

TJC

A BILL FOR AN ACT

To further amend title 21 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-7 and 5-104, by amending sections 101, 102, 103, 104, 105, 106, and 107 for the purpose of authorizing the Secretary of the Department of Transportation and Communication to regulate radio communications in the Federated States of Micronesia, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 101 of title 21 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 101. Promulgation of regulations. For the purpose
4 of regulating interisland, intraisland, ~~interdistrict~~
5 interstate, and foreign commerce in communication by radio so
6 as to make available, so far as possible, to the people of the
7 ~~Trust Territory~~ Federated States of Micronesia such communica-
8 tion services required for the purpose of conducting personal
9 business, promoting safety of life and property, and
10 providing public service, the ~~director~~ Secretary of the
11 Department of Transportation and Communications shall, in the
12 manner which is or may be provided by law, promulgate
13 regulations and amendments thereto, which shall have the
14 force and effect of law and be binding upon persons seeking
15 to perform or performing the act of providing radio
16 communications within the ~~Trust Territory~~ Federated States of
17 Micronesia. The radio services regulated shall include:

- 18 (1) Government radio services;
19 (2) Maritime mobile radio services;
20 (3) Point-to-point fixed radio services (land stations);
21 (4) Coastal stations in the maritime mobile radio service;
22 (5) Amateur radio service;
23 (6) Citizens radio service (including Citizens Band);
24 (7) Broadcast radio service; and
25 (8) Other radio communications services, which may in the

1 future be required for use in the Federated States of
2 Micronesia."

3 Section 2. Section 102 of title 21 of the Code of the Federated
4 States of Micronesia is hereby amended to read as follows:

5 "Section 102. Scope of regulations. (1) The provisions of
6 communication regulations, and amendments thereto, promulgated
7 under section 101 of this chapter, shall apply to all interisland,
8 intransland, ~~interdistrict~~ interstate, and foreign transmission
9 of energy by radio which originates or is received within the
10 ~~Trust Territory~~ Federated States of Micronesia, and to all persons
11 engaged within the ~~Trust Territory~~ Federated States of Micronesia
12 in such communications or such transmission of energy by radio,
13 and to the licensing and regulating of all radio stations.

14 (2) The Secretary of the Department of Transportation and
15 Communication shall have the authority to regulate all matters
16 pertaining to the use of radio communication in the Federated
17 States of Micronesia, including but not limited to assignment of
18 radio frequencies, restrictions of use of radio frequencies,
19 certification of radio stations, licensing and examinations of
20 commercial radio operators and inspection of radio stations. The
21 Secretary shall designate and restrict three citizen band radio
22 channels for emergency/disaster and government use."

23 Section 3. Section 103 of title 21 of the Code of the Federated
24 States of Micronesia is hereby amended to read as follows:

25 "Section 103. Definitions. For the purposes of communication

1 regulations, and amendments thereto, unless the context
2 otherwise requires:

3 (1) 'Amateur service' means a service of self-training,
4 intercommunication, and technical investigations carried on by
5 amateurs, that is, by duly authorized persons interested in
6 radio technique solely with a personal aim and without
7 pecuniary interest.

8 (2) 'Amateur station' means a station in the amateur
9 service.

10 (3) 'Broadcasting service' means a radio communication
11 service of transmissions to be received directly by the general
12 public, and may include transmissions of sounds or trans-
13 missions by television, facsimile, or other means.

14 (4) 'Broadcasting station' means a station in the broad-
15 casting service.

16 (5) 'Coast station' means a land station in the maritime
17 mobile service carrying on a service with ship stations and
18 which may secondarily communicate with other coast stations
19 incident to communication with ship stations.

20 (6) 'Corporation' includes any corporation, joint-stock
21 company, or association.

22 (7) 'Fixed service' means a service of radio communication
23 between specified fixed points.

24 (8) 'Fixed station' means a station in the fixed service
25 and which may, as a secondary service, transmit to mobile

1 stations on its normal frequencies.

2 (9) 'Foreign communication' or 'foreign transmission'
3 means radio communication or transmission of energy by radio
4 from or to any place in the ~~Trust Territory~~ Federated States
5 of Micronesia to or from a foreign country, or between a
6 station in the ~~Trust Territory~~ Federated States of Micronesia
7 and a mobile station located outside the ~~Trust Territory~~
8 Federated States of Micronesia.

