

STANDING COMMITTEE REPORT NO. 13-227

RE: C.B. NO. 13-201/W&M

SUBJECT: AMENDMENTS TO NEW CHAPTER 3, TITLE 55 OF FSM CODE

JANUARY 26, 2005

The Honorable Peter M. Christian
Speaker, Thirteenth Congress
Federated States of Micronesia
Fifth Regular Session, 2005

Dear Mr. Speaker:

Your Committee on Ways and Means to which was referred C.B. No. 13-201 entitled:

"A BILL FOR AN ACT TO AMEND CHAPTER 3 OF TITLE 55 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS ENACTED BY PUBLIC LAW NO. 13-72, BY AMENDING SECTIONS 308, 309, and 326 THEREOF, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

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

The Thirteenth Congress, in its Fourth Regular Session, passed C.A. No. 13-85. The President, through Presidential Communication No. 13-247, advised Congress that he had vetoed the act. The President, in his veto message, raised a number of concerns with respect to the act. Both your committee, and the Congress as a whole, concluded that none of those concerns justified a veto of the bill. Accordingly, the President's veto was overridden and C.A. No. 13-85 became law as P.L. No. 13-72. Having said that, your committee does believe that this public law can be improved by amending it in certain respects to address issues raised by the President. C.B. No. 13-201 would amend the law in the following particulars:

- (1) The President, in his veto message, pointed out that C.A. No. 13-85, in repealing the entirety of the existing chapter 3, would have the effect of repealing the provisions of the recently-enacted P.L. No. 13-51. C.B. No. 13-201 restores the operative language of that public law.
- (2) The President identified a language problem with section 309. That language is clarified by the subject bill.
- (3) Section 308 is modified to permit the President to decline filing an appeal, on behalf of a state, of special

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conditions attached to a sector grant, if the President believes that the filing of such an appeal would be contrary to the best interests of the nation. Although the suggestion for this change was not contained in the President's veto message, it was informally communicated by the Department of Justice. The modification to the section is made in response to the DOJ's suggestion.

Your committee has reviewed these proposed amendments to title 55, chapter 3, and believes that they will in fact improve the law.

Thus, your Committee on Ways and Means is in accord with the intent and purpose of C.B. No. 13-201 and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final Reading.

Respectfully submitted,

/s/ Sabino S. Asor
Sabino S. Asor, chairman

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

Claude H. Phillip, member

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

Peter M. Christian, member

Dohsis Halbert, member

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