

STANDING COMMITTEE REPORT NO. 13-198

RE: C.B. NO. 13-159/EA

SUBJECT: ADVICE AND CONSENT FOR AMBASSADORS
AND LIMIT AMBASSADOR TERMS

NOVEMBER 09, 2004

The Honorable Peter M. Christian
Speaker, Thirteenth Congress
Federated States of Micronesia
Fourth Regular Session, 2004

Dear Mr. Speaker:

Your Committee on External Affairs, to which was referred C.B. No. 13-159, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 2, AS AMENDED, BY AMENDING SECTION 207 THEREOF, TO REQUIRE THAT THE PRESIDENT OF THE FEDERATED STATES OF MICRONESIA SHALL APPOINT AMBASSADORS WITH THE ADVICE AND CONSENT OF THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA, LIMITING THE TERM OF AMBASSADORS TO THE TERM OF THE PRESIDENT, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

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

Your committee earlier submitted SCR No. 13-184, relating to this bill. That report was recommitted to the committee, which has given this legislation further consideration and now submits this report, superceding SCR No. 13-184.

C.B. No. 13-159 would clarify that the President must obtain the advice and consent of the Congress in the appointment of ambassadors. It would also limit the term of an ambassador to that of the President for whom he serves.

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". Article 10, section 2(d) further provides that the ambassadors, like cabinet members, "serve at the pleasure of the President".

Your committee believes that, in addition to being constitutionally mandated, this is also good policy. Ambassadors, like all government appointees, should be reviewed regularly on performance and other relevant measures. Further, the conduct of foreign affairs is a

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critical function of government expressly delegated to the President. Thus, like his cabinet members, each President should have the explicit authority to choose his ambassadors upon beginning his term of office.

Although generally supporting the purpose and intent of C.B. No. 13-159, your committee, upon further consideration recommends two amendments to the bill:

(1) It is recommended that the bill be amended to make it clear that no current ambassador will be required by the act to submit his resignation until after the conclusion of the present four-year presidential term: and

(2) Your committee believes that the bill should be modified to enable a President, at the beginning of his term, to reject the resignation of any ambassador, thereby allowing that ambassador to remain in his position without the need for further advice and consent from Congress.

Both of these amendments are designed to minimize any disruption to the nation's foreign representation while, at the same time, accomplishing the purposes of C.B. No. 13-159.

Specifically, your committee recommends the following amendments to the bill:

1. Page 3, line 8, following "earlier", insert ", provided that, no ambassador shall be required by this subsection to submit a resignation earlier than July 31, 2007."
2. Page 3, line 10, following "Congress.", insert "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."

With these amendments, your Committee on External Affairs is in accord with the intent and purpose of C.B. No. 13-159 and, recommends its

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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. 13-159, C.D.1.

Respectfully submitted,

/s/ Isaac V. Figir
Isaac V. Figir, chairman
W/Reservations

/s/ Alik L. Alik
Alik L. Alik, member

Henry C. Asugar, member

/s/ Dion G. Neth
Dion G. Neth, member

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Resio S. Moses
Resio S. Moses, member