9 (10) '~~Interdistrict~~ Interstate communication' or
10 '~~interdistrict~~ interstate transmission' means radio
11 communication or transmission of energy by radio from any
12 island, group or groups of islands within any ~~district~~ State
13 in the ~~Trust Territory~~ Federated States of Micronesia to an
14 island, group, or groups of islands in another ~~district~~ State
15 within the ~~Trust Territory~~ Federated States of Micronesia.

16 (11) 'Interis and communication' or 'interisland trans-
17 mission' means radio communication or transmission of energy
18 by radio:

19 (a) from any island ~~now~~ under the jurisdiction of
20 the Government of the ~~Trust Territory~~ Federated States of
21 Micronesia ~~or which shall be, by Executive order of the~~
22 ~~President of the United States, placed under such jurisdic-~~
23 ~~tion,~~ to any other island ~~which now or shall in the future be~~
24 under the jurisdiction of the Government of the ~~Trust~~
25 ~~Territory~~ Federated States of Micronesia; or

1 (b) from or to any island under the jurisdiction of
2 the Government of the ~~Trust Territory~~ Federated States of
3 Micronesia insofar as the receipt of such radio communication
4 or transmission of energy by radio takes place within that
5 island, ~~or~~

6 (c) ~~between points within the Trust Territory~~
7 ~~but through any territory or possession of the United States.~~

8 (12) 'Intraisland communication' or 'intraisland trans-
9 mission' means radio communication or transmission of energy
10 by radio between points within any island ~~now~~ under the
11 jurisdiction of the Government of the ~~Trust Territory~~
12 Federated States of Micronesia ~~or which shall be, by Executive~~
13 ~~order of the President of the United States, placed under such~~
14 ~~jurisdiction.~~

15 (13) 'Licensee' means the holder of a radio station
16 license granted or continued in force by the Government of the
17 ~~Trust Territory~~ Federated States of Micronesia.

18 (14) 'Maritime mobile service' means a mobile service
19 between ship stations and the coast stations or between ships'
20 stations.

21 (15) 'Person' includes an individual, partnership,
22 association, joint-stock company, trust, or corporation.

23 (16) 'Radio communication' or 'communication by radio'
24 means the transmission by radio of writing, signs, signals,
25 pictures, and sounds of all kinds, including all instrumen-

1 talities, facilities, apparatus, and services (among other
2 things, the receipt forwarding and delivery of communications)
3 incidental to such transmissions.

4 (17) 'Ship station' means a mobile station in the
5 maritime mobile service located on board a vessel which is
6 not permanently moored.

7 (18) 'Transmission of energy by radio' or 'radio trans-
8 mission of energy' includes both such transmission and all
9 instrumentalities, facilities, and services incidental to such
10 transmission."

11 Section 4. Section 104 of title 21 of the Code of the Federated
12 States of Micronesia is hereby amended to read as follows:

13 "Section 104. Unauthorized publication of communications
14 prohibited.

15 (1) No person receiving or assisting in receiving, or
16 transmitting or assisting in transmitting, any interisland,
17 intraisland, or foreign communication by radio shall divulge
18 or publish the existence, contents, substance, purport,
19 effect, or meaning thereof, except through authorized channels
20 of transmission or reception, to any person other than the
21 addressee, his agent, or attorney, or to a person employed or
22 authorized to forward such communication to its destination,
23 or to proper accounting or distributing officers of the
24 various communicating centers over which the communication may
25 be passed, or to the master of a ship under whom he is serving,

1 Section 5. Section 105 of title 21 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 105. War emergency provisions.

4 (1) During the continuance of a war in which the ~~United~~
5 ~~States~~ Federated States of Micronesia is engaged, the ~~Nigh~~
6 ~~Commissioner of the Trust Territory~~ President of the
7 Federated States of Micronesia is authorized, if he finds it
8 necessary for the National defense and security, to direct
9 that such communications as in his judgment may be essential
10 to the National defense and security shall have preference or
11 priority with any licensee subject to the radio regulations
12 of the Government of the ~~Trust Territory~~ Federated States of
13 Micronesia. He may give these directions at and for such
14 times as he may determine, and may modify, change, or annul
15 them.

16 (2) For such purpose he is hereby authorized to issue
17 orders directly, or through such person or persons as he
18 designates for the purpose. Any licensee complying with such
19 order or direction for preference or priority authorized in
20 this section shall be exempt from any and all provisions in
21 existing law imposing civil or criminal penalties, obliga-
22 tions, or liabilities upon licensees by reason of giving
23 preference or priority in compliance with such order or
24 direction.

