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A BILL FOR AN ACT

To give effect to the constitutional provisions of the 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. General responsibilities for external affairs. The
2 Department of External Affairs, under the direction of the President,
3 is responsible for the conduct of relations between the National
4 Government of the Federated States of Micronesia and the State
5 governments; for the conduct of relations of the Federated States of
6 Micronesia with foreign governments, governmental, regional, and
7 international organizations, and quasi-governmental organizations, in
8 accordance with applicable laws, treaties, regulations, and orders;
9 for advising the President; and for advising other governmental
10 officials of policies to be observed toward such other governments and
11 organizations.

12 Section 2. Definitions.

13 (1) "External affairs" refers to foreign affairs as defined
14 in subsection 3 and in addition refers to the conduct of relations
15 between the National Government and governments of the States of the
16 Federated States of Micronesia and the conduct of relations with the
17 Government of the United States, its subdivisions, and agencies.

18 (2) "External assistance" refers to aid in the nature of
19 money, goods, and/or services provided by foreign governments; governmental,
20 regional, or international organizations; or quasi-governmental
21 organizations.

22 (3) "Foreign financial assistance" refers to aid in the
23 nature of money provided by a foreign government;
24 governmental, regional, or international organization; or
25 quasi-governmental organization.

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1 (4) "Foreign affairs" refers to matters of policy of
2 the Federated States of Micronesia in its relations with foreign
3 governments; governmental, regional, and international organi-
4 zations; and quasi-governmental organizations.

5 (5) "Foreign governments" refer to the duly established
6 and recognized governments of sovereign nation-states and the
7 governments of commonwealths, territories, and other not fully sov-
8 ereign entities.

9 (6) "Quasi-governmental organization" refers to an organi-
10 zation associated with a national government, or an organization
11 representing the interests of several nations, which has the authority
12 to conduct governmental affairs within prescribed limitations, but
13 does not have the authority to obligate the sovereign powers of the
14 nation or nations.

15 (7) "Treaty" refers to an international agreement concluded
16 between states in written form and governed by international law,
17 whether embodied in a single instrument or in two or more related
18 instruments and whatever its particular designation.

19 Section 3. Duties and responsibilities of the Department of
20 External Affairs. The Department of External Affairs of the National
21 Government of the Federated States of Micronesia shall have the
22 following duties and responsibilities in accordance with National law
23 and policy:

24 (1) Formulation of foreign affairs policies for review and
25 approval or disapproval by the President;

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- 1 (2) Execution of foreign affairs policies of the Federated
2 States of Micronesia approved by the President;
- 3 (3) Conduct of foreign affairs for all levels of government
4 within the Federated States of Micronesia;
- 5 (4) Conduct of relations between the National and State
6 Governments of the Federated States of Micronesia;
- 7 (5) Conduct of relations between the Government of the
8 United States of America, including its subdivisions and agencies, and
9 the Government of the Trust Territory of the Pacific Islands;
- 10 (6) Conduct of trade relations between the Federated States
11 of Micronesia and foreign governments; governmental, regional, and
12 international organizations; and quasi-governmental organizations;
- 13 (7) Establishment abroad of such liaison and diplomatic
14 offices of the National Government of the Federated States of Micronesia
15 as may be necessary;
- 16 (8) Initiation of all formal investigations and requests for
17 external assistance and coordination and negotiation of acceptance of
18 all offers of such assistance; and
- 19 (9) Coordination of missions abroad by National and State
20 Government officials and employees, and communications relating thereto
21 with foreign governments; governmental, regional, and international
22 organizations; and quasi-governmental organizations.
- 23 Section 4. International agreements. The President, without
24 ratification by the Congress, in accordance with the ordinary custom of
25 heads of government or heads of state and in conformity with the

1 Constitution of the Federated States of Micronesia, may conclude certain
2 international agreements if he does not incur major financial obligations
3 requiring appropriation. These include only the following types of
4 agreements:

5 (1) Those which implement or carry out the terms of a treaty
6 ratified by Congress;

7 (2) Those which carry out the specific requirements of a
8 congressional enactment; and

9 (3) Those which are made by the President pursuant to his
10 constitutional powers as Chief Executive.

11 Section 5. External assistance agreements.

12 (1) Foreign financial assistance received by the National
13 Government shall be deposited in a foreign assistance fund. Except where
14 a particular distribution is required by the terms or special nature of
15 the assistance, each State shall receive a share equal to the share of
16 the National Government and to the share of every other State.

17 (2) External assistance received in the nature of goods and/or
18 services rather than money, except where the aggregate fair market value
19 of the goods and/or services is less than \$50,000, shall be distributed,
20 sold, or otherwise disposed of by the Congress of the Federated States of
21 Micronesia by resolution while in session, and by the appropriate committee
22 of the Congress between sessions. When the aggregate fair market value of
23 the goods and/or services is less than \$50,000, the President shall be
24 responsible for the distribution, sale, or disposal of the goods and/or
25 services.

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1 Section 6. Authority to establish policies and procedures. The
2 Secretary of External Affairs of the National Government of the
3 Federated States of Micronesia is hereby authorized to establish and
4 promulgate written policies and procedures for the purpose of
5 effectuating the duties and responsibilities of the department.

6 Section 7. Regulations. The President is hereby authorized to
7 promulgate regulations implementing the provisions of this act, which
8 regulations shall have the force and effect of law.

9 Section 8. Effective date. This act shall become law upon approval
10 by the President of the Federated States of Micronesia or upon its
11 becoming law without such approval.

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13 Date: 5/28/83

Introduced by:

Jack Fritz

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