

A BILL FOR AN ACT

To further amend title 10 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-61, 3-4, and 4-66, by adding a new chapter 5 to give effect to the constitutional provisions for external affairs responsibilities of the executive branch of the National Government of the Federated States of Micronesia; to provide for definitions, policies, procedures, and regulations for the implementation thereof; and for other purposes.

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

1       Section 1. Title 10 of the Code of the Federated States of  
2 Micronesia is hereby further amended by adding a new section 501  
3 of chapter 5 to read as follows:

4               "Section 501. General responsibilities for external  
5               affairs. The Department of External Affairs, under the  
6               direction of the Secretary of External Affairs and  
7               subject to the ultimate authority of the President,  
8               is responsible for the coordination of relations  
9               between the National Government of the Federated States  
10              of Micronesia and the State governments of the Federated  
11              States of Micronesia; and for the conduct of relations  
12              of the Federated States of Micronesia with foreign  
13              governments, governmental regional and international  
14              organizations, and quasi-governmental organizations,  
15              in accordance with applicable laws, treaties,  
16              regulations, and orders; and for advising officials  
17              of the State and National Governments of the  
18              Federated States of Micronesia of policies to be  
19              observed toward such governments and organizations."

20       Section 2. Title 10 of the Code of the Federated States of  
21 Micronesia is hereby further amended by adding a new section 502  
22 of chapter 5 to read as follows:

23               "Section 502. Definitions.

24                       (1) 'External affairs' refers to foreign affairs  
25                       as defined in subsection (3) and in addition refers to



1 relations between the National Government and governments  
2 of the States of the Federated States of Micronesia.

3 (2) 'Foreign affairs' refers to matters of policy  
4 of the Federated States of Micronesia in its relations  
5 with foreign governments; governmental regional and  
6 international organizations; and quasi-governmental  
7 organizations.

8 (3) 'Foreign assistance' refers to aid in the  
9 nature of money, goods, services or programs, or other  
10 assistance provided by foreign governments; governmental  
11 regional or international organizations; or quasi-govern-  
12 mental organizations.

13 (4) 'Foreign governments' refers to the duly  
14 established and recognized governments of sovereign  
15 nation-states and the governments of commonwealths,  
16 territories, and other not fully sovereign entities,  
17 and the subdivisions, agencies and officials of such  
18 governments.

19 (5) 'Governmental regional or international  
20 organization or quasi-governmental organization' refers  
21 to an organization associated with a national government,  
22 or an organization representing the interests of several  
23 nations, and to which membership and participation is  
24 limited by international law, rule, or custom to  
25 national governments, which has the authority to conduct



1 governmental affairs of a national scope within  
2 prescribed limitations, but does not have the authority  
3 to obligate the sovereign powers of the nation or nations.

4 (6) 'Treaty' refers to an international agreement  
5 concluded between states in written form and governed by  
6 international law, whether embodied in a single instru-  
7 ment or in two or more related instruments and whatever  
8 its particular designation."

9 Section 3. Title 10 of the Code of the Federated States of  
10 Micronesia is hereby further amended by adding a new section 503  
11 of chapter 5 to read as follows:

12 "Section 503. Duties and responsibilities of the  
13 Secretary of External Affairs.

14 (1) The Secretary of External Affairs of the  
15 National Government of the Federated States of Micro-  
16 nesia, subject to the ultimate authority of the  
17 President, shall have the following duties and  
18 responsibilities to be exercised in accordance with  
19 applicable National laws, treaties, regulations, and  
20 orders:

21 (a) Formulation of foreign affairs policies for  
22 review and approval or disapproval by the President;

23 (b) Execution of foreign affairs policies of  
24 the Federated States of Micronesia approved by the  
25 President;

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1                    (c) Conduct of foreign affairs for all levels  
2                    of government within the Federated States of Micronesia;

3                    (d) Coordination of relations between the  
4                    National and State Governments of the Federated States  
5                    of Micronesia;

6                    (e) Establishment abroad of such diplomatic  
7                    missions and representative, consular, and such other  
8                    offices of the National Government of the Federated  
9                    States of Micronesia as may be necessary and supervision  
10                   of the heads and staff of such missions and offices and  
11                   other National Government officials or staff assigned to  
12                   or connected with such missions or offices;

13                   (f) Initiation of official inquiries or  
14                   requests for foreign assistance and coordination and  
15                   negotiation of acceptance of all offers of such  
16                   assistance;

17                   (g) Coordination of visiting missions abroad  
18                   by National and State Government officials and employees,  
19                   and communications relating thereto with foreign govern-  
20                   ments, governmental regional and international organi-  
21                   zations, and quasi-governmental organizations;

22                   (h) Consent to and coordination of the  
23                   activities of visiting missions to the Federated States  
24                   of Micronesia by officials and employees of foreign  
25                   governments, governmental regional and international

1 organizations, and quasi-governmental organizations, and  
2 communications relating thereto with such governments  
3 and organizations;

4 (i) Receive heads of missions and representa-  
5 tives and accept members of the staff to be assigned  
6 to any permanent mission or other office of a foreign  
7 government, a governmental regional or international  
8 organization, or a quasi-governmental organization that  
9 will be located in the Federated States of Micronesia or  
10 be accredited to the Federated States of Micronesia;  
11 and

12 (j) Exercise of full powers to represent the  
13 Federated States of Micronesia in negotiating, adopting  
14 or authenticating the text of a treaty, for expressing  
15 the consent of the Federated States of Micronesia to be  
16 bound by a treaty, or for accomplishing any other act  
17 with respect to a treaty.

