

CHAPTER 11

Miscellaneous Provisions

SECTIONS

- § 1101. Hazards to safe and efficient air commerce and the preservation of navigable airspace; notice of construction.**
- § 1102. International agreements.**
- § 1103. Remedies not exclusive.**
- § 1104. Aircraft of other countries.**

§ 1101. Hazards to safe and efficient air commerce and the preservation of navigable airspace; notice of construction.

The Secretary shall, by rules and regulations, or by order, where necessary, require all persons to give adequate public notice, in the form and manner prescribed by the Secretary, of the construction or alteration, or of the proposed construction or alteration, of any structure where notice will promote safety in air commerce as well as the efficient use and preservation of the navigable airspace.

Source: PL 9-138 § 71.

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

§ 1102. International agreements.

(1) In exercising and performing his powers and duties under this title, the Secretary shall do so consistently with any obligation assumed by the Federated States of Micronesia in any treaty, convention, or agreement that may be in force between the Federated States of Micronesia and any other country or countries, and shall take into consideration any applicable laws and requirements of such countries and the Secretary shall not, in exercising and performing his powers and duties with respect to certificates of convenience and necessity, restrict compliance by any air carrier with any obligation, duty, or liability imposed by any other country.

(2) This section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement, heretofore or hereafter entered into between an air carrier, or any officer or representative thereof, and any other country, if such contract or agreement is disapproved by the Secretary as being contrary to the public interest.

Source: PL 9-138 § 72.

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

§ 1103. Remedies not exclusive.

Nothing contained in this title shall in any way abridge or alter the remedies now existing under the laws of the Federated States of Micronesia, but the provisions of this title are in addition to such remedies.

Source: PL 9-138 § 73.

§ 1104. Aircraft of other countries.

(1) The Federated States of Micronesia is hereby declared to possess and exercise complete and exclusive national sovereignty in the airspace of the Federated States of Micronesia, including the airspace above all inland waters and the airspace above those portions of the adjacent marginal high seas, bays, and lakes, over which by international law or treaty or convention the Federated States of Micronesia exercises national jurisdiction.

(2) Aircraft of other countries, which are not a part of the armed forces of another nation, may be navigated in the Federated States of Micronesia by airmen holding certificates or licenses issued or rendered valid by the Federated States of Micronesia or by the nation in which the aircraft is registered if such nation grants a similar privilege with respect to aircraft of the Federated States of Micronesia, and only if such navigation is authorized by permit, order, or regulation issued by the Secretary hereunder, and in accordance with the terms, conditions, and limitations thereof.

(3) In exercising his powers hereunder, the Secretary shall do so consistently with any treaty, convention, or agreement that may be in force between the Federated States of Micronesia and any other country or countries. Civil aircraft of other countries permitted to navigate in the Federated States of Micronesia under this subsection may be authorized by the Secretary to engage in air commerce within the Federated States of Micronesia except that they shall not take on at any point within the Federated States of Micronesia, persons, property, or mail carried for compensation or hire and destined for another point within the Federated States of Micronesia, unless specifically authorized by the Secretary.

(4) Nothing contained in subsections (2) and (3) of this section shall be deemed to limit, modify, or amend section 402 of this title, but any foreign air carrier holding a permit under said section 402 shall not be required to obtain additional authorization under this subsection with respect to any operation authorized by said permit.

Source: PL 9-138 § 74.

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