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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, intransland, ~~interisland~~
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 ~~that 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~~ in accordance with the
13 requirements of chapter 1 of title 17 of the Code of the
14 Federated States of Micronesia, promulgate regulations and
15 amendments thereto, which shall have the force and effect of law
16 and be binding upon persons seeking to perform or performing the
17 act of providing radio communications within the ~~that territory~~
18 Federated States of Micronesia. The radio services regulated
19 shall include but not be limited to:

- 20 (1) Government radio services;
- 21 (2) Maritime mobile radio services;
- 22 (3) Point-to-point fixed radio services (land stations);
- 23 (4) Coastal stations in the maritime mobile radio service;
- 24 (5) Amateur radio service;
- 25 (6) Citizens radio service (including Citizens Band);

1 (7) Broadcast radio service; and

2 (8) Other radio communications services, which may in the
3 future be required for use in the Federated States of
4 Micronesia."

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

7 "Section 102. Scope of regulations. (1) The provisions of
8 communication regulations, and amendments thereto, promulgated
9 under section 101 of this chapter, shall apply to all
10 ~~interisland, intraisland, interdistrict,~~ interstate and foreign
11 transmission of energy by radio which originates or is received
12 within the ~~Trust Territory~~ Federated States of Micronesia, and
13 to all intrastate communications with the capacity to interfere
14 with the interstate or foreign transmission of energy by radio or
15 that relates to National defense. These provisions shall apply
16 to all persons engaged within the ~~Trust Territory~~ Federated
17 States of Micronesia in such communications or such transmission
18 of energy by radio, and to the licensing and regulating of all
19 radio stations.

20 (2) The Secretary of the Department of Transportation
21 shall have the authority to regulate all matters pertaining to
22 the use of radio communication in the Federated States of
23 Micronesia, including but not limited to assignment of radio
24 frequencies, restrictions of use of radio frequencies, certifica-
25 tion of radio stations, licensing and examinations of commercial

1 radio operators and inspection of radio stations. The Secretary
2 shall designate and restrict three citizen band radio channels
3 for emergency/disaster and government use."

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

6 "Section 103. Definitions. For the purposes of communication
7 regulations, and amendments thereto, unless the context
8 otherwise requires:

9 (1) 'Amateur service' means a service of self-training,
10 intercommunication, and technical investigations carried on by
11 amateurs, that is, by duly authorized persons interested in
12 radio technique solely with a personal aim and without pecuniary
13 interest.

14 (2) 'Amateur station' means a station in the amateur
15 service.

16 (3) 'Broadcasting service' means a radio communication
17 service of transmissions to be received directly by the general
18 public, and may include transmissions of sounds or transmissions
19 by television, facsimile, or other means.

20 (4) 'Broadcasting station' means a station in the broad-
21 casting service.

22 (5) 'Coast station' means a land station in the maritime
23 mobile service carrying on a service with ship stations and
24 which may secondarily communicate with other coast stations
25 incident to communication with ship stations.

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- 1 (6) 'Corporation' includes any corporation, joint-stock
2 company, or association.
- 3 (7) 'Fixed service' means a service of radio communication
4 between specified fixed points.
- 5 (8) 'Fixed station' means a station in the fixed service
6 and which may, as a secondary service, transmit to mobile
7 stations on its normal frequencies.
- 8 (9) 'Foreign communication' or 'foreign transmission'
9 means radio communication or transmission of energy by radio
10 from or to any place in the ~~Trust Territory~~ Federated States
11 of Micronesia to or from a foreign country, or between a
12 station in the ~~Trust Territory~~ Federated States of Micronesia
13 and a mobile station located outside the ~~Trust Territory~~
14 Federated States of Micronesia.
- 15 (10) '~~Interdistrict~~ Interstate communication' or
16 '~~interdistrict~~ interstate transmission' means radio
17 communication or transmission of energy by radio from any
18 island, group or groups of islands within any ~~district~~ State
19 in the ~~Trust Territory~~ Federated States of Micronesia to an
20 island, group, or groups of islands in another ~~district~~ State
21 within the ~~Trust Territory~~ Federated States of Micronesia.
- 22 (11) 'Interisland communication' or 'interisland trans-
23 mission' means radio communication or transmission of energy
24 by radio:
25 (a) from any island ~~now~~ under the jurisdiction of

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1 the Government of the Trust Territory Federated States of
2 Micronesia *or which shall be, by Executive order of the*
3 *President of the United States, placed under such jurisdic-*
4 *tion, to any other island which now or shall in the future be*
5 *under the jurisdiction of the Government of the Trust*
6 *Territory Federated States of Micronesia; or*

7 (b) from or to any island under the jurisdiction of
8 the Government of the Trust Territory Federated States of
9 Micronesia insofar as the receipt of such radio communication
10 or transmission of energy by radio takes place within that
11 island, *or*

12 (c) *between points within the Trust Territory*
13 *but through any territory or possession of the United States.*

14 (12) 'Intraisland communication' or 'intraisland trans-
15 mission' means radio communication or transmission of energy
16 by radio between points within any island *now* under the
17 jurisdiction of the Government of the Trust Territory
18 Federated States of Micronesia *or which shall be, by Executive*
19 *order of the President of the United States, placed under such*
20 *jurisdiction.*

21 (13) 'Licensee' means the holder of a radio station
22 license granted or continued in force by the Government of the
23 Trust Territory Federated States of Micronesia.

24 (14) 'Maritime mobile service' means a mobile service
25 between ship stations and the coast stations or between ships'

1 stations.

