

FOURTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FOURTH SPECIAL SESSION, 1987 CONGRESSIONAL BILL NO. 4-399, C.D.1, C.D.2,
C.D.3

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

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

18 "Section 502. Definitions.

19 (1) 'Foreign affairs' refers to matters of policy
20 of the Federated States of Micronesia in its relations
21 with foreign governments, governmental regional and
22 international organizations, and quasi-governmental

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

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

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

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

19 (h) In accordance with the ordinary principles
20 of international law and the ordinary custom of ministers
21 of foreign affairs, receive heads of missions and rep-
22 resentatives to be accredited to the Federated States
23 of Micronesia; and accept, approve, or consent to the
24 assignment of members of the staff to any permanent
25 mission or other office of a foreign government, a

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

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

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

21 (3) The Deputy Secretary of External Affairs shall
22 exercise the duties and responsibilities of the Secretary
23 of External Affairs in his absence or in the event the
24 Secretary of External Affairs dies, resigns, or is unable
25 to discharge the duties and responsibilities of his

1 office as determined by the President. Notwithstanding
2 section 208 of title 2 of the Code of the Federated States
3 of Micronesia, if the office of the Secretary becomes
4 vacant and the office of Deputy Secretary is not vacant,
5 the Deputy Secretary shall assume the duties and
6 responsibilities of the Secretary until a successor to
7 the Secretary has been confirmed by Congress. This
8 subsection shall not apply if the Deputy Secretary is
9 prohibited from assuming these duties and responsibil-
10 ities pursuant to section 505 of title 3 of the Code
11 of the Federated States of Micronesia.

12 (4) The Secretary of External Affairs may
13 authorize the Federated States of Micronesia Representa-
14 tive appointed and confirmed pursuant to section 101
15 of this title to use the title 'ambassador' when
16 appropriate in representing the Federated States of
17 Micronesia on foreign affairs matters before foreign
18 governments and governmental regional and international
19 organizations."

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

23 "Section 504. International agreements.

24 (1) Unless otherwise provided by law, the
25 President, the Secretary of External Affairs, or their

1 authorized representatives, may, without ratifi-
2 cation by Congress, in accordance with the ordinary
3 custom of heads of government, heads of state, or
4 ministers of foreign affairs and in conformity with the
5 Constitution of the Federated States of Micronesia, conclude
6 certain international agreements if the agreements do
7 not involve a delegation of a major power of government of
8 the Federated States of Micronesia to another government
9 and do not involve major financial obligations requiring
10 further appropriation. This subsection shall include only
11 the following types of agreements:

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

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

16 (c) Those which are concluded pursuant
17 to congressional authorization; or

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

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

25 (3) Nothing contained in this section shall be

1 construed as diminishing the authority of the President,
2 the Secretary of External Affairs, or their authorized
3 representatives, to negotiate and conclude international
4 agreements which require ratification by Congress."

5 Section 5. Title 10 of the Code of the Federated States of
6 Micronesia is hereby further amended by adding a new section
7 505 of chapter 5 to read as follows:

8 "Section 505. Authority to establish policies and
9 procedures. The Secretary of External Affairs of the
10 National Government of the Federated States of
11 Micronesia is hereby authorized to establish and
12 promulgate written policies and procedures for the
13 purpose of effectuating his duties and responsibili-
14 ties as specified in this act."


15 Section 6. Title 10 of the Code of the Federated States
16 of Micronesia is hereby further amended by adding a new section
17 506 of chapter 5 to read as follows:

18 "Section 506. Regulations. The President is hereby
19 authorized to promulgate regulations, in accordance
20 with chapter 1 of title 17 of the Code of the Federated
21 States of Micronesia, implementing the provisions of this
22 act, which regulations shall have the force and effect
23 of law."
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1 Section 7. This act shall become law upon approval by
2 the President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

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March 6, 1987



Tosiwo Nakayama
President
Federated States of Micronesia