
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 adding new sections 101 and 103, by amending sections 101, 103, 104, 105, 106 and 107 for the purpose of authorizing the Secretary of Transportation and Communication to regulate radio communications in the Federated States of Micronesia, by repealing section 102, and for other purposes.

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

1 Section 1. Title 21 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 101 to
3 read as follows:

4 "Section 101. Short title. This chapter may be cited as
5 the 'Federated States of Micronesia Radio Communication Act
6 of 1991,' hereinafter referred to as the Act."

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

9 "Section 102. Promulgation of Regulations. For the
10 purpose of regulating, to the extent provided by this Act,
11 communication by radio so as to make available, so far as
12 possible, to the people of the Federated States of
13 Micronesia such communication services required for the
14 purpose of conducting personal business, promoting safety
15 of life and property, providing public service, and
16 allowing for the efficient and economic use of the radio
17 frequency spectrum, the Secretary of the Department of
18 Transportation and Communication shall, in accordance
19 with the requirements of chapter 1 of title 17 of the Code
20 of the Federated States of Micronesia, promulgate
21 regulations, which shall have the force and effect
22 of law and be binding upon persons seeking to perform or



1 performing the act of providing radio communications within
2 the Federated States of Micronesia."

3 Section 3. Section 102 of title 21 of the Code of the Federated
4 States of Micronesia is hereby repealed in its entirety.

5 Section 4. Title 21 of the Code of the Federated States of
6 Micronesia is hereby further amended by adding a new section 103 to
7 read as follows:

8 "Section 103. Scope of regulations.

9 (1) The regulations promulgated pursuant to section
10 102 of this chapter shall apply to:

11 (a) Foreign and interstate radio communications;

12 (b) Radio communications which interfere with,
13 or have the capacity to interfere with, foreign and
14 interstate radio communications; and

15 (c) Radio communications relating to National
16 defense and public safety.

17 (2) Radio communications subject to regulation shall
18 include, but not be limited to, the following uses and
19 services:

20 (a) Public safety and government uses;

21 (b) Maritime, land, and aeronautical mobile
22 radio services;

23 (c) Fixed radio services;

24 (d) Amateur services;

25 (e) Citizens radio;

1 (f) Broadcast radio services; and

2 (g) Other uses or services which the Secretary
3 deems necessary to carry out the purposes of this Act.

4 (3) The regulations promulgated pursuant to section
5 102 of this chapter may apply to any matter pertaining to
6 radio communication or transmission of energy by radio in
7 the Federated States of Micronesia including, but not
8 limited to, frequency authorization, restrictions on use of
9 radio frequencies, licensing and examination of commercial
10 and amateur radio operators, licensing radio stations,
11 inspection of radio stations, assessment of reasonable fees
12 for licensed users, and such other matters as may be
13 necessary to carry out the purposes of this Act. The
14 Secretary shall designate and restrict three citizen band
15 radio channels for only emergency, disaster, and government
16 use."

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

19 "Section 104. Definitions. For the purposes of this Act
20 and subsequent regulations, the following definitions
21 shall apply unless the context otherwise requires:

22 (1) 'Amateur service' means a service of self-training,
23 intercommunication, and technical investigations carried on by
24 amateurs, that is, by duly authorized persons interested in
25 radio technique solely with a personal aim and without pecuniary

1 interest.

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

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

7 (4) 'Broadcasting station' means a station in the broad-
8 casting service.

9 (5) 'Coast station' means a land station in the maritime
10 mobile service carrying on a service with ship stations and
11 which may secondarily communicate with other coast stations
12 incident to communication with ship stations.

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

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

17 (8) 'Fixed station' means a station in the fixed service
18 and which may, as a secondary service, transmit to mobile
19 stations on its normal frequencies.

20 (9) 'Foreign communication' or 'foreign transmission'
21 means radio communication or transmission of energy by radio
22 from or to any place in the Federated States of Micronesia
23 to or from a foreign country, or between a station in the
24 Federated States of Micronesia and a mobile station located
25 outside the Federated States of Micronesia.

1 (10) 'Interstate communication' or 'interstate transmission'
2 means radio communication or transmission of energy by radio
3 from any place in one State in the Federated States of
4 Micronesia to another State in the Federated States of
5 Micronesia.

6 (11) 'Licensee' means the holder of a radio station
7 license granted or continued in force by the Government of the
8 Federated States of Micronesia.

9 (12) 'Maritime mobile service' means a mobile service
10 between ship stations and coast stations or between ships'
11 stations.

12 (13) 'Person' includes an individual, partnership,
13 association, joint-stock company, trust, or corporation.

14 (14) 'Radio communication' or 'communication by radio'
15 means the transmission by radio of writing, signs, signals,
16 pictures, and sounds of all kinds, including all instrumen-
17 talities, facilities, apparatus, and services (among other
18 things, the receipt, forwarding and delivery of communications)
19 incidental to such transmissions.

20 (15) 'Ship station' means a mobile station in the
21 maritime mobile service located on board a vessel which is
22 not permanently moored.

23 (16) 'Transmission of energy by radio' or 'radio trans-
24 mission of energy' includes both such transmission and all
25 instrumentalities, facilities, and services incidental to such

1 transmission."

2 Section 6. Section 104 of title 21 of the Code of the Federated
3 States of Micronesia is hereby amended to read as follows:

4 "Section 105. Unauthorized publication of communications
5 prohibited.

