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:

Section 1. Title 10 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 401 of chapter 4 to read as follows:

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

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

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

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

(2) In the event of a conflict between this section and any other section of this chapter, the other section shall prevail."
Section 3. Title 10 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 403 of chapter 4 to read as follows:

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

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

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

Section 5. Title 10 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 405 of chapter 4 to read as follows:
"Section 405. Executive discretion. Nothing in this act shall be construed as limiting the President's discretionary powers pursuant to section 107 of title 50 of the Code of the Federated States of Micronesia."

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

"Section 406. Liability insurance for diplomatic agents.

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

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

(3) The President shall take such steps as he may deem necessary and proper to insure that all persons receiving privileges and immunities pursuant to this chapter who operate motor vehicles, vessels, or aircraft in the Federated States of Micronesia comply with the requirements established pursuant to subsection (2) of this section."
Section 7. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 6-05-86

Introduced by: Isaac V. Pigir