A BILL FOR AN ACT

To further amend title 2 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending section 207 thereof, to correct technical errors in the 2014 F.S.M.C. (Annotated), and for other purposes.

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

Section 1. The purpose of this Act is to correct technical errors in the codification of section 207 of title 2 of the Code of the Federated States of Micronesia (Annotated). Public Laws Nos. 10-55, 11-40, 13-77, 15-23, 16-61, and 17-02 amended section 207 of title 2; some of the amendments made by Public Law No. 17-02 were unintentionally omitted from the 2014 F.S.M.C. (Annotated). This Act amends section 207 of title 2 to accurately reflect the provisions of Public Law No. 17-02.

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

“Section 207. Appointing 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 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 consul generals and the deputy chiefs of mission of the various embassies and diplomatic missions.

(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] confirmed 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 3. 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: 7/23/19        Introduced by: /s/ Wesley W. Simina
Wesley W. Simina