25 (3) Upon proclamation by the President of the United

1 or in response to a subpoena issued by a court of competent
2 jurisdiction, or on demand of other lawful authority.

3 (2) No person not being authorized by the sender shall
4 intercept any communication and divulge or publish the exist-
5 ence, contents, substance, purport, effect, or meaning of such
6 intercepted communication to any person.

7 (3) No person not being entitled thereto shall receive or
8 assist in receiving any interisland, intransland,
9 ~~interdistrict~~ interstate, or foreign communication by radio
10 and use the same or any information therein contained for his
11 own benefit or for the benefit of another not entitled
12 thereto.

13 (4) No person having received such intercepted communica-
14 tion or having become acquainted with the contents, substance,
15 purport, effect, or meaning of the same or any part thereof,
16 knowing that such information was so obtained, shall divulge
17 or publish the existence, contents, substance, purport,
18 effect, or meaning of the same or any part thereof, or use
19 the same or any information therein contained for his own
20 benefit or for the benefit of another not entitled thereto.

21 (5) This section shall not apply to the receiving,
22 divulging, publishing, or utilizing the contents of any radio
23 communication broadcast or transmitted by amateurs or others
24 for the use of the general public, or relating to ships in
25 distress."

1 States and/or the *High Commissioner of the Trust Territory*
2 President of the Federated States of Micronesia that there
3 exists war or threat of war, or a state of public peril or
4 disaster or other National peril, or in order to preserve the
5 neutrality of the United States, the *High Commissioner*
6 President of the Federated States of Micronesia, if he deems
7 it necessary in the interest of National security or defense,
8 may suspend or amend, for such time as he sees fit, the rules
9 and regulations applicable to any or all stations or devices
10 capable of emitting electromagnetic radiations between ten
11 kilocycles and one hundred thousand megacycles, which is
12 suitable for use as a navigational aid beyond five miles, and
13 the removal therefrom of its apparatus and equipment, or he
14 may authorize the use or control of any such station or
15 device or its apparatus and equipment, by any department of
16 the Government of the United States or of the Government of
17 the *Trust Territory* Federated States of Micronesia under such
18 regulations as he may prescribe upon just compensation to the
19 owners."

20 Section 6. Section 106 of title 21 of the Code of the Federated
21 States of Micronesia is hereby amended to read as follows:

22 "Section 106. War emergency provisions - Penalties for
23 violations. Any person who willfully does or causes or
24 suffers to be done any act prohibited pursuant to the exercise
25 of the *High Commissioner's* President of the Federated States

1 of Micronesia's authority under the preceding section, or who
2 willfully fails to do any act which he is required to do
3 pursuant to the exercise of the ~~High Commissioner's~~
4 President's authority under the preceding section, or who
5 willfully causes or suffers such failure, shall, upon
6 conviction thereof, be punished for such offense by a fine of
7 not more than \$1,000, or by imprisonment for not more than a
8 year, or both, and, if a firm, partnership, association, or
9 corporation, by fine of not more than \$5,000, except that any
10 person who commits such an offense with intent to injure the
11 ~~United States of the Trust Territory~~ Federated States of
12 Micronesia, or with intent to secure an advantage to any
13 foreign nation, shall, upon conviction thereof, be punished
14 by a fine of not more than \$20,000, or by imprisonment for
15 not more than twenty years, or both."

16 Section 7. Section 107 of title 21 of the Code of the Federated
17 States of Micronesia is hereby amended to read as follows:

18 "Section 107. General penalty for violations. Any person who
19 willfully and knowingly does or causes or suffers to be done
20 any act, matter, or thing prohibited or declared to be unlaw-
21 ful, or willfully or knowingly omits or fails to do any act,
22 matter, or thing required to be done, or willfully and know-
23 ingly causes or suffers such omission or failure required by
24 any communication, regulation, or amendments thereto, made or
25 imposed by the ~~High Commissioner~~ Secretary of the Department

T+C

C. B. No. 6-165

1 of Transportation and Communication, or any rule, regulation,
 2 restriction, or condition made or imposed by an international
 3 radio or wire communications treaty or convention, or
 4 regulations annexed thereto, to which the ~~United States~~
 5 Federated States of Micronesia is or may hereafter become a
 6 party, shall upon conviction thereof be punished for such
 7 offense by a fine of not more than \$1,000, or by imprisonment
 8 for a term not exceeding one year, or both."

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

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Date: 11/30/89

Introduced by: 
 Kalisto Refalopez