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:

Section 1. Section 203 of title 2 of the Code of the Federated States of

1 Micronesia, as amended by Public Laws Nos. 5-21, 6-62 and 7-97, is hereby

3 further amended to read as follows:

"Section 203. Departments.

(1) There shall be the following departments which shall be

6 responsible for major programs or administrative support areas

9 in the Government of the Federated States of Micronesia:

12 (a) Department of Health and

15 Development;

18 (b) Department of Health, Education and Social

21 Affairs; and

24 (e) Department of Justice.

27 (2) The administrative head of each department shall be

30 designated as a ‘Secretary’.

33 (3) Succession.

36 (a) Any reference to the Office of Administration/
Section 2. Section 204 of title 2 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-21, is hereby further amended to read as follows:

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

(1) Office of Attorney General

(2) Office of the Personnel Director

(3) Office of the Public Defender."

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

"Section 207. Appointment authority.

(1) The President shall nominate and, with the advice and consent of Congress, as provided in article X, section 2(d), of the
Constitution, shall appoint the Secretaries of departments and
the heads of the offices of the Public Defender, and including the secretaries, and heads of departments and offices established by subsequent law; and including the chairman and the members of the Board of Advisors for the Investment Development Fund to be appointed by the President; and including the Federated States of Micronesia members of the Board of Regents of the College of Micronesia; and including the Federated States of Micronesia's deputy ambassadors (assistants to the ambassadors) and consul generals; provided that nothing herein shall be construed to require the appointment of the deputy ambassador (assistant to the ambassadors) and consul generals named above.

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

(3) The President shall not resubmit the nomination of any person to the Congress for its action if the same Congress shall have previously rejected such nomination, unless the Congress shall by resolution authorize such resubmission.
(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 days after 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: [Signature]

Joseph J. Ursema (by request)