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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 6 concerning diplomatic missions, 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  
3 601 of chapter 6 to read as follows:

4           "Section 601. Recognition of diplomatic missions.  
5           The President of the Federated States of Micronesia  
6           is authorized to enter into diplomatic relations with  
7           foreign governments and to consent to the establishment of  
8           diplomatic missions in the Federated States of Micronesia.  
9           Unless otherwise provided by law, treaty, or the President  
10          pursuant to section 602 of this title, such missions,  
11          members of the mission, and their families and private  
12          servants, and diplomatic couriers assigned to the mission  
13          shall be afforded the privileges, immunities, protections,  
14          and exemptions specified in the Vienna Convention on  
15          Diplomatic Relations of April 18, 1961."

16       Section 2. Title 10 of the Code of the Federated States of  
17 Micronesia is hereby further amended by adding a new section 602 of  
18 chapter 6 to read as follows:

19           "Section 602. Exceptions based upon reciprocity. The  
20           President may, on the basis of reciprocity and such terms  
21           and conditions as he may determine, specify privileges,  
22           immunities, protections, and exemptions which result in

1 different treatment than that specified under the Vienna  
2 Convention on Diplomatic Relations of April 18, 1961."

3 Section 3. Title 10 of the Code of the Federated States of  
4 Micronesia is hereby further amended by adding a new section  
5 603 of chapter 6 to read as follows:

6 "Section 603. Dismissal on motion of actions against  
7 individuals entitled to immunity. Any action or proceed-  
8 ing brought against an individual who is entitled to  
9 immunity with respect to such action or proceeding pursuant  
10 to this chapter, or under any other laws of the Federated  
11 States of Micronesia extending diplomatic privileges and  
12 immunities, shall be dismissed. Such immunity may be  
13 established upon motion or suggestion by or on behalf of the  
14 individual, or as otherwise permitted by law or applicable  
15 rules of procedure."

16 Section 4. Title 10 of the Code of the Federated States of  
17 Micronesia is hereby further amended by adding a new section  
18 604 of chapter 6 to read as follows:

19 "Section 604. Immigration laws and Presidential authority.  
20 Section 107 of title 50 of the Code of the Federated States  
21 of Micronesia shall not apply to any person granted  
22 privileges, immunities, protections or exemptions under  
23 this chapter, except to the extent otherwise provided by law  
24 or treaty. However, nothing contained in this section shall  
25 be construed as diminishing the authority of the President



1 or his authorized representative to declare such persons  
2 persona non grata or unacceptable and effectuate their  
3 removal or departure from the Federated States of Micro-  
4 nesia. If a person is declared persona non grata or  
5 unacceptable and fails to depart the Federated States  
6 of Micronesia within a reasonable length of time, such  
7 person's privileges, immunities, protections and  
8 exemptions shall cease and he shall be promptly deported."

9 Section 5. Title 10 of the Code of the Federated States of  
10 Micronesia is hereby further amended by adding a new section

11 605 of chapter 6 to read as follows:

12 "Section 605. Liability insurance for diplomatic  
13 agents.

14 (1) Each mission and all persons receiving  
15 privileges and immunities pursuant to this chapter must  
16 comply with any requirements imposed by the regulations  
17 promulgated by the President pursuant to subsection (2)  
18 of this section.

19 (2) The President shall, by regulations promulgated  
20 in accordance with chapter 1 of title 17 of the Code  
21 of the Federated States of Micronesia, establish  
22 liability insurance requirements to be met by each mission  
23 and all persons receiving privileges and immunities pursuant  
24 to this chapter. Such liability insurance requirements  
25 shall relate to risks arising from the operation in the

1 Federated States of Micronesia of any motor vehicle,  
2 vessel, or aircraft.

3 (3) The President shall take such steps as he may  
4 deem necessary and proper to insure that each mission  
5 and all persons receiving privileges and immunities  
6 pursuant to this chapter that operate motor vehicles,  
7 vessels, or aircraft in the Federated States of  
8 Micronesia comply with the requirements established  
9 pursuant to subsection (2) of this section.

10 (4) Nothing contained in this chapter shall be  
11 construed as authorizing the dismissal of any action  
12 or proceeding against an insurer who by his contract has  
13 insured a person entitled to immunity under this chapter  
14 against liability for personal injury, death, or damage to  
15 property. The immunity of the insured, the fact that the  
16 insured is an indispensable party, or in the absence of  
17 fraud or collusion, the fact that the insured has violated  
18 a term of the contract, unless the contract was canceled  
19 before the claim arose, shall not constitute defenses in  
20 any such action or proceeding against an insurer."

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


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March 4, 1987

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Tosiwo Nakayama  
President  
Federated States of Micronesia

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