

STANDING COMMITTEE REPORT NO. 13-182

RE: PRESIDENTIAL COMMUNICATION NO. 13-209

SUBJECT: VETO OF ACT TO REORGANIZE CONGRESSIONAL OFFICE

OCTOBER 26, 2004

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

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred Presidential Communication No. 13-209 conveying the President's veto of C.A. No. 13-61, entitled:

"AN ACT TO AMEND TITLE 3 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA BY AMENDING SECTION 104 THEREOF TO REORGANIZE THE ADMINISTRATIVE AND BUDGET OFFICES OF CONGRESS AND TO CREATE, WITHIN CONGRESS, A NEW OFFICE OF THE ECONOMIST, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

Congress passed C.A. No. 13-61 (C.B. No. 13-126) during the Fifth Special Session of the Thirteenth Congress. Through Presidential Communication No. 13-209, dated October 5, 2004, the President advised Congress that he had vetoed this act. A copy of C.A. No. 13-61 is attached.

C.A. No. 13-61 has the intent and purpose of reorganizing the administrative and budget functions of the Congress. In connection with that reorganization, the Act would add two new positions to the staff of Congress: an Economist and a Director of Administration and Budget. The President, in his veto message, disputes the need for these two positions. None of the arguments presented by the President has changed your committee's view that the reorganization embodied by C.A. No. 13-61 is necessary and appropriate. Your committee's opinion on that subject was expressed in SCR No. 13-157. We will not repeat what was said in that Report, but think that it is worth adding that among the reasons that we believe that these positions are needed is the insufficiency and unreliability of the budget, accounting and economic data that Congress receives from the Executive Branch. Additional resources are needed in Congress so that we may more thoroughly review and analyze information transmitted by the Executive Branch, and so that we may generate our own data when needed.

The President's veto message also raises concerns about the additional expense associated with the two new positions. In doing

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so, the President fails to take notice of the substantial savings that Congress realized in FY 2004, and expects again to realize in FY 2005, by not filling two staff attorney positions for which monies have been appropriated. C.A. No. 13-61 represents Congress' determination simply that, under present circumstances, its needs will be better met by bringing in administrative and economic skills than by adding the two additional lawyers for which funding has been approved. The President's assumption that C.A. No. 13-61 will require a net increase in funding for Congress is open to serious question. In any event, C.A. No. 13-61 involves no proposal for a supplemental appropriation and, in the opinion of your committee, speculation that such an appropriation might be later necessary is not a basis for vetoing the Act.

Further, your committee is of the opinion that it is entirely inappropriate for the President to attempt to substitute his judgment for Congress' with respect to the resources needed by Congress to carry out its Constitutional responsibilities. Central to our system of government is the separation of powers among three independent co-equal branches. The President's veto of C.A. No. 13-61---an attempt by the Executive Branch to control how Congress manages its business and obtains the advice and information needed to carry out its legislative duties---cannot be reconciled with this basic principle underlying our Federation. It is for Congress, not the President, to determine how Congress does its job. The President's veto of C.A. No. 13-61 is ill-advised both because it represents an unsound conclusion with respect to Congress' need for additional resources and because it is an inappropriate intrusion on the powers and prerogatives of Congress.

Accordingly, your Committee on Judiciary and Governmental Operations remains in accord with the purpose and intent of C.A. No. 13-61 and recommends that the President's veto of that act be overridden.

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Respectfully submitted,

/s/ Dohsis Halbert
Dohsis Halbert, chairman

/s/ Roosevelt D. Kansou
Roosevelt D. Kansou, vice
chairman

/s/ Henry C. Asugar
Henry C. Asugar, member

Peter M. Christian, member

Ramon Peyal, member

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