

STANDING COMMITTEE REPORT NO. 15-172

RE: PRESIDENTIAL VETO OF C.A. NO. 15-75/W&M

SUBJECT: OVERRIDE OF PRESIDENTIAL VETO

JANUARY 06, 2009

The Honorable Isaac V. Figir
Speaker, Fifteenth Congress
Federated States of Micronesia
Sixth Special Session, 2009

Dear Mr. Speaker:

Your Committee on Ways and Means, to which was referred
Presidential Communication No. 15-318, veto of C.A. No. 15-75,
which was entitled:

"AN ACT TO APPROPRIATE \$1,400,000 FROM THE GENERAL FUND OF
THE FEDERATED STATES OF MICRONESIA FOR THE FISCAL YEAR
ENDING SEPTEMBER 30, 2009, FOR THE PURPOSE OF FUNDING PUBLIC
PROJECTS AND SOCIAL PROGRAMS IN THE STATES OF CHUUK, YAP,
POHNPEI AND KOSRAE, AND FOR OTHER PURPOSES."

begs leave to report as follows:

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

The present veto is based on a policy decision of the President
to dedicate instead the available funds to an emergency response
plan to be implemented under a declared state of emergency due to
tidal wave surges.

Your Committee believes that it is the prerogative and duty of
the Executive Branch to deal with emergencies. The legislative
branch is ill equipped to keep up with all the factual
information needed to respond effectively to an emergency
situation. That is why under our Constitution the President is
empowered to declare a state of emergency under which all the
resources of the nation are made available to him to deal with
the emergency. When things are a little more settled and
definite and more facts are available, within 30 days of the
declaration of emergency the Congress can meet again - which
Congress will do in a few weeks-- to supplement, modify or even
terminate the declaration. What Congress cannot do at this time
is to come up with its own assessment of the damage because it
just does not have the information. On the other hand, Congress
cannot in good faith rubber stamp the Executive emergency plan
either, also because it does not have enough information.

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In light of the limited resources of the nation, it is felt that the best approach would be to override the veto on this act, with the understanding, however, that the President under the state of emergency is free to deal with the current emergency in any way he sees fit with the funds made available by this bill. The amount appropriated by this bill of \$1.4 million represents the sense of Congress as to the maximum that the President should spend under the declaration of emergency at this time. It is noted however, that the sense of Congress is in no way legally binding. When Congress meets again in session in a few weeks any further needs can be attended to. The declaration can also be amended as necessary and further legislation passed.

Your Committee on Ways and Means recommends, therefore, that the Presidential veto on C.A. 15-75 be overridden.

Respectfully submitted,

/s/ Dohsis Halbert
Dohsis Halbert, chairman

/s/ Setiro Paul
Setiro Paul, member

/s/ Moses A. Nelson
Moses A. Nelson, member

Claude H. Phillip, member

/s/ Fredrico O. Primo
Fredrico O. Primo, member

/s/ Peter Sitan
Peter Sitan, member

Joseph J. Urusemal, member