A BILL FOR AN ACT

To further amend section 203 of chapter 2 of title 2 of the Code of the Federated States of Micronesia (Annotated), for the purpose of ensuring that positions requiring the advice and consent of Congress are filled within 90 days of the vacancy, and for other purposes.

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

Section 1. Section 207 of chapter 2 of title 2 of the Code of the Federated States of Micronesia (Annotated), is hereby 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 ambassadors, the secretaries, deputy secretaries and assistant secretaries of departments [and their deputies], if any, and the head of the office of the Public Defender, including the secretaries, deputy secretaries, assistant secretaries and heads of departments and offices established by subsequent law, including directors, deputy directors and assistant directors, if any; 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 consul
generals and the deputy chiefs of mission of the various
embassies and diplomatic missions.

(a) The President shall nominate a candidate for
any of the positions listed in this subsection (1)
within 90 days of the occurrence of a vacancy.

(b) Any positions listed in this subsection (1)
that are currently vacant shall be filled within 60 days
of this bill becoming law.

(c) No one shall be appointed in an ‘acting’ role
for any of the positions listed in this subsection (1)
for longer than 120 days.”

(2) The President or his or her designee may
appoint officers and employees not included in this
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 consecutive sessions of
Congress, not including the session in which Congress
first receives the nomination, or 30 days, whichever
occurs later in time, shall be deemed rejected. A
nomination submitted when Congress is not in session
shall, for the purposes of this section, be deemed to have been received on the first day of the following session. 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, 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 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. The President may renominate the same public official for the same position subject to the advice and consent of the 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.

Date: 7/3/20

Introduced by: /s/ Wesley W. Simina

Wesley W. Simina