18 (2) The Secretary of External Affairs may authorize  
19 other officials and employees of the Department of  
20 External Affairs to act on his behalf in carrying out  
21 specific duties and responsibilities provided for in  
22 subsection (1) of this section and in section 504 and  
23 may delegate or allocate such of his authority to other  
24 National or State Government officials as he may from  
25 time to time deem appropriate.

1                   (3) The Deputy Secretary of External Affairs shall  
2                   exercise the duties and responsibilities of the Secretary  
3                   of External Affairs in his absence or in the event the  
4                   Secretary of External Affairs dies, resigns, or is unable  
5                   to discharge the duties and responsibilities of his  
6                   office as determined by the President. Notwithstanding  
7                   section 208 of title 2 of the Code of the Federated States  
8                   of Micronesia, if the office of the Secretary becomes  
9                   vacant and the office of Deputy Secretary is not vacant,  
10                  the Deputy Secretary shall assume the duties and  
11                  responsibilities of the Secretary until a successor to  
12                  the Secretary has been confirmed by Congress."

13                  Section 4. Title 10 of the Code of the Federated States of  
14                  Micronesia is hereby further amended by adding a new section 504  
15                  of chapter 5 to read as follows:

16                  "Section 504. International and State - National  
17                  Agreements.

18                  (1) Unless otherwise provided by law, the  
19                  President, or, at his direction, the Secretary of  
20                  External Affairs, may, without ratification by Congress,  
21                  in accordance with the ordinary custom of heads of  
22                  government, heads of state, or ministers of foreign affairs  
23                  and in conformity with the Constitution of the Federated  
24                  States of Micronesia, conclude certain international  
25                  agreements if the agreements do not involve a delegation of a

1 major power of government of the Federated States of  
2 Micronesia to another government and do not involve major  
3 financial obligations requiring further appropriation.  
4 This subsection shall include only the following types of  
5 agreements:

6 (a) Those which implement, carry out, or  
7 interpret the terms of a treaty ratified by Congress;

8 (b) Those which implement or carry out  
9 the specific provisions of a congressional enactment;

10 (c) Those which are concluded pursuant  
11 to congressional authorization; or

12 (d) Those which involve matters falling within  
13 the normal scope of executive powers or responsibilities.

14 (2) The President, or, at his direction, the  
15 Secretary of External Affairs, may, without approval by  
16 Congress, conclude agreements with the State governments  
17 of the Federated States of Micronesia if such agreements:

18 (a) Do not involve major financial obligations  
19 requiring further appropriations; and

20 (b) Implement or carry out the specific  
21 provisions of a congressional enactment, or are concluded  
22 pursuant to a congressional authorization, or involve  
23 matters falling within the normal scope of executive  
24 powers or responsibilities.

25 (3) The Secretary of External Affairs shall

1 transmit a copy of any agreement concluded pursuant to  
2 subsection (1) or (2) of this section to the Congress  
3 of the Federated States of Micronesia together with an  
4 explanation of the agreement and the reasons therefore.

5 (4) Nothing contained in this section or section  
6 503(1)(j) shall be construed as diminishing the  
7 ultimate authority of the President, or, at his direction,  
8 the Secretary of External Affairs, to negotiate and  
9 conclude international agreements which require ratifi-  
10 cation by Congress."

11 Section 5. Title 10 of the Code of the Federated States of  
12 Micronesia is hereby further amended by adding a new section  
13 505 of chapter 5 to read as follows:

14 "Section 505. Authority to establish policies and  
15 procedures. The Secretary of External Affairs of the  
16 National Government of the Federated States of  
17 Micronesia is hereby authorized to establish and  
18 promulgate written policies and procedures for the  
19 purpose of effectuating his duties and responsibili-  
20 ties as specified in this act."

21 Section 6. Title 10 of the Code of the Federated States  
22 of Micronesia is hereby further amended by adding a new section  
23 506 of chapter 5 to read as follows:

24 "Section 506. Regulations. The President is hereby  
25 authorized to promulgate regulations, in accordance



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1           with chapter 1 of title 17 of the Code of the Federated  
2           States of Micronesia, implementing the provisions of this  
3           act, which regulations shall have the force and effect  
4           of law."

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

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9 Date: 1-18-87

Introduced by:

Isaac V. Figir

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