

CHAPTER 3

Organization of Civil Aviation Authority and Powers and Duties of the Secretary

SECTIONS

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§ 301. Organization of Civil Aviation Authority.

The Secretary may organize the Civil Aviation Authority of the Federated States of Micronesia as he sees fit, consistently with other national legislation, in such manner as to promote efficiently and effectively the safety and economic development of civil aviation.

Source: PL 9-138 § 9.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 3 of this code.

§ 302. Fostering of air commerce.

The Secretary is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the Federated States of Micronesia and abroad.

Source: PL 9-138 § 10.

§ 303. National defense and civil needs.

In exercising the authority granted in, and discharging the duties imposed by, this Act, the Secretary shall give full consideration to the requirements of national defense, of commercial and general aviation, and to the public right of freedom of transit through the navigable airspace.

Source: PL 9-138 § 11.

§ 304. Airspace control and facilities.

(1) *Use of airspace.* The Secretary is authorized and directed to develop plans for and formulate policy with respect to the use of the navigable airspace; and assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to ensure the safety of aircraft and the efficient utilization of such airspace. He may modify or revoke such assignment when required in the public interest. The authority of the Secretary under this subsection shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

(2) *Air navigation facilities.* The Secretary is authorized, within the limits of available resources,

(a) to acquire, establish, and improve air navigation facilities wherever necessary;

(b) to operate and maintain such air navigation facilities;

(c) to arrange for publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation; and

(d) to provide necessary facilities and personnel for the regulation and protection of air traffic. The Secretary may from time to time arrange for the performance by another government agency or department, with the consent of that agency or department, of any function under this subsection.

(3) *Air traffic rules.* The Secretary is further authorized and directed to prescribe air traffic rules and regulations governing the flight of aircraft, for the navigation, protection, and identification of aircraft, for the protection of persons and property on the ground, and for the efficient utilization of the navigable airspace, including rules as to safe altitudes of flight and rules for the prevention of collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

Source: PL 9-138 § 12.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 3 of this code.

§ 305. Other powers and duties of the Secretary.

(1) *General.* The Secretary is empowered to perform such acts, to conduct such investigations, to issue and

amend such orders, and to make and amend such general or special rules, regulations, and procedures, pursuant to and consistent with the provisions of this title, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this title.

(2) *Publications.* The Secretary shall provide for the publication of reports, orders, decisions, rules, and regulations issued by him under this title in such form and manner as may be best adapted for public information and use.

(3) *Power to conduct hearings and investigations.* The Secretary shall have the power to conduct hearings and investigations necessary to carry out his duties under this title. Such power shall be exercised in consultation with the appropriate authorities of other government agencies, foreign governments and international organizations.

(4) *Training schools.* The Secretary is empowered to conduct a school or schools for the purpose of training employees of the Secretary in those subjects necessary for the proper performance of all authorized functions. He may also authorize attendance at courses given in such school or schools of other governmental personnel, personnel of other governments, or personnel of the aeronautics industry.

(5) *Exemptions.* The Secretary from time to time may grant exemptions from the requirements of any rule or regulation prescribed under this title if he finds that such action would be in the public interest.

Source: PL 9-138 § 13.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 306. Air transportation security rules and regulations.

(1) *Acts of criminal violence and aircraft piracy.* The Secretary shall prescribe such reasonable rules and regulations requiring such practices, methods, and procedures, as he may deem necessary to protect persons and property aboard aircraft against acts of criminal violence and aircraft piracy.

(2) *Screening of passengers.* The Secretary shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation be screened by weapon-detecting procedures or facilities employed or operated by employees or agents of the air carrier or foreign air carrier prior to boarding the aircraft for such transportation.

(3) *Procedures for inspections, detentions, and searches.* The Secretary shall, to the extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in domestic air transportation and foreign air transportation to assure their safety and to assure that they will receive courteous and efficient treatment by air carriers and their agents and employees.

Source: PL 9-138 § 14.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 307. Applicability of title 17 of the FSM Code.

In the exercise of the rule making authority under this chapter, the Secretary shall be subject to the provisions of title 17 of this code, as well as the provisions of this title.

Source: PL 9-138 § 15, modified.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 308. Development Planning.

The Secretary is directed to make long range plans for and formulate policy with respect to the orderly development and use of the navigable airspace, and the orderly development and location of landing areas, National airways, radar installation and all other aids and facilities for air navigation, as will best meet the needs of, and serve the interest of civil aeronautics.

Source: PL 9-138 § 16.

§ 309. Delegation by Secretary.

In exercising the powers and duties vested in him by this title, the Secretary may, subject to such regulations, supervision, and review as he may prescribe, delegate to any properly qualified private person, or to any employee or employees under the supervision of such person, any work, business, or function respecting

- (1) the examination, inspection, and testing necessary to the issuance of certification under this title, and
- (2) the issuance of such certificates in accordance with standards established by him. The Secretary may establish the maximum fees which such private persons may charge for their services and may rescind any delegation made by him pursuant to this subsection at any time and for any reason which he deems appropriate.

Source: PL 9-138 § 17.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.