

A BILL FOR AN ACT

To further amend section 203 of title 2 of the Code of the Federated States of Micronesia, as amended by P.L. Nos. 10-55, 15-09, and 15-74; and to further amend section 207 of title 2 of the Code of the Federated States of Micronesia, as amended by P.L. Nos. 10-55, 11-40, 13-77, and 15-23; and to amend section 101 of title 20 of the Code of the Federated States of Micronesia, for the purpose of designating the administrative head of each department "Minister", and for other purposes.

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

1 Section 1. Section 203 of Title 2 of the Code of the
2 Federated States of Micronesia as amended by Public Laws Nos. 10-
3 55, 15-09, and 15-74, is hereby further amended to read as
4 follows:

5 "Section 203. Departments.

6 (1) There shall be the following departments which
7 shall be responsible for major programs or
8 administrative support areas in the Government of the
9 Federated States of Micronesia:

10 (a) Department of Resources and Development;

11 (b) Department of Finance and Administration;

12 (c) Department of Foreign Affairs;

13 (d) Department of Health and Social Affairs;

14 (e) Department of Justice;

15 (f) Department of Transportation, Communication

16 and Infrastructure, which shall contain among other

17 units, a Project Management Unit for the Compact

1 Infrastructure Grants; and

2 (g) Department of Education.

3 (2) The administrative head of each department shall
4 be designated as a [~~Secretary~~] Minister.

5 (3) The administrative head of each office shall be
6 designated as a "Director".

7 (4) Succession.

8 (a) Any reference to a previously existing
9 department, office or division thereof shall apply to
10 the appropriate successor entity.

11 (b) Any reference to any office or employee of an
12 entity referred to in subsection (4)(a) of this section
13 shall be construed as applying to the person holding the
14 same or most similar position in the appropriate
15 successor entity."

16 Section 2. Section 207 of Title 2 of the Code of the
17 Federated States of Micronesia, as amended by Public Laws Nos.
18 10-55, 11-40, 13-77, and 15-23, is hereby further amended to read
19 as follows:

20 "Section 207. Appointing Authority.

21 (1) The President shall nominate and, with the
22 advice and consent of the Congress, as provided in
23 article X, section 2(d), of the Constitution, shall
24 appoint the [~~secretaries~~] ministers of departments and
25 their deputies, if any, and the head of the office of
26 the Public Defender, including the [~~secretaries~~]

1 ministers, and heads of departments and offices
2 established by subsequent law; and including the
3 chairman and the members of the Board of Advisors for
4 the Investment Development Fund to be appointed by the
5 President; and including the Federated States of
6 Micronesia members of the Board of Regents of the
7 College of Micronesia; and including the Federated
8 States of Micronesia's consuls general[~~s~~] and the
9 deputy chiefs of mission of the various embassies and
10 diplomatic missions;

11 (2) The President or his or her designee may appoint
12 officers and employees not included in subsection (1)
13 of this section, without the advice and consent of the
14 Congress; provided that such appointments are not
15 inconsistent with the provisions of this chapter or
16 other laws of the Federated States of Micronesia.

17 (3) Any nomination submitted to Congress which is
18 not acted upon within two (2) consecutive sessions of
19 Congress, not including the session in which Congress
20 first receives the nomination, or ninety (90) days,
21 whichever occurs later in time, shall be deemed
22 rejected. The President shall not resubmit the
23 nomination of any person to the Congress for its action
24 if the same Congress shall have previously rejected
25 such nomination, unless the Congress shall by
26 resolution authorize such resubmission.

1 (4) With the exception of the Chief Justice and
2 Associate Justices of the Supreme Court, the Public
3 Auditor, ambassadors, members of boards, commissions,
4 and other entities with fixed terms, a public official
5 whose appointment is subject to the advice and consent
6 of the Congress shall submit his or her resignation no
7 later than (90) ninety days after the President of the
8 Federated States of Micronesia takes the oath of
9 office, or at the time a new nominee for such position
10 is confirmed by the Congress, whichever is earlier.
11 The President may renominate the same public official
12 for the same position subject to the advice and consent
13 of the Congress.

14 Section 3. Section 101 of title 20 of the Code of the
15 Federated States of Micronesia is hereby amended to read as
16 follows:

17 "Section 101. Definitions. As used in this title,
18 unless the context otherwise requires:

19 (1) 'Aeronautics' means the science and art of
20 flight.

21 (2) 'Air carrier' means any citizen of the Federated
22 States of Micronesia who undertakes, whether directly or
23 indirectly or by a lease or any other arrangement, to
24 engage in air transportation: PROVIDED, that the
25 Secretary may by order relieve air carriers who are not
26 directly engaged in the operation of aircraft in air

1 transportation from the provisions of this title to the
2 extent and for such periods as may be in the public
3 interest.

4 (3) 'Air commerce' means domestic or international
5 air commerce or the transportation of mail by aircraft
6 or any operation or navigation of aircraft within the
7 limits of any National airway or any operation or
8 navigation of aircraft that directly affects, or that
9 may endanger safety in, domestic or international air
10 commerce.