6 (1) No person receiving or assisting in receiving, or
7 transmitting or assisting in transmitting, any foreign or
8 interstate communication by radio shall divulge or publish
9 the existence, contents, substance, purport, effect, or meaning
10 thereof, except through authorized channels of transmission or
11 reception, to any person other than the addressee, his agent,
12 or attorney, or to a person employed or authorized to forward
13 such communication to its destination, or to proper accounting
14 or distributing officers of the various communicating centers
15 over which the communication may be passed, or to the master
16 of a ship under whom he is serving, or in response to a
17 subpoena issued by a court of competent jurisdiction, or
18 on demand of other lawful authority.

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

23 (3) No person not being entitled thereto shall receive or
24 assist in receiving any foreign or interstate communication by
25 radio and use the same or any information therein contained

1 for his own benefit or for the benefit of another not entitled
2 thereto.

3 (4) No person having received such intercepted communica-
4 tion or having become acquainted with the contents, substance,
5 purport, effect, or meaning of the same or any part thereof,
6 knowing that such information was so obtained, shall divulge
7 or publish the existence, contents, substance, purport,
8 effect, or meaning of the same or any part thereof, or use
9 the same or any information therein contained for his own
10 benefit or for the benefit of another not entitled thereto.

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

16 Section 7. Section 105 of title 21 of the Code of the Federated
17 States of Micronesia is hereby amended to read as follows:

18 "Section 106. War emergency provisions.

19 (1) During the continuance of a war in which the
20 Federated States of Micronesia is engaged, the President
21 of the Federated States of Micronesia is authorized, if he
22 finds it necessary for the National defense and security, to
23 direct that such communications, as in his judgment may be
24 essential to the National defense and security, shall have
25 preference or priority over any licensee subject to the radio

1 regulations of the Government of the Federated States of
2 Micronesia. He may give these directions at and for such
3 times as he may determine, and may modify, change, or annul
4 them.

5 (2) For such purpose he is hereby authorized to issue
6 orders directly, or through such person or persons as he
7 designates for the purpose. Any licensee complying with
8 such order or direction for preference or priority authorized
9 in this section shall be exempt from any and all provisions in
10 existing law imposing civil or criminal penalties, obliga-
11 tions, or liabilities upon licensees by reason of giving
12 preference or priority in compliance with such order or
13 direction.

14 (3) Upon proclamation by the President of the Federated
15 States of Micronesia that there exists war or threat of war,
16 or a state of public peril or disaster or other National
17 peril, or in order to preserve the neutrality of the
18 Federated States of Micronesia, the President of the
19 Federated States of Micronesia, if he deems it necessary in
20 the interest of National security or defense, may suspend or
21 amend, for such time as he sees fit, the rules and
22 regulations applicable to any or all stations or devices
23 capable of emitting electromagnetic radiations between ten
24 kilohertz and one hundred thousand megahertz, which is
25 suitable for use as a navigational aid beyond five miles, and

1 the removal therefrom of its apparatus and equipment, or he
2 may authorize the use or control of any such station or
3 device or its apparatus and equipment, by any department of
4 the Government of the Federated States of Micronesia under
5 such regulations as he may prescribe upon just compensation
6 to the owners."

7 Section 8. Section 106 of title 21 of the Code of the Federated
8 States of Micronesia is hereby amended to read as follows:

9 "Section 107. War emergency provisions - Penalties for
10 violations. Any person who willfully does or causes or
11 suffers to be done any act prohibited pursuant to the exercise
12 of the President of the Federated States of Micronesia's
13 authority under the preceding section, or who willfully
14 fails to do any act which he is required to do pursuant
15 to the exercise of the President's authority under the
16 preceding section, or who willfully causes or suffers such
17 failure, shall, upon conviction thereof, be punished for
18 such offense by a fine of not more than \$1,000, or by
19 imprisonment for not more than a year, or both, and, if a
20 firm, partnership, association, or corporation, by fine of
21 not more than \$5,000, except that any person who commits
22 such an offense with intent to injure the Federated States of
23 Micronesia, or with intent to secure an advantage to any
24 foreign nation, shall, upon conviction thereof, be punished
25 by a fine of not more than \$20,000, or by imprisonment for

PRESIDENTIAL COMM. NO. 7-143
FSM CONGRESS

1 not more than twenty years, or both."

2 Section 9. Section 107 of title 21 of the Code of the Federated
3 States of Micronesia is hereby amended to read as follows:

4 "Section 108. General penalty for violations. Any person who
5 willfully and knowingly does or causes or suffers to be done
6 any act, matter, or thing prohibited or declared to be unlaw-
7 ful, or willfully or knowingly omits or fails to do any act,
8 matter, or thing required to be done, or willfully and know-
9 ingly causes or suffers such omission or failure required by
10 any regulation made or imposed by the Secretary of the
11 Department of Transportation and Communication, or any rule,
12 regulation, restriction, or condition made or imposed by an
13 international radio or wire communications treaty or
14 convention, or regulations annexed thereto, to which the
15 Federated States of Micronesia is or may hereafter become a
16 party, shall upon conviction thereof be punished for such
17 offense by a fine of not more than \$10,000, or by imprisonment
18 for a term not exceeding one year, or both."

19 Section 10. This act shall become law upon approval by the
20 President of the Federated States of Micronesia or upon its becoming
21 law without such approval.

22 December 11, 1991

23 [Signature]
24
25 Bailey Olter
President
Federated States of Micronesia

