

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:

4 "Section 202. International organization defined -
5 Authority of President.

6 (1) For the purpose of this chapter the term
7 'international organization' means a public international
8 organization which shall have been designated by the
9 President of the Federated States of Micronesia
10 through appropriate Executive order as being entitled
11 to enjoy the privileges, exemptions, and immunities
12 provided in this chapter.

13 (2) The President shall be authorized, in the
14 light of the functions performed by any such international
15 organization, to withhold or withdraw by appropriate
16 executive order from any such organization or its officers
17 or employees any of the privileges, exemptions, and
18 immunities provided for in this chapter or to condition
19 or limit the enjoyment by any such organization or its
20 officers or employees of any such privilege, exemption,
21 or immunity.

22 (3) The President shall be authorized, if in his

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

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

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 Section 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 Section 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

1 international organizations, or from interest on deposits in
2 banks in the Federated States of Micronesia of moneys
3 belonging to such international organizations, or from
4 any other sources within the Federated States of Micronesia
5 shall be exempt from taxation under all tax laws of the
6 Federated States of Micronesia and of its political
7 subdivisions."

8 Section 6. Section 207 of title 10 of the Code of the Federated
9 States of Micronesia is hereby amended to read as follows:

10 "Section 207. Compensation of employees of international
11 organizations. Wages, fees, or salaries of any employee
12 of an international organization received as compensation
13 for official services to such international organization
14 shall be exempt from taxation under all income tax laws
15 of the Federated States of Micronesia and of its political
16 subdivisions if such employee is not a citizen of the
17 Federated States of Micronesia."

18 Section 7. Section 208 of title 10 of the Code of the
19 Federated States of Micronesia is hereby amended to read as
20 follows:

21 "Section 208. Privileges, exemptions, and immunities of
22 officers, employees, and their families.

23 (1) Persons designated by foreign governments to
24 serve as their representatives in or to international
25 organizations 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
6 of Micronesia, alien registration, and fingerprinting,
7 and the registration of foreign agents, be entitled to the
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
12 families.

13 (2) Representatives of foreign governments in or
14 to international organizations and officers and employees
15 of such organizations shall be immune from suit and legal
16 process relating to acts performed by them in their
17 official capacity and falling within their functions as
18 such representatives, officers, or employees except
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
22 Federated States of Micronesia is hereby amended to read as
23 follows:

24 "Section 209. Notification to and acceptance by President
25 of personnel - Deportation of undesirables - Extent

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."

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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May 7, 1987

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Tosiwo Nakayama
President
Federated States of Micronesia

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