A BILL FOR AN ACT

To further amend Public Law No. 19-85, as amended by Public Law No. 19-155, by amending sections 2, 4 and 6; renumber section 7 as section 9; and by adding new sections 7 and 8, to add the role of Chief Negotiator of the Amended Compact of Free Association with the United States of America to the responsibilities of the Joint Committee on Compact Review and Planning (JCRP), to make other modifications with respect to the financial management of JCRP, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Section 2 of Public Law No. 19-85 is hereby amended to read as follows:

“Section 2. Establishment of the Joint Committee on Compact Review and Planning. There is hereby created and established a joint committee to be known as the Joint Committee on Compact Review and Planning (“JCRP”).

Subject to the addition of a Chief Negotiator as described below, this JCRP shall comprise nine members as follows: one representative from each of the four States, as appointed the President in consultation with the leadership of each State, and four representatives from the Congress of the Federated States of Micronesia, one from each congressional delegation. The Secretary of Foreign Affairs shall be a member ex officio. He shall chair the Joint Committee’s first meeting, and organize the election of its Chairman and Vice Chairman. Six of
the members shall constitute a quorum for the transaction of business. Decisions shall be made within the Committee by at least five concurring votes, with each participating member casting a single vote. The President shall appoint a person within the FSM State and National governments to be the Chief Negotiator. Should the appointed Chief Negotiator be selected outside of the existing 9 members, he shall become a tenth JCRP member.”

Section 2. Section 4 of Public Law No. 19-85, as amended by Public Law No. 19-155, is hereby further amended to read as follows:

“Section 4. Mandate. The JCRP shall carry out the following responsibilities and obligations:

(1) In consultation with the President and the Congress, set goals and objectives in anticipating of the termination of the financial provisions and for negotiations of the Amended Compact of Free Association;

(2) Conduct a thorough analysis of all factors relating the future of the Nation;

(3) Develop all necessary strategies and approaches to enable the Federated States of Micronesia to explore alternatives for the future of the Nation; provided that any contemplated or proposed negotiations with the United States related to the Amended Compact of Free Association be limited solely to Title Two Economic Provisions.
(4) Direct its Secretariat in preparing the documentation necessary to accomplish its responsibilities hereunder;

(5) Analyze all economic information available on the Federated States of Micronesia, with the aim of identifying the FSM’s continuing requirement for reasonable, fair, and effective financial assistance from all sources from the year 2023 onward;

(6) Provide reports periodically to the Congress at each regular session, and to the Office of the President, on all developments, actual or potential, positive or negative, that may be related to the future of the Nation, including but not limited to new information, actions, communications, domestic and foreign policies, bilateral and multilateral plans, as well as periodic surveys exploring the value of net benefits to a foreign nation from an exclusive security prerogative; and

(7) Collaborate with the State Governments, the Department of Foreign Affairs, the Congress, and the Office of the President in identifying the nominees for the JCRP whose selection will be subject to Congress’s expressed approval; [and]

(8) Use funds for each separate category of expense only up to the aggregate amount of the line-items of the corresponding expense category set out in the associated
appropriations bill or bills approved by Congress and
select and hire the personnel needed to staff the
Secretariat, as specified in section 6 below;[and]

(9) Conduct negotiations on the expiring terms of the
Amended Compact of Free Association with the United
States of America.”

Section 3. Section 6 of Public Law No. 19-85, is hereby
amended to read as follows:

“Section 6. Establishment of the Secretariat. There is
hereby created and established a full-time Secretariat
for the JCRP. The Secretariat shall consist of an
Executive Director, an Administrative Officer, a staff
counsel, and a secretary, all based in Pohnpei. In
addition to the Secretariat, the work of the Joint
Committee shall also be supported by the FSM Embassy to
the United States of America, by existing Washington D.C.
based legal counsel, and others as may be directed by the
President. The Secretariat shall have the following
responsibilities: (1) Provide all administrative and
logistical support to the JCRP, and shall (a) prepare an
annual budget for approval by the Joint Committee, (b)
transmit an approved budget to the President to submit,
with comments, to the Congress of the Federated States of
Micronesia; (2) Coordinate with the various departments,
offices and agencies of the FSM and State Governments to
collect all information and technical input necessary for
satisfying its responsibilities; and (3) As directed by
the JCRP, hire professionals including an outside
developmental economist and other consultants with
expertise in security or defense policy to assist the
Joint Committee with any aspect of its responsibilities,
particularly those that are provided under section 4(5)
above.”

Section 4. Public Law No. 19-85, as amended by Public Law
No. 19-155, is hereby further amended by adding a new section 7
to read as follows:

“Section 7. Negotiated agreement. JCRP shall submit any
agreement negotiated by it pursuant to this law to the
President or his designee for signature. Any such
agreement shall be subject to ratification as required by
law.”

Section 5. Public Law No. 19-95, as amended by Public Law
No. 19-155, is hereby further amended by adding a new section 8
to read as follows:

“Section 8. Allotment and management of funds. All
funds appropriated to JCRP shall be allotted, managed,
administered, and accounted for in accordance with
applicable law, including, but not limited to, the
Financial Management Act of 1979. The allottee of funds
appropriated shall be the Chairman of JCRP. The allottee
of the funds appropriated shall be responsible for ensuring that funds are used solely for the purpose specified in this act, and that no obligations are incurred in excess of sums appropriated. All funds appropriated to JCRP may be managed solely by JCRP in a separate banking account at a financial institution agreed upon by JCRP. JCRP must report all spending in accordance to applicable laws, regulations and policies.

Section 6. Public Law No. 19-85, as amended by Public Law No. 19-155, is hereby further amended renumbering existing section 7 as section 9.

Section 7. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 11/12/18  Introduced by: /s/ Wesley W. Simina

Wesley W. Simina