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A BILL FOR AN ACT

To amend sections 703 and 705 of title 41 Code of the Federated States of Micronesia (Annotated), to define certain terms and to clarify Presidential Authority, and for other purposes.

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

1           Section 1. Section 703 of title 41 of the Code of  
2 the Federated States of Micronesia (Annotated), is hereby  
3 amended to read as follows:

4           "Section 703. Definitions.

5           As used in this chapter, the following definitions  
6 shall apply:

7           (1) "Disaster" means the imminent threat or the  
8 occurrence of widespread injury or death to persons,  
9 or severe widespread injury to, or destruction of,  
10 property caused by a natural or man-made catastrophe;

11           (2) "Hazardous facility" means any material,  
12 equipment, or facility, public or private, which  
13 threatens loss of life or injury to persons or  
14 property substantially worse, in the event of a  
15 disaster, than that expected under normal conditions;

16           (3) "Man-made" means any event or activity which  
17 may cause, or causes, a disaster which is the result  
18 of man's actions and not through natural occurrences;

1           (4) "National Government" means the Government of  
2           the Federated States of Micronesia;

3           (5) "State of Emergency" means a formal declaration  
4           by the President in a situation where it is required  
5           to preserve public peace, health, or safety, at a  
6           time of extreme emergency caused by a disaster, and  
7           where the States need National and possibly  
8           international aid to prevent, prepare for, or recover  
9           from the disaster; and

10          (6) "States" means the government of the States of  
11          the Federated States of Micronesia.

12          (7) "Presidential Decrees" means an appropriate  
13          decree under Article X, Section 9 of the FSM  
14          Constitution which serves to preserve public peace,  
15          health, or safety, at a time of extreme emergency  
16          caused by civil disturbance, natural disaster, or  
17          immediate threat of war, or insurrection, but does  
18          not include the ability to reprogram, de-appropriate,  
19          or otherwise access domestic funds outside of the  
20          Disaster Relief Fund except as authorized under 55  
21          FSMC Section 109, which is the Emergency Account of  
22          the Disaster Relief Fund."

23          Section 2. Section 705 of title 41 of the Code of  
24          the Federated States of Micronesia (Annotated), is hereby  
25          amended to read as follows:

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1           "Section 705. Presidential authority.

2           (1) In situations where it is required to preserve  
3 public peace, health, or safety, at a time of extreme  
4 emergency caused by disaster, the President may declare a  
5 state of emergency. Within 30 days after the declaration  
6 of emergency, the Congress of the Federated States of  
7 Micronesia shall convene at the call of its Presiding  
8 Officer or the President to consider revocation,  
9 amendment, or extension of the declaration. Unless it  
10 expires by its own terms, is revoked or extended, the  
11 declaration of emergency is effective for 30 days.

12           (2) The President shall also have the power to  
13 issue Presidential [~~orders~~] Decrees as needed in a state  
14 of emergency as defined under Section 703(7) of this  
15 Title."

16           (3) Any Presidential [~~order~~] Decree issued under  
17 subsection (2) of this section shall be disseminated  
18 promptly and brought to the attention of both the general  
19 public and government officials responsible for acting  
20 during and after any state of emergency.

21           (4) During a state of emergency, the President is  
22 authorized to suspend any executive agency of the National  
23 Government's [~~regulatory statutes, or any~~] order, rule,  
24 or regulation [~~of an executive agency of the National~~  
25 ~~Government~~]. The President shall exercise this authority

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1 only if strict adherence to the provisions of the  
2 [~~regulatory statute,~~] order, rule, or regulation would  
3 substantially prevent, hinder, or delay actions needed to  
4 prevent, prepare for, or recover from a disaster.

5 (5) The President or his designee shall coordinate  
6 National Government activities to assist the States to  
7 prevent, prepare for, and recover from disasters.

8 (6) The President may request aid from the United  
9 States Government and from other foreign public and  
10 private entities providing disaster assistance. The  
11 President shall coordinate such foreign aid with  
12 assistance provided by the National Government.

13 (7) In the event of a threatened or existing  
14 disaster, the President may provide immediate assistance  
15 from the Disaster Relief Fund, Public Law No. 2-64  
16 (subchapter II, chapter 6 of title 55 of this code), to  
17 save lives, preserve property, and protect public health  
18 and safety. The President may provide such assistance by  
19 directing National Government agencies to:

20 (a) Give technical assistance and provide  
21 advisors to affected states;

22 (b) Lend equipment, supplies, facilities,  
23 and personnel to affected States; and

24 (c) Perform on public or private lands or  
25 waters emergency services needed to save lives,

