the nomination of any
23 person to the Congress for its action if the same Congress shall
24 have previously rejected such nomination, unless the Congress
25 shall by resolution authorize such resubmission.

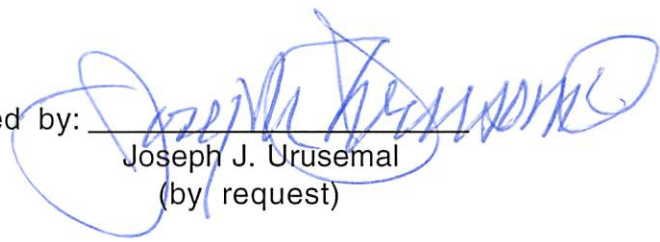
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(4) With the exception of the Chief Justice and Associate Justices of the Supreme Court, the Public Auditor, ambassadors, members of boards, commissions, and other entities with fixed terms, a public official whose appointment is subject to the advice and consent of the Congress shall submit his or her resignation no later than 30 90 days after ~~a successor Congress of the Federated States of Micronesia is organized~~ the President of the Federated States of Micronesia takes the oath of office, or at the time a new nominee for such position is confirmed by the Congress, whichever is earlier. The President may renominate the same public official for the same position subject to the advice and consent of the Congress."

Section 4. This act shall be effective on October 1, 1997. As of that date, all secretaries of departments and the heads of all offices shall resign. New secretaries of departments shall then be appointed as provided for in section 207 of title 2 of the Code of the Federated States of Micronesia.

Section 5. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 5/22/97

Introduced by: 
Joseph J. Urusemal
(by request)