

EX A.S.P.

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 and 3-4, by adding a new chapter 4 concerning diplomatic agents, 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 Micro-
2 nesia is hereby further amended by adding a new section 401 of chapter 4
3 to read as follows:

4 "Section 401. Recognition of diplomatic agents. The President
5 of the Federated States of Micronesia is authorized to, and
6 shall, recognize any ambassador or public minister of a foreign
7 country who shall serve as a diplomatic agent in the Federated
8 States of Micronesia. The designated person shall be granted
9 diplomatic status."

10 Section 2. Title 10 of the Code of the Federated States of Micro-
11 nesia is hereby further amended by adding a new section 402 of chapter 4
12 to read as follows:

13 "Section 402. Immunity granted to diplomatic agents. Any
14 person designated as a diplomatic agent pursuant to section 401
15 of this chapter, and his family, employees, and domestic servants,
16 shall receive the privileges and immunities contained within the
17 Vienna Convention on Diplomatic Relations of April 18, 1961,
18 subject to the following conditions:

19 (1) This section shall only apply if the sending country
20 offers the same privileges and immunities available to diplomatic
21 agents of the Federated States of Micronesia on a reciprocal
22 basis; and

23 (2) In the event of a conflict between this section and
24 any other section of this chapter, the other section shall
25 prevail.

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1 Section 3. Title 10 of the Code of the Federated States of Micronesia
2 is hereby further amended by adding a new section 403 of chapter 4 to
3 read as follows:

4 "Section 403. Immunity pursuant to Compact of Free Association.
5 Persons entitled to receive any form of immunity from civil or
6 criminal proceedings pursuant to the Compact of Free Association,
7 its related agreements, United States Public Law 99-239, Congres-
8 sional Resolution No. 4-60, C.D.3, or any amendment thereto shall
9 receive only the immunity they are accorded therein and shall not
10 receive privileges or immunities pursuant to this chapter."

11 Section 4. Title 10 of the Code of the Federated States of Micronesia
12 is hereby further amended by adding a new section 404 of chapter 4 to read
13 as follows:

14 "Section 404. Dismissal on motion of actions against individuals
15 entitled to immunity. Any action or proceeding brought against
16 an individual who is entitled to immunity with respect to such
17 action or proceeding pursuant to sections 402 or 403 of this
18 chapter, or under any other laws extending diplomatic privileges
19 and immunities, shall be dismissed. Such immunity may be
20 established upon motion or suggestion by or on behalf of the
21 individual, or as otherwise permitted by law or applicable rules
22 of procedure."

23 Section 5. Title 10 of the Code of the Federated States of Micronesia
24 is hereby further amended by adding a new section 405 of chapter 4 to read
25 as follows:

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1 "Section 405. Executive discretion. Nothing in this act shall
2 be construed as limiting the President's discretionary powers
3 pursuant to section 107 of title 50 of the Code of the
4 Federated States of Micronesia."

5 Section 6. Title 10 of the Code of the Federated States of Micro-
6 nesia is hereby further amended by adding a new section 406 of chapter 4
7 to read as follows:

8 "Section 406. Liability insurance for diplomatic agents.

9 (1) All persons receiving privileges and immunities pursuant
10 to this chapter must comply with any requirements imposed by the
11 regulations promulgated by the President pursuant to subsection
12 (2) of this section.

13 (2) The President shall, by regulation, establish liability
14 insurance requirements to be met by all persons receiving
15 privileges and immunities pursuant to this chapter. Such
16 liability insurance requirements shall relate to risks arising
17 from the operation in the Federated States of Micronesia of any
18 motor vehicle, vessel, or aircraft.

19 (3) The President shall take such steps as he may deem
20 necessary and proper to insure that all persons receiving
21 privileges and immunities pursuant to this chapter who operate
22 motor vehicles, vessels, or aircraft in the Federated States of
23 Micronesia comply with the requirements established pursuant to
24 subsection (2) of this section."

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1 Section 7. This act shall become law upon approval by the President
2 of the Federated States of Micronesia or upon its becoming law without
3 such approval.

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5 Date: 6-05-86

Introduced by:


Isaac V. Figir

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