

S.C.R. NO. 13-36

SEPTEMBER 2, 2003

COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS

Your Committee on Judiciary and Governmental Operations, to which was jointly referred C.B. No. 13-25, 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.

The Constitution of the Federated States of Micronesia ("F.S.M. Const.") expressly delegates to the President the power to appoint ambassadors, "with the advice and consent of Congress". F.S.M. Const. art. X, §2(d).

Section 1 of C.B. No. 13-25 merely codifies this constitutional provision by adding the word "ambassadors" to subsection (I) of section 207 ("Appointment authority") of title 2 ("Executive") of the Code of the Federated States of Micronesia ("FSM Code").

The Constitution also provides that " [a]mbassadors and principal officers [of executive departments] serve at the pleasure of the President". F.S.M. Const. art. X, §2(d). Section 2 of C.B. No. 13-25 merely conforms section 207 of the FSM Code to this constitutional provision by removing the word "ambassadors" from the "exceptions" clause at the beginning of subsection (4) of section 207. This means that ambassadors, like other principal officers of the government, would be required to submit their resignations within 90 days of the President taking office, or when a new ambassador-nominee is confirmed { whichever is earlier) .

Your committee agrees that conforming relevant provisions of the FSM Code to the Constitution is good policy and good practice. Doing so prevents misunderstanding and confusion in the application and interpretation of our laws. Equally important, your committee agrees that ambassadors, like all government appointees, should be reviewed regularly on performance and other relevant measures. By amending section 207 of the FSM Code, explicit statutory authority exists for the President to choose ambassadors at the beginning of his or her term of office.

Accordingly, your Committee on Judiciary and Governmental Affairs is in accord with the intent and purpose of C.B. No. 13-25 and recommends its passage on First Reading and that it be placed on the Calendar for Second and Final Reading, subject to concurrence by your Committee on External Affairs.

Signed by Senators Halbert, Alik, Christian and Peyal