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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:

1           Section 1. Section 207 of chapter 2 of title 2 of the Code  
2 of the Federated States of Micronesia (Annotated), is hereby  
3 amended to read as follows:

4           "Section 207. Appointment Authority.

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

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1 the Board of Regents of the College of Micronesia; and  
2 including the Federated States of Micronesia's consul  
3 generals and the deputy chiefs of mission of the various  
4 embassies and diplomatic missions.

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

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

11 (c) No one shall be appointed in an 'acting' role  
12 for any of the positions listed in this subsection (1)  
13 for longer than 120 days."

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

20 (3) Any nomination submitted to Congress which is  
21 not acted upon within two consecutive sessions of  
22 Congress, not including the session in which Congress  
23 first receives the nomination, or 30 days, whichever  
24 occurs later in time, shall be deemed rejected. A  
25 nomination submitted when Congress is not in session

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1 shall, for the purposes of this section, be deemed to  
2 have been received on the first day of the following  
3 session. The President shall not resubmit the  
4 nomination of any person to the Congress for its action  
5 if the same Congress shall have previously rejected such  
6 nomination, unless the Congress shall by resolution  
7 authorize such resubmission.

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

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