

## Article I

Law Enforcement Assistance

1. The law enforcement agencies of the United States and the Federated States of Micronesia shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Federated States of Micronesia specified in section 3 of this Article. The United States and the Federated States of Micronesia will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Federated States of Micronesia. In conducting activities authorized in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.
2. The United States and the Federated States of Micronesia will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the *Attorney General or other designated officials of each Government participates*, to prevent the use of the lands, waters, and facilities of the United States or the Federated States of Micronesia for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act and Schedules I through V of Subchapter II of the Controlled Substances Act of the Federated States of Micronesia or for the distribution of any such substance to or from the Federated States of Micronesia or to or from the United States or any of its territories or commonwealths.
3. Assistance provided pursuant to this agreement shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Federated States of Micronesia related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the offenses referred to in Title Two, Article II of this Agreement.
4. The Government of the United States and the Government of the Federated States of Micronesia agree that the law enforcement personnel of the United States may be present during direct police arrest actions in the Federated States of Micronesia related to narcotic control efforts, and that law enforcement personnel of the Federated States of Micronesia may be present during direct police arrest actions in the United States related to narcotic control efforts, as authorized on a case-by-case basis by the Attorney General or other designated representative of the Government of the jurisdiction in which such direct police arrest action is taken.

5. Pursuant to sections 222 and 224 of the amended Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to cooperate with the United States in the enforcement of criminal laws of the United States.

TITLE SIX

EFFECTIVE DATE, AMENDMENT AND DURATION

Article I

Effective Date, Amendment and Duration

1. Titles One through Four and Title Six of this Agreement went into effect on November 3, 1986, the effective date of the original Compact.
2. Title Five of this Agreement went into effect as the Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Mutual Assistance in Law Enforcement Matters signed April 25, 1986 and in accordance with the Compact and applicable laws and procedures of the United States and the Federated States of Micronesia on November 3, 1986.
3. This Agreement may be amended at any time by the mutual consent of the Government of the Federated States of Micronesia and the Government of the United States.
4. Titles One, Two and Three of this Agreement are effective until terminated by the Government of the United States or the Government of the Federated States of Micronesia, in the following manner:
  - (a) Termination of this Agreement by either the Government of the United States or the Government of the Federated States of Micronesia shall be effected by a written notification of the terminating Government to the other Government.
  - (b) Termination shall take effect one year after the recipient Government has been notified.
5. Except as provided in paragraph 7 of this Article, Titles Four and Six of this Agreement are effective for the period of effectiveness of the Status of Forces Agreement, except for those provisions relating to Category II Offenders which may be terminated in accordance with paragraph 4 of this Article.
6. Upon acceptance by the United States Secretary of State, paragraph 4 of Title Five of this Agreement shall constitute the exemption under 22 U.S.C. 2291(c)(2).
7. Title Five of this Agreement shall remain in effect for a term coincident with section 175 of the amended Compact and thereafter as mutually agreed by

the Government of the United States and the Government of the Federated States  
of Micronesia.

DONE at Palikir, in duplicate, this 14th day of May, 2003, each text being equally authentic.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

Handwritten signature of Larry M. Dwyer in cursive script.

FOR THE GOVERNMENT OF THE  
FEDERATED STATES OF MICRONESIA:

Handwritten signature of Joseph H. H. H. H. in cursive script.

Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and  
Penal Sanctions Concluded Pursuant to Section 175 of The Amended Compact of  
Free Association

Agreed Minute

Title Three, Article I, Judicial Assistance, paragraph 6: [The term "any legal privilege" shall include any legal or constitutional right or privilege.]

Article XVI, Relationship with Other Agreements: Article XVI of Title II of this Agreement makes it clear that "United States personnel" (within the meaning of the Status of Forces Agreement [SOFA]) who commit offenses while in the Federated States of Micronesia shall be subject to the applicable provisions of the SOFA. If a person who comes within the SOFA definition of "United States personnel," other than a member of the force, returns to the United States and is no longer subject to the SOFA, the provisions of the extradition agreement would apply. If, however, the offender is a member of the force at the time of the extradition request, it is contemplated that the Executive Authority would not exercise its authority to extradite the Offender, but would refer the case to the military authorities for disposition in accordance with the provisions of the SOFA.

Article XVI of Title II of the Extradition Agreement is without prejudice to the provisions of the SOFA which otherwise allows transfer of members of the force to the Federated States of Micronesia or the Republic of the Marshall Islands.