

STANDING COMMITTEE REPORT NO. 14-133

RE: C.B. NO. 14-229/EA

SUBJECT: ADVICE AND CONSENT FOR DEPUTY AMBASSADORS

NOVEMBER 08, 2006

The Honorable Peter M. Christian
Speaker, Fourteenth Congress
Federated States of Micronesia
Fifth Special Session, 2006

Dear Mr. Speaker:

Your Committee on External Affairs, to which was referred C.B. No. 14-229, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 2, AS AMENDED, BY AMENDING SECTION 207 THEREOF, TO REQUIRE THE ADVISE AND CONSENT OF THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA FOR THE APPOINTMENT OF DEPUTY AMBASSADORS (ASSISTANTS TO THE AMBASSADORS), AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

In Public Law No. 13-77, Section 207 of Title 55 of the FSM Code was amended to require that the deputy ambassadors shall not require the advice and consent of Congress. Further, in the case of ambassadors only, they are deemed re-appointed with the advice and consent of Congress if the President does not accept their resignation pursuant to subsection 4 of Section 207 of Title 2 of the FSM Code.

After much reconsideration, your Committee believes that the advice and consent of Congress for deputy ambassadors is good policy. The deputy ambassadors, like the ambassadors and all government appointees should be reviewed regularly on performance and other relevant measures.

The proposed bill would amend subsection 1 of Section 207 of Title 2 of the FSM Code to clarify that the President must obtain the advice and consent of the Congress in the appointment of deputy ambassadors. This amendment would conform the law to the language of the Constitution of the Federated States of Micronesia. Article 10, section 2(c) provides that the President shall "with the advice and consent of Congress, appoint ambassadors".

In addition, the proposed bill would amend subsection 4 of Section 1 of Title 2 of the FSM Code to eliminate the discretionary power vested in the President to accept or not to accept resignations submitted by ambassadors and to be explicit that re-appointment of ambassadors is

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by advice and consent of Congress.

Your Committee recommends the following amendment to the bill:

1. Page 3, lines 16 to 22, following "Congress", delete "In the case of ambassadors only, the President may elect not to accept a resignation submitted under this subsection. An ambassador whose resignation is not accepted shall continue to serve in his position under the same terms as if re-appointed with the advice and consent of Congress." in its entirety.

Your Committee on External Affairs is in accord with the intent and purpose of C.B. No. 14-229 and, recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final Reading in the form attached hereto as C.B. No. 14-229. C.D. 1.

Respectfully submitted,

Alik L. Alik, chairman

Peter Sitan, vice chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Isaac V. Figir
Isaac V. Figir, member

/s/ Do not concur (RSM)
Resio S. Moses, member

/s/ Moses A. Nelson
Moses A. Nelson, member

/s/ Dion G. Neth
Dion G. Neth