

STANDING COMMITTEE REPORT NO. 18-242

RE: C.A. NO. 18-98 (P.C. NO. 18-383)/J&GO

SUBJECT: VETO OF CONGRESSIONAL ACT NO. 18-98

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 Presidential Communication No. 18-383, regarding the veto of Congressional Act No. 18-98, entitled:

"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 OVERRIDDEN A PRESIDENTIAL VETO, TO SIGN AND DATE ALL CONGRESSIONAL ACTS AND ASSIGN A PUBLIC LAW NUMBER THERETO WITHIN TWO WORKING DAYS FROM RECEIPT OF THE TRANSMITTAL 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 act are expressed in its title.

The President vetoed Congressional Act No. 18-98 on October 27, 2014. The Congressional Act was then referred back to your Committee on Judiciary and Governmental Operations. Your Committee notes that P.C. No. 18-383 does raise an issue of legal/constitutional objections, albeit erroneously.

Your Committee on Judiciary and Governmental Operations has reviewed P.C. No. 18-383 and concluded that the reasons for the veto were an incorrect application of the law. Your committee notes that P.C.

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No. 18-383 alleges interference with the separation of powers. Your committee would like to point out that C.A. No. 18-98 merely amends an already existing law that prescribes the proper administrative procedures. Furthermore, your committee would like to express that the Executive's attempt to misconstrue purely administrative procedures as constitutional issues as the very reason this law is needed. Your committee has reviewed C.A. No. 18-98 and found it to be consistent with sound public policy and therefore disagrees with the decision to veto.

CONCLUSION

Your Committee on Judiciary and Governmental Operations has carefully reviewed the vetoed Act and veto message. Your committee finds no legal basis for the veto and recommends overriding the veto of Congressional Act No. 18-98.

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

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