11 (4) 'Air navigation facility' means any facility
12 used in, available for use in, or designed for use in,
13 aid of air navigation, including landing areas, lights,
14 any apparatus or equipment for disseminating weather
15 information, for signaling, for radio-directional
16 finding, or for radio or other electrical communication,
17 and any other structure or mechanism having a similar
18 purpose for guiding or controlling flight in the air or
19 the landing and take-off of aircraft.

20 (5) 'Air transportation' means domestic or
21 international air transportation or the transportation
22 of mail by aircraft.

23 (6) 'Aircraft engine' means an engine used, or
24 intended to be used, for propulsion of aircraft and
25 includes all parts and accessories thereof other than
26 propellers.

1 (7) 'Aircraft' means any contrivance now known or
2 hereafter invented, used, or designed for navigation of
3 or flight in the air.

4 (8) 'Airman' means any individual who engages, as
5 the person in command or as pilot, mechanic, or member
6 of the crew, in the navigation of aircraft while under
7 way; and (except to the extent the Secretary may
8 otherwise provide with respect to individuals employed
9 outside the Federated States of Micronesia) any
10 individual who is directly in charge of the inspection,
11 maintenance, overhauling, or repair of aircraft,
12 aircraft engines, propellers, or appliances; and any
13 individual who serves in the capacity of aircraft
14 dispatcher or air-traffic control-tower operator.

15 (9) 'Airport' means a landing area used regularly by
16 aircraft for receiving or discharging passengers or
17 cargo.

18 (10) 'Airport operator' means any person, state or
19 state port authority engaged in the operation of an
20 airport as defined herein.

21 (11) 'Appliances' means instruments, equipment,
22 apparatus, parts, or accessories, of whatever
23 description, that are used, or are capable of being or
24 intended to be used, in the navigation, operation, or
25 control of aircraft in flight (including parachutes and
26 including communication equipment and any other

1 mechanism or mechanisms installed in or attached to
2 aircraft during flight), and that are not a part or
3 parts of aircraft, aircraft engines, or propellers.

4 (12) 'Attorney General' means the Attorney General of
5 the Federated States of Micronesia.

6 (13) 'Charter air carrier' means an air carrier
7 holding a certificate of public convenience and
8 necessity authorizing it to engage in charter air
9 transportation.

10 (14) 'Charter air transportation' means charter
11 trips, including inclusive tour charter trips, in air
12 transportation, rendered pursuant to authority conferred
13 under this title under regulations prescribed by the
14 Secretary.

15 (15) 'Citizen of the Federated States of Micronesia'
16 means (a) an individual who is a citizen of the
17 Federated States of Micronesia or of one of its
18 possessions, or (b) a partnership, corporation, or
19 association considered to be a citizen under the laws of
20 the Federated States of Micronesia.

21 (16) 'Civil aircraft of the Federated States of
22 Micronesia' means any aircraft registered as provided in
23 this title.

24 (17) 'Civil aircraft' means any aircraft other than a
25 public aircraft.

26 (18) 'Civil Aviation Division' means the Civil

1 Aviation Division of the Department of Transportation
2 and Communications.

3 (19) 'Conditional sale' means (a) any contract for
4 the sale of an aircraft, aircraft engine, propeller,
5 appliance, or spare part under which possession is
6 delivered to the buyer and the property is to vest in
7 the buyer at a subsequent time, upon the payment of part
8 or all of the price, or upon the performance of any
9 other condition or the happening of any contingency; or
10 (b) any contract for the bailment or leasing of an
11 aircraft, aircraft engine, propeller, appliance, or
12 spare part, by which the bailee or lessee contracts to
13 pay as compensation a sum substantially equivalent to
14 the value thereof, and by which it is agreed that the
15 bailee or lessee is bound to become, or has the option
16 of becoming, the owner thereof upon full compliance with
17 the terms of the contract. The buyer, bailee, or lessee
18 shall be deemed to be the person by whom any such
19 contract is made or given.

20 (20) 'Conveyance' means a bill of sale, contract of
21 conditional sale, mortgage, assignment of mortgage, or
22 other instrument affecting title to, or interest in,
23 property.

24 (21) 'Department' means the Department of
25 Transportation and Communications of the Federated
26 States of Micronesia.

1 (22) 'Domestic air commerce', and 'international air
2 commerce', respectively, mean the carriage by aircraft
3 of persons or property for compensation or hire, or the
4 carriage of mail by aircraft, or the operation or
5 navigation of aircraft in the conduct or furtherance of
6 a business or vocation, in commerce between,
7 respectively:

8 (a) a place in the Federated States of
9 Micronesia and any other place in the Federated States
10 of Micronesia; and

11 (b) a place in the Federated States of
12 Micronesia and any place outside thereof.

13 (23) 'Domestic air transportation', and
14 'international air transportation', respectively, mean
15 the carriage by aircraft of persons or property as a
16 common carrier for compensation or hire or the carriage
17 of mail by aircraft, in commerce between, respectively:

18 (a) a place in the Federated States of
19 Micronesia and any other place in the Federated States
20 of Micronesia; and

21 (b) a place in the Federated States of
22 Micronesia and any place outside thereof.

