CONGRESSIONAL BILL NO. 4-411

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, 4-66, 4-104, and 4-105, by amending sections 202 through 209 for the purpose of making the law consistent with the Federated States of Micronesia's political status, and for other purposes.

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

- 1 Section 1. Section 202 of title 10 of the Code of the
- 2 Federated States of Micronesia is hereby amended to read as
- 3 follows:

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- "Section 202. <u>International organization defined</u> Authority of President.
 - (1) For the purpose of this chapter the term

 'international organization' means a public international

 organization which shall have been designated by the

 President of the Federated States of Micronesia

 through appropriate Executive order as being entitled

 to enjoy the privileges, exemptions, and immunities

 provided in this chapter.
 - (2) The President shall be authorized, in the light of the functions performed by any such international organization, to withhold or withdraw by appropriate executive order from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this chapter or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity.
 - (3) The President shall be authorized, if in his

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1	judgment such action should be justified by reason of the
2	abuse by an international organization or its officers
3	and employees of the privileges, exemptions, and
4	immunities provided in this chapter or for any other
5	reason, to revoke at any time the designation of any
6	international organization under this chapter, whereupon the
7	international organization in question shall cease to be
8	classed as an international organization for the purposes
9	of this chapter."
10	Section 2. Section 203 of title 10 of the Code of the Federated
11	States of Micronesia is hereby amended to read as follows:
12	"Section 203. Privileges, exemptions, and immunities of
13	international organizations. International organizations
14	shall be accorded the status, immunities, exemptions, and
15	privileges set forth in this section, as follows:
16	(1) International organizations shall, to the
17	extent consistent with the instrument creating them,
18	possess the capacity:
19	(a) to contract;
20	(b) to acquire and dispose of personal
21	property; and
22	(c) to institute legal proceedings.
23	(2) International organizations, their property,
24	and their assets wherever located, and by whomsoever
25	held, shall be accorded the same immunity from suit and

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1	every form of judicial process as is accorded by the
2	Government of the Federated States of Micronesia to foreign
3	governments, except to the extent that such organizations
4	may expressly waive their immunity for the purpose of any
5	proceedings or by the terms of any contract.
6	(3) Property and assets of international organiza-
7	tions, wherever located and by whomsoever held, shall be
8	immune from search, unless such immunity be expressly
9	waived, and from confiscation. The archives of inter-
10	national organizations shall be inviolable.
11	(4) Insofar as concern customs duties and internal
12	revenue taxes imposed upon or by reason of importation,
13	and the procedures in connection therewith, the
14	registration of foreign agents, and the treatment of
15	official communications, the privileges, exemptions,
16	and immunities to which international organizations
17	shall be entitled shall be the same as those accorded
18	by the Government of the Federated States of Micronesia
19	under similar circumstances to foreign governments.
20	(5) The protection of resident workers act shall
21	not apply to international organizations."
22	Section 3. Section 204 of title 10 of the Code of the
23	Federated States of Micronesia is hereby amended to read as follows:
24	"Section 204. Baggage and effects of officers and
25	employees. Pursuant to regulations prescribed by the

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1		President, or as otherwise provided by law, the baggage and
2		effects of alien officers and employees of international
3		organizations, or of aliens designated by foreign
4		governments to serve as their representatives in or to
5		such organizations, or of the families, suites, and
6		servants of such officers, employees, or representatives
7		shall be admitted, when imported in connection with the
8		arrival of the owner, free of customs duties and free
9		of internal revenue taxes imposed upon or by reason
10		of importation."
11	Sect	ion 4. Section 205 of title 10 of the Code of the
12	Federated	States of Micronesia is hereby amended to read as
13	follows:	
14		"Section 205. Exemption from property taxes.
15		International organizations shall be exempt from all
16		property taxes imposed by, or under the authority
17		of, any law of the Federated States of Micronesia
18		or any political subdivision thereof."
19	Sect	ion 5. Section 206 of title 10 of the Code of the
20	Federated	States of Micronesia is hereby amended to read as
21	follows:	
22		"Section 206. Income of international organizations. The
23		income of international organizations received from invest-
24		ments in the Federated States of Micronesia in stocks,
25		bonds, or other domestic securities, owned by such

