TWENTIETH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SIXTH SPECIAL SESSION, 2018

CONGRESSIONAL BILL NO. 20-255, C.D.1

P.C. NO. 20-452

OVERRIDE

PUBLIC LAW NO. 20-180

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 JCRP 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 nine members, he shall become a tenth JCRP member. If the Chief Negotiator is chosen among the existing nine members, that member shall not receive additional remuneration for the duties of Chief Negotiator."

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
country from an exclusive security prerogative;

(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;

(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;

(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 by 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.

OVERRIDE MAY 7, 2019

Peter M. Christian
President
Federated States of Micronesia