A BILL FOR AN ACT

To further amend title 2 of the Code of the Federated States of Micronesia, as amended, by amending section 207, as amended by Public Laws Nos. 5-2, 5-50, 7-6 and 7-91, and to further amend title 3 of the Code of the Federated States of Micronesia, as amended, by amending section 501 to provide for specific time periods in which the President shall designate nominees for positions requiring the advice and consent of Congress, and for other purposes.*

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

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 and 7-91, 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 heads of the offices of the Attorney General, Budget, Planning and Statistics, Administrative Services, and the Public Defender, and their deputies, if any, including the secretaries, deputies, 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; provided that nothing herein shall be construed to require the appointment of the deputies named above.

(2) The President or his or her designee may appoint officers and employees not included in subsection (1) of this section, without 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) The President shall not resubmit the nomination of any person to the Congress for its action if the same Congress
shall have previously rejected not given its advice and consent or
its approval to such nomination, unless 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,
and 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 within thirty (30) days after at the time the
President of the Federated States of Micronesia commences a
term under/and/with of office or at the time a new
appointee is designated to be the President. The President may renominate the same
public official for the same position subject to the advice and
consent of the Congress."

Section 2. Section 501 of title 3 of the Code of the Federated States of
Micronesia is hereby amended to read as follows:

"Section 501. Advice and consent appointments.

Appointments to all positions in the National Government
which require the advice and consent of the Congress are made
by the President designating a nominee for the position, and shall
be deemed made only when delivered in writing to the Office of the
Speaker of the Congress and shall otherwise be made in the
following manner:

(1) [Address]
The President shall designate the nominees within seventy (75) days of taking office for those positions for which the public official holding the office must resign at the time the newly elected President commences a term of office as provided in title 2, section 208(4) of the Code of the Federated States of Micronesia.

(2) The President shall designate a nominee for the position of Public Auditor or for a member of a board, commission, or other entity with a fixed term:

(a) within thirty (30) days of the end of the term of the person last holding the position; or

(b) within seventy-five days (75) days of a vacancy for a position becoming vacant more than thirty (30)
days prior to the end of its term or for a position that is vacant
at the time a President takes office without having succeeded
himself, whichever comes later.

(3) The President shall designate a nominee for the
position of Justice or Chief Justice within one hundred twenty
(120) days of a vacancy or within one hundred twenty (120)
days of the President taking office without having succeeded
himself, whichever comes later.

(4) The President shall designate a nominee for
ambassador within sixty (60) days of the position becoming
vacant as a result of the President selecting another person for
the position, within ninety (90) days of the position becoming
vacant for any other reason, or within ninety (90) days of the
President taking office without having succeeded himself if the
position is vacant prior thereto.

(5) Should the President fail to comply with the
requirements set forth in subsections (1), (2), (3), and (4) of
section (2) for designating the nominee to a position for any
office, department, board, commission or other entity for which
the advice and consent of Congress is required:

(a) No person may serve as a consultant to it;
(b) The person previously serving in the position
shall not serve as a consultant for, have a contract for services
with, or be employed in any capacity with the National
Government; and
(c) The amount of that position's compensation and benefits shall be impounded unless Congress specifically approves its release by subsequent enactment. Impounded funds may not be spent for any purpose, including reprogramming to any part of the government, and the impoundment carries forward to all subsequent fiscal years unless Congress releases it by specific enactment.

(6) Should the President fail to comply with the provisions of subsection (5) of section (2) that portion of the budget for the mission to which the vacancy relates for the compensation and benefits of the ambassador shall be impounded unless Congress specifically approves its release by subsequent enactment. Impounded funds may not be spent for any purpose, including reprogramming to any part of the government, and the impoundment carries forward to all subsequent fiscal years unless Congress releases it by specific enactment.

(7) Congress may act on a nomination for a position requiring its advice and consent at any session. A nomination submitted more than ten (10) days after the commencement of any regular session and not approved during that session shall be deemed to have not received the advice and consent of Congress and is not approved.

(a) The office or department may continue to employ a consultant for the position if otherwise authorized to do so and the person who was rejected may continue to be
employed as a consultant if otherwise eligible for any office or
department otherwise authorized to do so provided the President
submits another nomination for the position within sixty (60) days
of the last day of the session which either voted to not approve
or deemed not approved a nomination.

(b) Failure to submit a subsequent nomination
within sixty (60) days of the end of a session that voted to not
approve or deemed to not approve a nomination shall result in
the consequences for failure to timely submit a nomination as set
forth above in this section.*

Section 3. Effective date. 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: 5/28/96

Introduced by

Joseph J. Urusemal