

Ex. 685.
A BILL FOR 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 ~~High Commissioner~~ 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 ~~High Commissioner~~ President of the ~~Trust Territory~~
10 Federated States of Micronesia through appropriate
11 Executive order as being entitled to enjoy the privileges,
12 exemptions, and immunities provided in this chapter.

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

22 (3) The ~~High Commissioner~~ President shall be
23 authorized, if in his judgment such action should be
24 justified by reason of the abuse by an international
25 organization or its officers and employees of the

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1 privileges, exemptions, and immunities provided in this
2 chapter or for any other reason, to revoke at any time
3 the designation of any international organization under
4 this chapter, whereupon the international organization
5 in question shall cease to be classed as an international
6 organization for the purposes of this chapter."

7 Section 2. Section 203 of title 10 of the Code of the Federated
8 States of Micronesia is hereby amended to read as follows:

9 "Section 203. Privileges, exemptions, and immunities of
10 international organizations. International organizations
11 shall be accorded the status, immunities, exemptions, and
12 privileges set forth in this section, as follows:

13 (1) International organizations shall, to the
14 extent consistent with the instrument creating them,
15 possess the capacity:

16 (a) to contract;

17 (b) to acquire and dispose of personal
18 property; and

19 (c) to institute legal proceedings.

20 (2) International organizations, their property,
21 and their assets wherever located, and by whomsoever
22 held, shall be accorded the same immunity from suit and
23 every form of judicial process as is accorded by the
24 Government of the ~~United States~~ Federated States of
25 Micronesia to foreign governments, except to the extent

1 that such organizations may expressly waive their
2 immunity for the purpose of any proceedings or by the
3 terms of any contract.

4 (3) Property and assets of international organiza-
5 tions, wherever located and by whomsoever held, shall be
6 immune from search, unless such immunity be expressly
7 waived, and from confiscation. The archives of inter-
8 national organizations shall be inviolable.

9 (4) Insofar as concern customs duties and internal
10 revenue taxes imposed upon or by reason of importation,
11 and the procedures in connection therewith, the
12 registration of foreign agents, and the treatment of
13 official communications, the privileges, exemptions,
14 and immunities to which international organizations
15 shall be entitled shall be the same as those accorded
16 by the Government of the ~~United States of America~~
17 Federated States of Micronesia under similar
18 circumstances to foreign governments.

19 (5) The protection of resident workers act shall
20 not apply to international organizations."

21 Section 3. Section 204 of title 10 of the Code of the
22 Federated States of Micronesia is hereby amended to read as follows:

23 "Section 204. Baggage and effects of officers and
24 employees. Pursuant to regulations prescribed by the
25 ~~High Commissioner~~ President, or as otherwise provided

1 by law, the baggage and effects of alien officers and
2 employees of international organizations, or of aliens
3 designated by foreign governments to serve as their
4 representatives in or to such organizations, or of the
5 families, suites, and servants of such officers,
6 employees, or representatives shall be admitted, when
7 imported in connection with the arrival of the owner,
8 free of customs duties and free of internal revenue
9 taxes imposed upon or by reason of importation."

10 Section 4. Section 205 of title 10 of the Code of the
11 Federated States of Micronesia is hereby amended to read as
12 follows:

13 "Section 205. Exemption from property taxes.
14 International organizations shall be exempt from all
15 property taxes imposed by, or under the authority
16 of, any law of the ~~Trust Territory~~ Federated States
17 of Micronesia or any political subdivision thereof."

18 Section 5. Section 206 of title 10 of the Code of the
19 Federated States of Micronesia is hereby amended to read as
20 follows:

21 "Section 206. Income of international organizations. The
22 income of international organizations received from invest-
23 ments in the ~~Trust Territory~~ Federated States of Micro-
24 nesia in stocks, bonds, or other domestic securities,
25 owned by such international organizations, or from

1 interest on deposits in banks in the ~~Trust Territory~~
2 Federated States of Micronesia of moneys belonging to such
3 international organizations, or from any other sources
4 within the ~~Trust Territory~~ Federated States of Micronesia
5 shall be exempt from taxation under all tax laws of the
6 ~~Trust Territory~~ Federated States of Micronesia and of its
7 political 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 ~~Trust Territory~~ Federated States of Micronesia
16 and of its political subdivisions if such employee is
17 not a citizen of the ~~Trust Territory~~ Federated States of
18 Micronesia."

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

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

24 (1) Persons designated by foreign governments to
25 serve as their representatives in or to international

1 organizations and the officers and employees of such
2 organizations, and members of the immediate families of
3 such representatives, officers, and employees residing with
4 them, other than citizens of the ~~Trust Territory~~
5 Federated States of Micronesia, shall, insofar as concerns
6 laws regulating entry into and departure from the ~~Trust~~
7 ~~Territory~~ Federated States of Micronesia, alien registra-
8 tion, and fingerprinting, and the registration of foreign
9 agents, be entitled to the same privileges, exemptions,
10 and immunities as are accorded by the Government of the
11 ~~United States of America~~ Federated States of Micronesia
12 under similar circumstances to officers and employees,
13 respectively, of foreign governments and members of their
14 families.

15 (2) Representatives of foreign governments in or
16 to international organizations and officers and employees
17 of such organizations shall be immune from suit and legal
18 process relating to acts performed by them in their
19 official capacity and falling within their functions as
20 such representatives, officers, or employees except
21 insofar as such immunity may be waived by the foreign
22 government or international organization concerned."

23 Section 8. Section 209 of title 10 of the Code of the
24 Federated States of Micronesia is hereby amended to read as
25 follows:

"Section 209. Notification to and acceptance by High Commissioner President of personnel - Deportation of undesirables - Extent of diplomatic status.

(1) No person shall be entitled to the benefits of this act unless he:

(a) shall have been duly notified to and accepted by the High Commissioner President as a representative officer or employee; or

(b) shall have been designated by the High Commissioner President, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or


(c) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.

(2) Should the High Commissioner President determine that the continued presence in the ~~Trust Territory~~ Federated States of Micronesia of any person entitled to the benefits of this chapter is not desirable, he shall so inform the foreign government or international organization concerned, as the case may be, and after such person shall have had a reasonable length of time, to be determined by the High Commissioner President, to depart from the ~~Trust Territory~~ Federated States of Micronesia, he shall cease to be entitled to such benefits.

1 (3) No person shall, by reason of the provisions
2 of this chapter, be considered as receiving diplomatic
3 status or as receiving any of the privileges incident
4 thereto other than such as are specifically set forth
5 herein."

6 Section 9. This act shall become law upon approval by the
7 President of the Federated States of Micronesia or upon its
8 becoming law without such approval.

9
10 Date: 3-31-87

Introduced by: 

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