

TENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 1997

CONGRESSIONAL BILL NO. 10-38, C.D.1,
C.D.2, C.D.3, C.D.4,
C.D.5, C.D.6, C.D.7
PUBLIC LAW NO. 10-055

AN ACT

To further amend title 2 of the Code of the Federated States of Micronesia, as amended, by further amending section 203, as amended by Public Laws Nos. 5-21, 6-62, and 7-97, by further amending section 204, as amended by Public Law No. 5-21, and by further amending section 207, as amended by Public Laws Nos. 5-2, 5-50, 7-6, 7-91, and 9-128, thereof for the purpose of improving the efficiency of the executive branch by reorganizing the departments and offices of the executive branch, and by changing the terms of the President's appointment authority, and for other purposes.

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

Section 1. Section 203 of title 2 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos.

5-21, 6-62 and 7-97, is hereby further amended to read as follows:

"Section 203. Departments.

(1) There shall be the following departments which shall be responsible for major programs or administrative support areas in the Government of the Federated States of Micronesia:

(a) Department of Economic Affairs, which shall contain among other units, a unit for Sustainable Development;

(b) Department of Finance and Administration, which shall contain among other units, a unit for the Budget;

(c) Department of Foreign Affairs;

(d) Department of Health, Education and Social Affairs;

(e) Department of Justice; and

(f) Department of Transportation, Communication and Infrastructure.

(2) The administrative head of each department shall be designated as a 'Secretary'.

(3) Succession.

(a) Any reference to a previously existing department, office, or division thereof shall apply to the appropriate successor entity.

(b) Any reference to any official or employee of an entity referred to in subsection (3)(a) of this section shall be construed as applying to the person holding the same or most similar position in the appropriate successor entity."

Section 2. Section 204 of title 2 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-21, is hereby further amended to read as follows:

"Section 204. Other executive offices. There shall be the following executive offices:

(1) Office of the Public Defender."

Section 3. 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 and 9-128, 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 consul generals; provided that nothing herein shall be construed to require the appointment of the deputies and deputy ambassadors (assistant to the ambassadors) and consul generals 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) 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 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 4. Transition. Until such time as Public Law No. 10-24 is further amended to reflect the reorganization effected by this act, the budget authority as provided therein for offices and departments abolished or whose responsibilities are modified by this act shall be deemed to be transferred in proportion to the reassignment of personnel, functions and responsibilities effected pursuant to this act, and, with respect to the affected offices and departments, the limitation on transfer of employees set forth in section 14 of Public Law No. 10-24 shall be suspended.

Section 5. This act shall be effective on January 1, 1998. As of that date, all secretaries of departments and the heads of all offices, except for the head of the Office of the Public Defender, shall resign. New secretaries of departments shall then be appointed as provided for in section 207 of title 2 of the Code of the Federated States of Micronesia.

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Section 6. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

December 12, 1997

/s/ Jacob Nena
Jacob Nena
President
Federated States of Micronesia