

STANDING COMMITTEE REPORT NO. 18-39

RE: C.B. NOS. 18-43/18-68 (J&GO)

SUBJECT: LASER POINTERS SHONE AT AIRCRAFT

SEPTEMBER 25, 2013

The Honorable Dohsis Halbert
Speaker, Eighteenth Congress
Federated States of Micronesia
Second Regular Session, 2013

Dear Mr. Speaker:

Your Committee on Judiciary & Governmental Operations, to which was jointly referred C.B. No. 18-43, entitled:

"A BILL FOR AN ACT TO PROHIBIT THE MANUFACTURE, SALE, PURCHASE, USE, OR POSSESSION OF LASERS, AND FOR OTHER PURPOSES.",

and C.B. No. 18-68, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 11 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY CREATING A NEW CHAPTER 14 TO CRIMINALIZE SHINING LASER POINTERS AT AIRCRAFT, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of these bills are expressed in their title.

Your Committee on Judiciary & Governmental Operations met on September 24, 2013 with your Committee on Transportation and Communications. A public hearing was held which representatives of the Department of Justice, TC&I, and the President's Office attended. Your Committee on Judiciary & Governmental Operations conducted a thorough review of the proposed bills.

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C.B. No. 18-43 came to Congress by way of Presidential Communication No. 18-57. The President's letter stated that the problem of laser pointers being shone at aircraft coming into the FSM was a high priority, and urged prompt action. P.C. No. 18-57 also stated that United Airlines was considering dropping some service to FSM due to the frequency and severity of the laser pointer incidents.

Representatives from TC&I testified that, indeed, the issue of laser pointers shone at aircrafts was a weekly subject raised by TSA, United, and other interested parties. TC&I provided handouts showing that on August 4, 2013, a United flight into Chuuk reported more than seven individual laser pointers shone at its cockpit, originating from multiple islands. A picture showed the intensity of the light reflected on a cockpit windshield from a laser pointer. TC&I confirmed that United had broached the subject of reducing service to the FSM should these incidents continue.

Your Committee notes that the problem of laser pointers directed at aircraft is a worldwide problem, not isolated to the FSM. Your Committee also notes that incidents within the FSM are not limited to Chuuk, but have occurred on flights to other FSM states.

Your Committee further notes that the continued incidence of laser pointers shone at air is a grave safety concern. Not only for the vision of the pilots, but for the passengers on the aircraft and citizens on the ground who could be harmed should a laser pointer cause a crash. Therefore, your Committee concurs with the President's Office that prompt action should be taken by Congress to address this issue.

Yet, your Committee was concerned that C.B. No. 18-43, a very comprehensive bill that regulated sale, use, possession, etc., of laser pointers, may be unnecessarily overreaching. C.B. No. 18-68 was an alternative bill proposed which was limited to criminalizing the activity of pointing lasers at aircraft, and unauthorized possession of laser pointers on airport property.

The Department of Justice testified that C.B. No. 18-68 "covers what is necessary" to empower law enforcement to curtail this activity. The DOJ stated that under the JLEA agreements, the National Police,

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United, and state police can coordinate to track down incidents of laser pointers shone at aircraft. The Department also intends to conduct a public awareness campaign on the dangers of shining laser pointers at aircraft, a tactic that has been successful in other Pacific Island countries. The DOJ is therefore supportive of C.B. No. 18-68 as a step that could be sufficient to eliminate laser pointers incidents with aircraft, perhaps obviating the need for the more comprehensive C.B. No. 18-43.

Therefore, your Committee is in favour of adopting C.B. No. 18-68 to address the matter of laser pointers shone at aircraft, and not C.B. No. 18-43 at this time.

There were some minor typographical errors in C.B. No. 18-68, thus, your Committee recommends amending the bill as follows:

1. Page 2, Line 22, delete "a fined not more than \$10,000" and insert "a fine of not more than \$10,000" in lieu thereof.
2. Page 3, Line 18, delete "Prohibition on laser pointers" and insert "Prohibition of laser pointers" in lieu thereof.

Your Committee is in accord with the intent and purpose of C.B. No. 18-68, and on concurrence with your Committee Transportation and Communications recommends its adoption in the form attached as C.B. No. 18-68, C.D. 1.

Respectfully submitted,

/s/ Wesley W. Simina
Wesley W. Simina, chairman

/s/ Berney Martin
Berney Martin, vice chairman

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/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Yosiwo P. George
Yosiwo P. George, member

/s/ Dohsis Halbert
Dohsis Halbert, member

/s/ Bonsiano F. Nethon
Bonsiano F. Nethon, member

/s/ Isaac V. Figir
Isaac V. Figir, member