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A BILL FOR AN ACT

To amend sections 501, 503, 504, and 505 of title 10 Code of the Federated States of Micronesia (Annotated), to formally change the name of the Department External Affairs to the Department of Foreign Affairs, and for other purposes.

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

1           Section 1. Section 501 of title 10 of the Code of  
2 the Federated States of Micronesia (Annotated), is hereby  
3 amended to read as follows:

4           "Section 501. General responsibilities for foreign  
5           affairs.

6           The Department of [~~External~~] Foreign Affairs, under  
7 the direction of the Secretary of [~~External~~] Foreign  
8 Affairs and subject to the ultimate authority of the  
9 President, is responsible for the conduct of  
10 relations of the Federated States of Micronesia with  
11 foreign governments, governmental regional and  
12 international organizations, and quasi-governmental  
13 organizations, in accordance with applicable laws,  
14 treaties, regulations, and orders; and for advising  
15 officials of the State and National Governments of  
16 the Federated States of Micronesia of policies to be  
17 observed toward such governments and organizations."

1           Section 2. Section 503 of title 10 of the Code of  
2 the Federated States of Micronesia (Annotated), is hereby  
3 amended to read as follows:

4           "Section 503. Foreign affairs duties and  
5 responsibilities of the Secretary of [~~External~~  
6 Foreign Affairs.

7           (1) The Secretary of [~~External~~] Foreign Affairs of  
8 the National Government of the Federated States of  
9 Micronesia, subject to the ultimate authority of the  
10 President, shall have the following duties and  
11 responsibilities to be exercised in accordance with  
12 applicable National laws, treaties, regulations, and  
13 orders:

14           (a) formulation of foreign affairs policies for  
15 review and approval or disapproval by the President;

16           (b) execution of foreign affairs policies of the  
17 Federated States of Micronesia approved by the  
18 President;

19           (c) conduct of foreign affairs for all levels of  
20 government within the Federated States of Micronesia;

21           (d) establishment abroad of such diplomatic  
22 missions and representative, consular, and such other  
23 offices of the National Government of the Federated  
24 States of Micronesia as may be necessary and  
25 supervision of the heads and staff of such missions

1           and offices and other National Government officials  
2           or staff assigned to or connected with such missions  
3           or offices;

4           (e) initiation of official inquiries or requests  
5           for foreign assistance and coordination and  
6           negotiation of acceptance of all offers of such  
7           assistance;

8           (f) coordination of visiting missions abroad by  
9           National and State Governments, and communications  
10          relating thereto with foreign governments,  
11          governmental regional and international  
12          organizations, and quasi-governmental organizations;

13          (g) coordination of the activities of visiting  
14          missions to the Federated States of Micronesia by  
15          officials and employees of foreign governments,  
16          governmental regional and international  
17          organizations, and quasi-governmental organizations,  
18          and communications relating thereto with such  
19          governments and organizations;

20          (h) in accordance with the ordinary principles of  
21          international law and the ordinary custom of  
22          ministers of foreign affairs, receive heads of  
23          missions and representatives to be accredited to the  
24          Federated States of Micronesia; and accept, approve,  
25          or consent to the assignment of members of the staff

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1 to any permanent mission or other office of a foreign  
2 government, a governmental regional or international  
3 organization, or a quasi-governmental organization  
4 that will be located in the Federated States of  
5 Micronesia or the assignment of a representative from  
6 such government or organization; and, when  
7 appropriate, declare such persons persona non grata  
8 or unacceptable; and

9 (i) exercise of full powers to represent the  
10 Federated States of Micronesia in negotiating,  
11 adopting or authenticating the text of a treaty, for  
12 expressing the consent of the Federated States of  
13 Micronesia to be bound by a treaty, or for  
14 accomplishing any other act with respect to a treaty.

15 (2) The Secretary of [~~External~~] Foreign Affairs may  
16 authorize other officials and employees of the  
17 Department of [~~External~~] Foreign Affairs to act on  
18 his behalf in carrying out specific duties and  
19 responsibilities provided for in subsection (1) of  
20 this section and in section 504 of this chapter and  
21 may authorize other National or State Government  
22 officials to act on his behalf with respect to such  
23 matters as he may from time to time deem appropriate.

24 (3) The Deputy Secretary of [~~External~~] Foreign  
25 Affairs shall exercise the duties and

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1           responsibilities of the Secretary of [~~External~~]  
2           Foreign Affairs in his absence or in the event the  
3           Secretary of [~~External~~] Foreign Affairs dies,  
4           resigns, or is unable to discharge the duties and  
5           responsibilities of his office as determined by the  
6           President. Notwithstanding section 208 of title 2 of  
7           this code, if the office of the Secretary becomes  
8           vacant and the office of Deputy Secretary is not  
9           vacant, the Deputy Secretary shall assume the duties  
10          and responsibilities of the Secretary until a  
11          successor to the Secretary has been confirmed by  
12          Congress. This subsection shall not apply if the  
13          Deputy Secretary is prohibited from assuming these  
14          duties and responsibilities pursuant to section 502  
15          of title 3 of this code.”

16          Section 3. Section 504 of title 10 of the Code of  
17          the Federated States of Micronesia (Annotated), is hereby  
18          amended to read as follows:

19                 “Section 504. International agreements.

20                         (1) Unless otherwise provided by law, the  
21                         President, the Secretary of [~~External~~] Foreign  
22                         Affairs, or their authorized representatives, may,  
23                         without ratification by Congress, in accordance with  
24                         the ordinary custom of heads of government, heads of  
25                         state, or ministers of foreign affairs and in

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1 conformity with the Constitution of the Federated  
2 States of Micronesia, conclude certain international  
3 agreements if the agreements do not involve a  
4 delegation of a major power of government of the  
5 Federated States of Micronesia to another government  
6 and do not involve major financial obligations  
7 requiring further appropriation. This subsection  
8 shall include only the following types of agreements:

9 (a) those which implement, carry out, or interpret  
10 the terms of a treaty ratified by Congress;

11 (b) those which implement or carry out the specific  
12 provisions of a congressional enactment;

13 (c) those which are concluded pursuant to  
14 congressional authorization; or

15 (d) those which involve matters falling within the  
16 normal scope of executive powers or responsibilities.

17 (2) The Secretary of [~~External~~] Foreign Affairs  
18 shall transmit a copy of any agreement concluded  
19 pursuant to subsection (1) of this section to the  
20 Congress of the Federated States of Micronesia  
21 together with an explanation of the agreement and the  
22 reasons therefore.

23 (3) Nothing contained in this section shall be  
24 construed as diminishing the authority of the  
25 President, the Secretary of [~~External~~] Foreign



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