

AN ACT

To further amend title 2 of the Code of the Federated States of Micronesia, as amended, by further amending section 207, as amended by Public Laws Nos. 5-2, 5-50, 7-6, 7-91, 9-128 and 10-55, for the purpose of requiring congressional action on Presidential nominations within two consecutive sessions of Congress or 90 days of nomination, whichever occurs later, or nominee is deemed rejected, and for other purposes.

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

Section 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, 7-91, 9-128 and 10-55, 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 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 deputy ambassadors (assistants to the ambassadors) and consuls general; provided that nothing herein shall be construed to require the appointment of the deputies and deputy ambassadors (assistant to the ambassadors) and consuls general named above.

(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 within two (2) consecutive sessions of Congress, not including the session in which Congress first receives the nomination, or ninety (90) days, whichever occurs later in time, shall be deemed rejected. 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, ambassadors, 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 ninety (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.

March 13, 2000

/s/
Leo A. Falcam
President
Federated States of Micronesia