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

4 (16) 'Radio communication' or 'communication by radio'
5 means the transmission by radio of writing, signs, signals,
6 pictures, and sounds of all kinds, including all instrumen-
7 talities, facilities, apparatus, and services (among other
8 things, the receipt forwarding and delivery of communications)
9 incidental to such transmissions.

10 (17) 'Ship station' means a mobile station in the
11 maritime mobile service located on board a vessel which is
12 not permanently moored.

13 (18) 'Transmission of energy by radio' or 'radio trans-
14 mission of energy' includes both such transmission and all
15 instrumentalities, facilities, and services incidental to such
16 transmission."

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

19 "Section 104. Unauthorized publication of communications
20 prohibited.

21 (1) No person receiving or assisting in receiving, or
22 transmitting or assisting in transmitting, any interisland,
23 intraisland, or foreign communication by radio shall divulge
24 or publish the existence, contents, substance, purport,
25 effect, or meaning thereof, except through authorized channels

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1 of transmission or reception, to any person other than the
2 addressee, his agent, or attorney, or to a person employed or
3 authorized to forward such communication to its destination,
4 or to proper accounting or distributing officers of the
5 various communicating centers over which the communication may
6 be passed, or to the master of a ship under whom he is
7 serving, or in response to a subpoena issued by a court of
8 competent jurisdiction, or on demand of other lawful
9 authority.

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

14 (3) No person not being entitled thereto shall receive or
15 assist in receiving any interisland, intraisland,
16 ~~interdistrict~~ interstate, or foreign communication by radio
17 and use the same or any information therein contained for his
18 own benefit or for the benefit of another not entitled
19 thereto.

20 (4) No person having received such intercepted communica-
21 tion or having become acquainted with the contents, substance,
22 purport, effect, or meaning of the same or any part thereof,
23 knowing that such information was so obtained, shall divulge
24 or publish the existence, contents, substance, purport,
25 effect, or meaning of the same or any part thereof, or use

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1 the same or any information therein contained for his own
2 benefit or for the benefit of another not entitled thereto.

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

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

10 "Section 105. War emergency provisions.

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

23 (2) For such purpose he is hereby authorized to issue
24 orders directly, or through such person or persons as he
25 designates for the purpose. Any licensee complying with such

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1 order or direction for preference or priority authorized in
2 this section shall be exempt from any and all provisions in
3 existing law imposing civil or criminal penalties, obliga-
4 tions, or liabilities upon licensees by reason of giving
5 preference or priority in compliance with such order or
6 direction.

7 (3) Upon proclamation by the President of the United
8 States and/or the *High Commissioner of the Trust Territory*
9 President of the Federated States of Micronesia that there
10 exists war or threat of war, or a state of public peril or
11 disaster or other National peril, or in order to preserve the
12 neutrality of the *United States* Federated States of Micronesia,
13 the *High Commissioner* President of the Federated States of
14 Micronesia, if he deems it necessary in the interest of
15 National security or defense, may suspend or amend, for such
16 time as he sees fit, the rules and regulations applicable to
17 any or all stations or devices capable of emitting electro-
18 magnetic radiations between ten kilocycles and one hundred
19 thousand megacycles, which is suitable for use as a
20 navigational aid beyond five miles, and the removal therefrom
21 of its apparatus and equipment, or he may authorize the use or
22 control of any such station or device or its apparatus and
23 equipment, by any department of *the Government of the United*
24 *States of* of the Government of the Trust Territory Federated
25 States of Micronesia under such regulations as he may

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1 prescribe upon just compensation to the owners."

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

4 "Section 106. War emergency provisions - Penalties for
5 violations. Any person who willfully does or causes or
6 suffers to be done any act prohibited pursuant to the exercise
7 of the ~~Nigh Commission's~~ President of the Federated States
8 of Micronesia's authority under the preceding section, or who
9 willfully fails to do any act which he is required to do
10 pursuant to the exercise of the ~~Nigh Commission's~~
11 President's authority under the preceding section, or who
12 willfully causes or suffers such failure, shall, upon
13 conviction thereof, be punished for such offense by a fine of
14 not more than \$1,000, or by imprisonment for not more than a
15 year, or both, and, if a firm, partnership, association, or
16 corporation, by fine of not more than \$5,000, except that any
17 person who commits such an offense with intent to injure the
18 ~~United States of the Trust Territory~~ Federated States of
19 Micronesia, or with intent to secure an advantage to any
20 foreign nation, shall, upon conviction thereof, be punished
21 by a fine of not more than \$20,000, or by imprisonment for
22 not more than twenty years, or both."

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

25 "Section 107. General penalty for violations. Any person who


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1 willfully and knowingly does or causes or suffers to be done
 2 any act, matter, or thing prohibited or declared to be unlaw-
 3 ful, or willfully or knowingly omits or fails to do any act,
 4 matter, or thing required to be done, or willfully and know-
 5 ingly causes or suffers such omission or failure required by
 6 any communication, regulation, or amendments thereto, made or
 7 imposed by the ~~High Commissioner~~ Secretary of the Department
 8 of Transportation, or any rule, regulation, restriction, or
 9 condition made or imposed by an international radio or wire
 10 communications treaty or convention, or regulations annexed
 11 thereto, to which the ~~United States~~ Federated States of
 12 Micronesia is or may hereafter become a party, shall upon
 13 conviction thereof be punished for such offense by a fine of
 14 not more than \$1,000, or by imprisonment for a term not
 15 exceeding one year, or both."

16 Section 8. This act shall become law upon approval by the
 17 President of the Federated States of Micronesia or upon its becoming
 18 law without such approval.

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 20 Date: 6-08-90

Introduced by: 
 Kalisto Refalopez

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