A BILL FOR AN ACT

To establish procedures for the testing, storage, use, or disposal of certain radioactive, toxic chemical, or other harmful substances within the jurisdiction of the Federated States of Micronesia, and for other purposes.

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

Section 1. Statement of policy. It is the policy of the Government of the Federated States of Micronesia that certain radioactive, toxic chemical, or other harmful substances may not be tested, stored, used, or disposed of within the jurisdiction of the Federated States of Micronesia without the express approval of the Government of the Federated States of Micronesia.

Section 2. Statement of intent. The intent of this act is to establish procedures for the granting of permission to test, store, use, or dispose of certain radioactive, toxic chemical, or other harmful substances within the jurisdiction of the Federated States of Micronesia. This act is intended to apply to any radioactive, toxic chemical, or other harmful substance which because of its characteristics may reasonably be considered to pose a serious danger to the health and welfare of the people or environment of the Federated States of Micronesia.

Section 3. Procedure. Any person who desires to test, store, use, or dispose of any radioactive, toxic chemical, or other harmful substances covered by the provisions of this act within the jurisdiction of the Federated States of Micronesia must file a permit application for such testing, storage, use, or disposal with the Office of the President of the Federated States of Micronesia. The President, or his designee, shall forthwith study the application. The President shall then submit his findings of facts and recommendations to the Congress of the Federated States of Micronesia for consideration.
Section 4. Approval of Congress required. No testing, storage, use, or disposal of radioactive, toxic chemical, and other harmful substances covered by the provisions of this act shall be permitted unless approved by the Congress of the Federated States of Micronesia by resolution. For purposes of this section, a vote of two-thirds of the Members of Congress shall be required to adopt such resolution.

Section 5. State recommendations necessary. The President of the Federated States of Micronesia shall solicit recommendations from the State or States affected by the application filed pursuant to section 3 of this act. The State or States affected shall be allowed to study the application for up to 60 days upon receipt of such application from the President of the Federated States of Micronesia. Upon receipt of the State recommendations, the President shall submit said application with his recommendations and any State recommendations so received to the Congress for consideration. In the event the State or States affected do not submit recommendations before the expiration of the 60-day period provided herein, the President shall nevertheless submit the application along with his recommendations for consideration. The action of the Congress is final.

Section 6. Issuance of permit. The President of the Federated States of Micronesia shall issue a permit to an applicant upon the approval of the application by the Congress of the Federated States of Micronesia.
1 Section 7. Regulations. The President of the Federated States
2 of Micronesia is hereby authorized to promulgate regulations,
3 pursuant to chapter 1 of title 17 of the Code of the Federated
4 States of Micronesia, in conformity with this act to effectuate
5 the purpose of this act. Said regulations shall include, inter alia,
6 a listing of all those substances to which the provisions of this
7 act shall apply, taking into consideration the statement of intent
8 set forth in section 2 of this act.

9 Section 8. Civil penalty. Any person who is found by a
10 court of competent jurisdiction in the Federated States of Micro-
11 nesia to have tested, stored, used, or disposed of any radioactive,
12 toxic chemical, or other harmful substances covered by the
13 provisions of this act, having not been issued a permit pursuant to
14 section 6 of this act, shall be liable to the Government of the
15 Federated States of Micronesia for a civil penalty of not less
16 than $250,000.

17 Section 9. Criminal liability. Any person who intentionally
18 and willfully tests, stores, uses, or disposes of any radioactive,
19 toxic chemical, or other harmful substances covered by the provisions
20 of this act shall be criminally liable therefore, and upon
21 conviction thereof, shall be imprisoned for not less than 5 years,
22 but not more than 30 years, or fined not less than $250,000, or
23 both.

24 Section 10. Conflict with Compact of Free Association. In the
25 event of any conflict between the provisions of this act and the
Compact of Free Association and its related agreements, the Compact and its related agreements shall prevail. The provisions of this act so superseded shall nonetheless remain in effect in all situations where there is no actual conflict between them and the Compact and its related agreements.

Section 11. Effective date. 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: 5/25/87

Introduced by:

[Signature]

Elias H. Thomas
Feddy Killi