23 (24) 'The Federated States of Micronesia' means the
24 states of the Federated States of Micronesia, including
25 the territorial waters and the overlying airspace
26 thereof.

1 (25) 'Foreign air carrier' means any person, not a
2 citizen of the Federated States of Micronesia, who
3 undertakes, whether directly or indirectly or by lease
4 or any other arrangement, to engage in international air
5 transportation.

6 (26) 'Landing area' means any location, either on
7 land or water, including airports and intermediate
8 landing fields, that is used, or intended to be used,
9 for the landing and take-off of aircraft, whether or not
10 facilities are provided for the shelter, servicing, or
11 repair of aircraft, or for receiving or discharging
12 passengers or cargo.

13 (27) 'Mail' means FSM mail and foreign-transit mail.

14 (28) 'National airway' means a portion of the
15 navigable airspace of the Federated States of Micronesia
16 designated by the Secretary as a National airway.

17 (29) 'Navigable airspace' means airspace above the
18 minimum altitudes of flight prescribed by regulations
19 issued under this Title, and shall include airspace
20 needed to insure safety in take off and landing of
21 aircraft.

22 (30) 'Navigation of aircraft' or 'navigate aircraft'
23 includes the piloting of aircraft.

24 (31) 'Operation of aircraft' or 'operate aircraft'
25 means the use of aircraft, for the purpose of air
26 navigation and includes the navigation of aircraft. Any

1 person who causes or authorizes the operation of
2 aircraft, whether with or without the right of legal
3 control (in the capacity of owner, lessee, or otherwise)
4 of the aircraft, shall be deemed to be engaged in the
5 operation of aircraft within the meaning of this title.

6 (32) 'Person' means any individual, firm,
7 partnership, corporation, company, association,
8 joint-stock association, or body politic; and includes
9 any trustee, receiver, assignee, or other similar
10 representative thereof.

11 (33) 'Propeller' includes all parts and accessories
12 thereof.

13 (34) 'Public aircraft' means any aircraft used
14 exclusively in the service of any government or of any
15 political subdivision thereof, including the government
16 of any province, territory, or possession of the
17 Federated States of Micronesia, but not including any
18 government-owned aircraft engaged in carrying persons or
19 property for commercial purposes.

20 (35) 'Secretary' means the [~~Secretary~~] Minister of
21 Department of Transportation and Communications.

22 (36) 'Spare parts' means parts and accessories of
23 aircraft (other than aircraft engines and propellers),
24 of aircraft engines (other than propellers), of
25 propellers and of appliances, maintained for
26 installation or use in an aircraft, aircraft engine,

1 propeller, or appliance, but that at the time are not
2 installed therein or attached thereto.

3 (37) 'Special aircraft jurisdiction of the Federated
4 States of Micronesia' includes:

5 (a) civil aircraft of the Federated States of
6 Micronesia;

7 (b) any other aircraft within the Federated
8 States of Micronesia;

9 (c) any other aircraft outside the Federated
10 States of Micronesia:

11 (i) that has its next scheduled
12 destination or last point of departure in the Federated
13 States of Micronesia, if that aircraft next actually
14 lands in the Federated States of Micronesia;

15 (ii) having 'an offense', as defined in the
16 Convention for the Suppression of Unlawful Seizure of
17 Aircraft, committed aboard, if that aircraft lands in
18 the Federated States of Micronesia with the alleged
19 offender still aboard; or

20 (iii) regarding which an offense as defined
21 in subsection (d) or (e) of article I, section I of the
22 Convention for the Suppression of Unlawful Acts against
23 the Safety of Civil Aviation (Montreal, September 23,
24 1971) is committed if the aircraft lands in the
25 Federated States of Micronesia with an alleged offender
26 still on board; and

1 (d) other aircraft leased without crew to a
2 lessee who has his principal place of business in the
3 Federated States of Micronesia, or if none, who has his
4 permanent residence in the Federated States of
5 Micronesia; while that aircraft is in flight, which is
6 from the moment when all external doors are closed
7 following embarkation until the moment when one such
8 door is opened for disembarkation or in the case of a
9 forced landing, until the competent authorities take
10 over the responsibility for the aircraft and for the
11 persons and property aboard.

12 (38) 'Supreme Court' means the Supreme Court of the
13 Federated States of Micronesia.

14 (39) 'Ticket agent' means any person, not an air
15 carrier or a foreign air carrier and not a bona fide
16 employee of an air carrier or foreign air carrier, who,
17 as principal or agent, sells or offers for sale any air
18 transportation, or negotiates for, or holds himself out
19 by solicitation, advertisement, or otherwise as one who
20 sells, provides, furnishes, contracts or arranges for,
21 such transportation."

22 Section 4. This act shall become law upon approval by the
23 President of the Federated Sates of Micronesia or upon its
24 becoming law without such approval.

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26 Date: 5/12/10

Introduced by: /s/ Peter S. Sitan

Peter S. Sitan

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/s/ Peter M. Christian
Peter M. Christian