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A BILL FOR AN ACT

To further amend section 207 of title 2 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 10-55, 11-40, 13-77, 15-23, 16-61 and 17-02, to clarify that rejection of a nominee by Congress under this section shall be final, 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  
2 Federated States of Micronesia, as amended by Public Laws Nos.  
3 10-55, 11-40, 13-77, 15-23, 16-61 and 17-02, is hereby further  
4 amended to read as follows:

5           "Section 207. Appointing Authority.

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

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1 States of Micronesia's consul generals and the deputy  
2 chiefs of mission of the various embassies and  
3 diplomatic missions.

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

11 (3) Any nomination submitted to Congress which is  
12 not confirmed within two (2) consecutive sessions of  
13 Congress, including the session in which Congress  
14 first receives the nomination, or thirty (30) days,  
15 whichever occurs later in time, shall be deemed  
16 rejected. A nomination submitted when Congress is  
17 not in session shall, for the purposes of this  
18 section, be deemed to have been received on the first  
19 day of the following session. The President shall  
20 not resubmit the nomination of any person to the  
21 Congress for its action if the same Congress shall  
22 have previously rejected such nomination[~~, unless the~~  
23 ~~Congress shall by resolution authorize such~~  
24 ~~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, members of boards, commissions, and other  
4           entities with fixed terms, a public official whose  
5           appointment is subject to the advice and consent of  
6           the Congress shall submit his or her resignation no  
7           later than 90 days after the President of the  
8           Federated States of Micronesia takes the oath of  
9           office, or at the time a new nominee for such  
10          position is confirmed by the Congress, whichever is  
11          earlier. The President may renominate the same  
12          public official for the same position subject to the  
13          advice and consent of the Congress."

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

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18          Date: 11/7/11

Introduced by: /s/ Berney Martin  
Berney Martin

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