

STANDING COMMITTEE REPORT NO. 18-223

RE: C.B. No. 18-202 (J&GO)

SUBJECT: NUMBERING OF OVERRIDEN VETOED LEGISLATION

SEPTEMBER 25, 2014

The Honorable Dohsis Halbert
Speaker, Eighteenth Congress
Federated States of Micronesia
Fifth Regular Session, 2014

Dear Mr. Speaker:

Your Committee on Judiciary & Governmental Operations, to which was referred C.B. No. 18-202, entitled:

"A BILL FOR AN ACT TO AMEND SECTION 213 OF TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, TO REQUIRE THE PRESIDENT, WHERE CONGRESS HAS OVERRIDEN A PRESIDENTIAL VETO, TO SIGN AND DATE ALL CONGRESSIONAL ACTS AND ASSIGN A PUBLIC LAW NUMBER THERETO, WITHIN TWO WORKKING DAYS FROM RECEIPT OF THE TRANSMISSAL OF THE CONGRESSIONAL ACT FROM CONGRESS; TO REQUIRE THE PRESIDENT, IN THE INSTANCE OF A LINE-ITEM VETO, TO ASSIGN A DIFFERENT NUMBER FROM THE PREVIOUS PUBLIC LAW, AND FOR OTHER PURPOSES."

begs leave to report as follows:

The intent and purpose of this bill is expressed in its title.

Your committee held a public hearing on C.B. No. 18-202 on September 23, 2014. Representatives from the Department of Justice and the President's Office were present.

Your committee notes that C.B. No. 18-202 has two purposes. The first is that, in the case of a Congressional Act where a line-item veto is overridden, the President would be required to assign the overridden

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legislation a new Public Law number when it is returned. The second would be to give the President two working days to return a veto-overridden legislation, whether a full veto or line-item veto was used.

Your committee notes that as far back as the Fifteenth Congress of the Federated States of Micronesia, it was standard procedure to assign a new Public Law number to a piece of legislation which was line-item vetoed and then overridden, (e.g., P.L. Nos. 15-30 and 15-32). This is deemed important to allay confusion of having the same Public Law number assigned to conflicting legislation, being the line-itemed law and the subsequent "clean" law. Particularly, if Congress later amended a Public Law of which two different versions existed, it may generate confusion.

Your committee notes that this procedure has been in place for years and was only recently deviated from in P.L. No. 18-70, for which the same Public Law number was assigned to the overridden legislation as was assigned to the line-itemed legislation. While theoretically it might be possible to have a system where identical Public Law numbers are assigned, your committee finds that, at best, it makes no sense to have two systems, where sometimes line-itemed legislation that is overridden gets a new Public Law number and sometimes it receives the identical Public Law number. Thus, the codification embodied in C.B. No. 18-202 makes it clear that the National Government is employing one system and one system only in the treatment of line-item vetoed legislation that is overridden: to assign a new Public Law number.

Witnesses questioned whether an allottee whose allotment exists in two separate Public Laws might be confused as to whether they were allotted money twice. For example, if \$100,000 is in a Public Law that was line-itemed, but that \$100,000 was not struck, then following an override there is a new Public Law number for legislation containing the same \$100,000 appropriation, might an allottee think that they have been allotted \$200,000? It should be clearly stated that it is certainly not the intent of Congress of C.B. No. 18-202 to create a double allotment. The numbering scheme codified in C.B. No. 18-202 is a numbering scheme for convenience, and one that should create less confusion. Your committee notes that when asked if there had ever been an example of an allottee under such circumstances

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attempting to double their allotment, witnesses were unaware of that ever taking place.

The second purpose of C.B. No. 18-202 is to give the President two working days to return any veto overridden legislation. It should be noted at the outset that this in no way should suggest that the legislation is not effective immediately upon override of the Constitution, the bill becomes law immediately upon override. The assigning of a Public Law number is not required to enact it into law. In fact, since there is no option to override an override, the President's role in assigning a new Public Law number is a purely ministerial task that requires no more work than merely finding the next consecutive Public Law number available and rubber-stamping the overridden legislation. Therefore, your committee finds that two working days should be sufficient for the President to accomplish this duty.

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 18-202 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.

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Respectfully submitted,

/s/ Wesley W. Simina
Wesley W. Simina, chairman

Berney Martin, vice chairman

Dohsis Halbert, member

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Yosiwo P. George
Yosiwo P. George, member

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

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