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1	inter	national organizations, or from interest on deposits in
2	banks	in the Federated States of Micronesia of moneys
3	belor	ging to such international organizations, or from
4	any o	ther sources within the Federated States of Micronesia
5	shall	be exempt from taxation under all tax laws of the
6	Feder	ated States of Micronesia and of its political
7	subdi	visions."
8	Section 6.	Section 207 of title 10 of the Code of the Federated
9	States of Micro	nesia is hereby amended to read as follows:
10	"Sect	ion 207. Compensation of employees of international
11	organ	izations. Wages, fees, or salaries of any employee
12	of an	international organization received as compensation
13	for o	fficial services to such international organization
14	shall	be exempt from taxation under all income tax laws
15	of th	e Federated States of Micronesia and of its political
16	subdi	visions if such employee is not a citizen of the
17	Feder	ated States of Micronesia."
18	Section 7.	Section 208 of title 10 of the Code of the
19	Federated State	s of Micronesia is hereby amended to read as
20	follows:	
21	"Sect	ion 208. Privileges, exemptions, and immunities of
22	offic	ers, employees, and their families.
23		(1) Persons designated by foreign governments to
24	serve	as their representatives in or to international
25	organ	izations and the officers and employees of such

1 organizations, and members of the immediate families of 2 such representatives, officers, and employees residing with 3 them, other than citizens of the Federated States of 4 Micronesia, shall, insofar as concerns laws regulating 5 entry into and departure from the Federated States of Micronesia, alien registration, and fingerprinting, 6 and the registration of foreign agents, be entitled to the 7 8 same privileges, exemptions, and immunities as are accorded 9 by the Government of the Federated States of Micronesia 10 under similar circumstances to officers and employees, 11 respectively, of foreign governments and members of their families. 12 (2) Representatives of foreign governments in or 13 14 to international organizations and officers and employees of such organizations shall be immune from suit and legal 15 16 process relating to acts performed by them in their 17 official capacity and falling within their functions as such representatives, officers, or employees except 18 19 insofar as such immunity may be waived by the foreign 20 government or international organization concerned." 21 Section 8. Section 209 of title 10 of the Code of the Federated States of Micronesia is hereby amended to read as 22 23 follows: 24 "Section 209. Notification to and acceptance by President

of personnel - Deportation of undesirables - Extent

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1	of diplomatic status.
2	(1) No person shall be entitled to the benefits of
3	this act unless he:
4	(a) shall have been duly notified to and
5	accepted by the President as a representative officer
6	or employee; or
7	(b) shall have been designated by the
8	President, prior to formal notification and acceptance, as
9	a prospective representative, officer, or employee; or
10	(c) is a member of the family or suite, or
11	servant, of one of the foregoing accepted or designated
12	representatives, officers, or employees.
13	(2) Should the President determine that the continued
14	presence in the Federated States of Micronesia
15	of any person entitled to the benefits of this chapter
16	is not desirable, he shall so inform the foreign government
17	or international organization concerned, as the case
18	may be, and after such person shall have had a reasonable
19	length of time, to be determined by the President, to depart
20	from the Federated States of Micronesia, he shall
21	cease to be entitled to such benefits.
22	(3) No person shall, by reason of the provisions
23	of this chapter, be considered as receiving diplomatic
24	status or as receiving any of the privileges incident
25	thereto other than such as are specifically set forth herein.

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1	Section 9. This act shall become law upon approval by the
2	President of the Federated States of Micronesia or upon its
3	becoming law without such approval.
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5	May 7 , 1987
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8	Tosiwo Nakayama President
9	Federated States of Micronesia
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