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 ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. 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, 9-128, 10-55, 11-40 and 13-77, is hereby further amended to read as follows:

"Section 207. Appointment Authority.

(1) The President shall nominate and, with the advice and consent of the Congress, as provided in article X, section 2(d), of the Constitution, shall appoint the secretaries of departments and their deputies, if any, and the head of the office of the Public Defender, 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 consuls general; provided that
nothing herein shall be construed to require the
appointment of the deputies and deputy ambassadors
(assistant to the ambassadors) and consuls general named
above; and further provided that nothing herein shall be
construed to require the advice and consent of Congress
for the appointment of deputy Ambassadors (assistant to
the Ambassadors) named above.

(2) The President or his or her designee may appoint
officers and employees not included in subsection (1) of
this section, without the 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) Any nomination submitted to Congress which is not
acted upon within two (2) consecutive sessions of
Congress, not including the session [in] during which,
or immediately prior to which, Congress first receives
the nomination, or ninety (90) days, whichever occurs
later in time, shall be deemed rejected. 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 ninety (90) 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, provided that no ambassador shall be required by this subsection to submit a resignation earlier than July 31, 2007. The President may re-nominate the same public official for the same position subject to the advice and consent of the Congress. In the case of ambassadors only, the President may elect not to accept a resignation submitted under this subsection. An ambassador whose resignation is not accepted shall continue to serve in his position under the same terms as if re-appointed with the advice and consent of Congress."

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