A BILL FOR AN ACT

To further amend section 207 of title 2 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 10-55, 11-40, 13-77, 15-23, 16-61 and 17-02, to clarify that rejection of a nominee by Congress under this section shall be final, and for other purposes.

BE IT ENACTED 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. 10-55, 11-40, 13-77, 15-23, 16-61 and 17-02, is hereby further 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 confirmed within two (2) consecutive sessions of
Congress, including the session in which Congress
first receives the nomination, or thirty (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: 11/7/11Introduced by: /s/ Berney Martin

Berney Martin