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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:

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

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

16       Section 3. Procedure. Any person who desires to test, store,  
17 use, or dispose of any radioactive, toxic chemical, or other harm-  
18 ful substances covered by the provisions of this act within the  
19 jurisdiction of the Federated States of Micronesia must file a  
20 permit application for such testing, storage, use, or disposal  
21 with the Office of the President of the Federated States of  
22 Micronesia. The President, or his designee, shall forthwith study  
23 the application. The President shall then submit his findings  
24 of facts and recommendations to the Congress of the Federated States  
25 of Micronesia for consideration.

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1       Section 4. Approval of Congress required. No testing, storage,  
2 use, or disposal of radioactive, toxic chemical, and other harmful  
3 substances covered by the provisions of this act shall be permitted  
4 unless approved by the Congress of the Federated States of Micro-  
5 nesia by resolution. For purposes of this section, a vote of two-  
6 thirds of the Members of Congress shall be required to adopt such  
7 resolution.

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

22       Section 6. Issuance of permit. The President of the Federated  
23 States of Micronesia shall issue a permit to an applicant upon the  
24 approval of the application by the Congress of the Federated States  
25 of Micronesia.

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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

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1 Compact of Free Association and its related agreements, the Compact  
2 and its related agreements shall prevail. The provisions of this  
3 act so superseded shall nonetheless remain in effect in all  
4 situations where there is no actual conflict between them and  
5 the Compact and its related agreements.

6 Section 11. Effective date. This act shall become law upon  
7 approval by the President of the Federated States of Micronesia or  
8 upon its becoming law without such approval.

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Date: 5/25/87

Introduced by:

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