

STANDING COMMITTEE REPORT NO. 14-64

RE: P.C. NO. 14-28/W&M

SUBJECT: LINE ITEM VETO OF C.A. NO. 14-21

SEPTEMBER 27, 2005

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

Dear Mr. Speaker:

Your Committee on Ways and Means to which was referred P.C. No. 14-28, a Presidential Communication regarding C.A. No. 14-21 entitled:

"AN ACT TO FURTHER AMEND PUBLIC LAW NO. 13-46, AS AMENDED, BY AMENDING SECTIONS 2,3 AND 9 THEREOF FOR THE PURPOSE OF APPROPRIATING AN ADDITIONAL SUM OF \$1,200,000 FROM THE GENERAL FUND OF THE FEDERATED STATES OF MICRONESIA FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of C.A. No. 14-21 are expressed in its title. The President, via P.C. No. 14-28, advised Congress that he had signed C.A. No. 14-21 as P.L. No. 14-9, except that he had line-item vetoed a proposed appropriation of \$50,000 for the Dolokapw road paving project in Pohnpei Election District No. 1. It is that line-item veto that is the subject of this report.

The Thirteenth Congress earlier attempted to appropriate \$50,000 for road paving in Pohnpei E.D. No. 1 via C.B. No. 13-221 by changing the use of certain funds appropriated for projects in that election district by P.L. No. 9-52. However, via P.C. No. 13-326, the President vetoed that bill. In his veto message, the President acknowledged that there were sufficient remaining E.D. No. 1 funds under P.L. No. 9-52 to cover the paving project. He proposed, however, that the funds appropriated for E.D. No. 1 be shifted to cover an over-expenditure of P.L. No. 9-52, E.D. No. 3, funds that the Department of Finance had allowed to occur.

The Department of Finance acknowledged, in a letter dated June 29, 2005, that the Executive Branch had no authority to reallocate E.D. No. 1 funds to cover the over-expenditure in E.D. No. 3 without approval of Congress. In later conversations with Congress, the Department proposed that Congress agree to the shifting of the P.L.

STANDING COMMITTEE REPORT NO. _____

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No. 9-52 funds and that the E.D. No. 1 paving project be accommodated through a supplemental appropriation from the FY 2005 General Fund.

Congress proceeded just as proposed by the Department of Finance and passed C.A. No. 14-21, which, among other things, appropriated \$50,000 for E.D. No. 1 road paving. Inexplicably, although the Department of Finance had requested that Congress take this approach, the President then line-item vetoed the pertinent appropriation. The President later acknowledged that the veto was a mistake.

Based upon the foregoing, your committee is of the opinion that the President's veto should be overridden.

Therefore, your Committee on Ways and Means remains in accord with the intent and purpose of C.A. No. 14-21 and recommends the override of the President's line-item veto related thereto as communicated by P.C. No. 14-28.

Respectfully submitted,

Isaac V. Figir, chairman

Roosevelt D. Kansou, vice
chairman

Claude H. Phillip, member

Manny Mori, member

Peter M. Christian, member

Dohsis Halbert, member

Simiram Sipenuk, member