

STANDING COMMITTEE REPORT NO. 17-02

RE: C.B. NO. 17-08/J&GO

SUBJECT: REDUCTION OF DEADLINE FOR CONGRESSIONAL CONSIDERATION
OF PRESIDENTIAL NOMINEES

MAY 23, 2011

The Honorable Isaac V. Figir
Speaker, Seventeenth Congress
Federated States of Micronesia
First Regular Session, 2011

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 17-08, entitled:

"A BILL FOR AN ACT TO AMEND SECTION 207 OF TITLE 2 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, FOR THE PURPOSE OF REQUIRING CONGRESSIONAL ACTION ON PRESIDENTIAL NOMINATIONS WITHIN TWO CONSECUTIVE SESSIONS OF CONGRESS OR 30 DAYS OF NOMINATION, WHICHEVER OCCURS LATER, OR THE NOMINEE IS DEEMED REJECTED, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

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

Your Committee held a public hearing on C.B. No. 17-08 on May 17, 2011, in Palikir. Present at the hearing were Marcellus Akapito from the President's Office and Secretary Maketo Robert and Assistant Attorneys General Jun Bacalando, Daniel Rescue Jr., and Johnson Asher from the Department of Justice.

Chairman Panuelo opened the hearing by welcoming the witnesses and introducing the members of the Committee, and explaining that the purpose of the bill was to expedite the confirmation of nominees.

STANDING COMMITTEE REPORT NO. 17-02

RE: C.B. NO. 17-08/J&GO

SUBJECT: REDUCTION OF DEADLINE FOR CONGRESSIONAL CONSIDERATION
OF PRESIDENTIAL NOMINEES

MAY 23, 2011

"

Secretary Robert thanked the Chairman, and introduced his staff. He stated that he believed the bill to be a legitimate exercise of congressional authority. He drew the Committee's attention to some possible ambiguities in the bill. Specifically, he asked what was meant by the term "acted upon," and whether a nomination could be considered to have been acted upon if Congress had held a public hearing or taken some other action short of approving a nomination.

Speaker Figir acknowledged the ambiguity in the existing language of the statute, but expressed concern that the Department of Justice had not advised the President of this ambiguity when a bill amending this section was introduced in the previous session. Senator Halbert asked if the President was receiving any assistance with the drafting of bills outside the Department of Justice.

Assistant Attorney General Bacalando responded that this particular subsection had not been discussed. He also pointed out that the current statute was silent on when the clock starts running for a nomination submitted when Congress is not in session. Assistant Attorney General Rescue suggested that the time could begin the first day of session after the nomination is introduced.

Senator Welly suggested that the words "acted upon" could be replaced by "confirmed." Senator Halbert asked the witnesses what specific changes they would recommend that the Committee consider. Secretary Robert responded that this would depend on Congress's intent. Speaker Figir stated that the purpose of the bill was to make things more efficient for the government, and had been introduced to assist the President. He requested the Department of Justice submit some suggested language in writing. The Secretary agreed to do so, and stated that even in its current form the bill is adequate and that he recommended its passage.

The representative of the President's office confirmed that the need for the bill had been communicated to Congress by the President, and that he supported the bill. In response to Senator Halbert's earlier question, he stated that the President does not employ any assistance with respect to drafting bills other than the Department of Justice.

Your Committee received no comments in opposition to the passage of the bill.

Further to the issues raised at the hearing, your Committee recommends

STANDING COMMITTEE REPORT NO. 17-02

RE: C.B. NO. 17-08/J&GO

SUBJECT: REDUCTION OF DEADLINE FOR CONGRESSIONAL CONSIDERATION
OF PRESIDENTIAL NOMINEES

MAY 23, 2011

"
the following amendments:

1. Page 2, line 10, delete "acted upon", and insert "confirmed" in lieu thereof.
2. Page 2, line 14, after "deemed rejected.", insert "A nomination submitted when Congress is not in session shall, for the purposes of this section, be deemed to have been received on the first day of the following session."

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 17-08, as amended hereby, 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. 17-08, C.D.1.

Respectfully submitted,

/s/ David W. Panuelo
David W. Panuelo, chairman

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, member

Tiwiter Aritos, member

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

/s/ Dohsis Halbert
Dohsis Halbert, member

/s/ Roger S. Mori
Roger S. Mori, member

/s/ Paliknoa K. Welly
Paliknoa K. Welly, member