

STANDING COMMITTEE REPORT NO. 18-241

RE: C.A. NO. 18-97 (P.C. NO. 18-386)/J&GO

SUBJECT: ESTABLISHING THE POHNPEI STATE
COMMISSION ON IMPROVEMENT PROJECTS

NOVEMBER 18, 2014

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

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.A. No. 18-97 entitled:

"AN ACT TO FURTHER AMEND TITLE 55 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW CHAPTER 16 THEREOF, FOR THE PURPOSE OF ESTABLISHING THE POHNPEI STATE COMMISSION ON IMPROVEMENT PROJECTS, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of this act are expressed in its title.

Your committee notes that this bill is based upon the long-standing law that created the Chuuk State Commission on Improvement Projects (CSCIP), Public Law No. 10-109. The bill is almost verbatim to the CSCIP law except for the change in state designation. The CSCIP law has withstood the test of time, and was only recently repealed at Congress's initiative for policy reasons through Public Law No. 17-75. The President's veto invites the query whether the Executive is favoring different applications of national law for the States, stating in effect that what is lawful as a matter of national law in one state is not in another state. Your committee cannot condone such attitude.

The President in his veto message raised rhetorically the question of whether a national law can dictate to a State Governor what to do in terms of implementing public projects. The answer is obviously yes because the

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Executive itself would agree that a national law making the governor of a state the allottee of public projects is constitutional.

A national law can apply to any citizen of the FSM. Numerous national laws mandate that a governor nominate members of a national entity (e.g. social security, pre-liberalization Telecom). There is no constitutional mandate to refrain from naming a state government official in a national entity.

Your Committee on Judicial and Governmental Operations is of the opinion that the so-called legal impediments to this bill are really policy issues, with which the Congress disagrees with the Executive. Your committee therefore recommends override of C.A. No. 18-97.

Respectfully submitted,

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

/s/ Berney Martin
Berney Martin, vice chairman

/s/ Dohsis Halbert
Dohsis Halbert, member

Tiwiter Aritos, member

Yosiwo P. George, member

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

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