

STANDING COMMITTEE REPORT NO. 15-104

RE: C.R. NO. 15-123/EXAFF

SUBJECT: CONFIRMING THE NOMINATION OF MR. JAMES NAICH AS DEPUTY
CHIEF OF MISSION IN UNITED STATES OF AMERICA

APRIL 01, 2008

The Honorable Isaac V. Figir
Speaker, Fifteenth Congress
Federated States of Micronesia
Fourth Special Session, 2008

Dear Mr. Speaker:

Your Committee on External Affairs, to which was referred C.R.
No. 15-123, entitled:

"A RESOLUTION CONFIRMING THE NOMINATION OF MR. JAMES NAICH
TO BE THE DEPUTY CHIEF OF MISSION OF THE FEDERATED STATES OF
MICRONESIA EMBASSY TO THE GOVERNMENT OF THE UNITED STATES OF
AMERICA.",

begs leave to report as follows:

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

Your committee is reviewing this nomination with mixed feelings,
not about the nominee but about the need in the first place for a
presidential nomination for advice and consent in this case. It
is this committee's belief that the advice and consent process
was not needed in this case, but given the Attorney-General's
opinion regarding this matter, your committee feels that Congress
must comply with that opinion and proceed with a vote.

Congress had passed Public Law No. 15-23 to institute the
requirement for advice and consent for consul-generals and deputy
chiefs of mission. Congress was surprised nevertheless to learn
that the AG's Office has opined that the law has retroactive
application, and that therefore even individuals who are
continuing in their current job must undergo advice and consent.

Your committee held a hearing on March 27, 2008 with the
Department of Foreign Affairs, the Department of Justice and the
Personnel Office. At the hearing the Secretary of Foreign
Affairs testified that James Naich is continuing with his current
job as Deputy Chief of Mission in Washington. The representative
from the AG's office, Mr. Johnson Asher, testified that the
nomination will need to be voted on.

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Mr. Naich is well known to your committee, which has no problem with his current job performance. Your committee therefore recommends that Congress confirm the nominee.

Your Committee on External Affairs is in accord with the intent and purpose of C.R. No. 15-123, and recommends its adoption.

Respectfully submitted,

/s/ Paliknoa K. Welly
Paliknoa K. Welly, chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, vice chairman

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

Roosevelt D. Kansou, member

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

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

/s/ Setiro Paul
Setiro Paul, member