



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL COMM. NO. 19-599
FSM CONGRESS

April 18th, 2017

The Honorable Wesley W. Simina
Speaker
19th FSM Congress
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

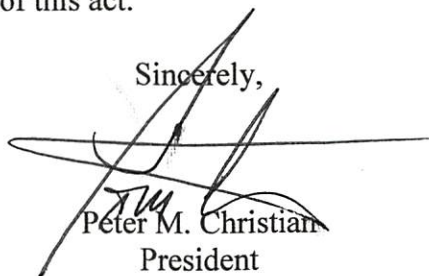
I am transmitting the following congressional act I signed to become Public Law No. 19-169:

Congressional Act No. 19-174, entitled: "AN ACT TO AMEND SECTIONS 101, 102, 103, 106, 204, 205, 303, 402, 404, 407, 603, 606, 611, 701, 907, 910 AND 911 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 18-109, IN ORDER TO ENHANCE THE ABILITY OF THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA TO ENFORCE, IN ITS TERRITORY OR EXCLUSIVE ECONOMIC ZONE AND OTHER ZONES WHERE FSM-FLAGGED OR FSM-LICENSED VESSELS UNDERTAKE FISHING ACTIVITIES, THE NATIONAL FISHERY LAWS, REGULATIONS, AND THE INTERNATIONAL OBLIGATIONS INCLUDING THOSE IN THE THIRD IMPLEMENTING ARRANGEMENT OF THE PARTIES TO THE NAURU AGREEMENT, AND THE OBLIGATIONS ASSUMED BY THE FSM GOVERNMENT ON CONSERVATION, SUSTAINABLE EXPLOITATION AND MANAGEMENT OF FISHERY RESOURCES TAKING INTO CONSIDERATION THE NATIONAL DEVELOPMENT NEEDS AND ASPIRATIONS OF THE FSM, AND FOR OTHER PURPOSES."

This bill amends several sections of title 24 of the FSM Code in order to update and modernize it, reflecting the recent management and conservation measures adopted by the WCPFC and sub-regional fishery management organization and incorporating the contemporary practices and progress in fishery management and regulation around the region.

I thank Congress for the passage of this act.

Sincerely,


Peter M. Christian
President



xc: Chief Justice, FSM Supreme Court



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

Palikir, Sokehs Pohnpei State, FM 96941

Tel: (691) 320-2324 / 2338 Fax: (691) 320-5122

PRESIDENTIAL COMM. NO. 19-599
FSM CONGRESS

April 06, 2017

His Excellency Peter M. Christian
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941



Dear President Christian:

I have the honor to transmit herewith Congressional Act No. 19-174, "AN ACT TO AMEND SECTIONS 101, 102, 103, 106, 204, 205, 303, 402, 404, 407, 603, 606, 611, 701, 907, 910 AND 911 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 18-109, IN ORDER TO ENHANCE THE ABILITY OF THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA TO ENFORCE, IN ITS TERRITORY OR EXCLUSIVE ECONOMIC ZONE AND OTHER ZONES WHERE FSM-FLAGGED OR FSM-LICENSED VESSELS UNDERTAKE FISHING ACTIVITIES, THE NATIONAL FISHERY LAWS, REGULATIONS, AND THE INTERNATIONAL OBLIGATIONS INCLUDING THOSE IN THE THIRD IMPLEMENTING ARRANGEMENT OF THE PARTIES TO THE NAURU AGREEMENT, AND THE OBLIGATIONS ASSUMED BY THE FSM GOVERNMENT ON CONSERVATION, SUSTAINABLE EXPLOITATION AND MANAGEMENT OF FISHERY RESOURCES TAKING INTO CONSIDERATION THE NATIONAL DEVELOPMENT NEEDS AND ASPIRATIONS OF THE FSM, AND FOR OTHER PURPOSES.", which was passed by the Nineteenth Congress of the Federated States of Micronesia, Eighth Special Session, 2017, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis
Chief Clerk, Congress of the
Federated States of Micronesia

Enclosures



PRESIDENTIAL COMM. NO. 19-599
FSM CONGRESS

NINETEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
EIGHTH SPECIAL SESSION
MARCH 27 – APRIL 05, 2017

An Act

TO AMEND SECTIONS 101, 102, 103, 106, 204, 205, 303, 402, 404, 407, 603, 606, 611, 701, 907, 910 AND 911 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 18-109, IN ORDER TO ENHANCE THE ABILITY OF THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA TO ENFORCE, IN ITS TERRITORY OR EXCLUSIVE ECONOMIC ZONE AND OTHER ZONES WHERE FSM-FLAGGED OR FSM-LICENSED VESSELS UNDERTAKE FISHING ACTIVITIES, THE NATIONAL FISHERY LAWS, REGULATIONS, AND THE INTERNATIONAL OBLIGATIONS INCLUDING THOSE IN THE THIRD IMPLEMENTING ARRANGEMENT OF THE PARTIES TO THE NAURU AGREEMENT, AND THE OBLIGATIONS ASSUMED BY THE FSM GOVERNMENT ON CONSERVATION, SUSTAINABLE EXPLOITATION AND MANAGEMENT OF FISHERY RESOURCES TAKING INTO CONSIDERATION THE NATIONAL DEVELOPMENT NEEDS AND ASPIRATIONS OF THE FSM, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: DAVID W. PANUELO FOR FLORENCIO S. HARPER
(BY REQUEST)

DATE: JULY 22, 2016

REFERRED TO: COMMITTEE ON RESOURCES AND DEVELOPMENT

S.C.R. NO. 19-220 – MARCH 31, 2017

FIRST READING: APRIL 01, 2017

SECOND READING: APRIL 04, 2017

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis", is written over a horizontal line.

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress



Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3 Palikir, Sokehs
Pohnpei State, FM 96941
Tel: (691) 320-2324 /2338
Fax: (691) 320-5122

PRESIDENTIAL COMM. NO. A-599
FSM CONGRESS

ACT NO. 19-174

(CONGRESSIONAL BILL NO. 19-173, C.D.1)

We hereby certify that on April 4 the foregoing act passed
Second and Final Reading of the Nineteenth Congress of the
Federated States of Micronesia, Eighth Special Session, 2017,
by a two-thirds vote of all the State delegations as required
under article IX, section 20, of the Constitution of the
Federated States of Micronesia.

A handwritten signature in black ink, appearing to read "Wesley W. Simina".

Wesley W. Simina
Speaker
Congress of the
Federated States of Micronesia

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis
Chief Clerk
Congress of the
Federated States of Micronesia

A BILL FOR AN ACT

To amend sections 101, 102, 103, 106, 204, 205, 303, 402, 404, 407, 603, 606, 611, 701, 907, 910 and 911 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 18-109, in order to enhance the ability of the Government of the Federated States of Micronesia to enforce, in its territory or exclusive economic zone and other zones where FSM-flagged or FSM-licensed vessels undertake fishing activities, the national fishery laws, regulations, and the international obligations including those in the Third Implementing Arrangement of the Parties to the Nauru Agreement, and the obligations assumed by the FSM Government on conservation, sustainable exploitation and management of fishery resources taking into consideration the national development needs and aspirations of the FSM, and for other purposes.

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

1 Section 1. Section 101 of title 24 of the Code of the
2 Federated States of Micronesia (Annotated), is hereby amended to
3 read as follows:

4 "Section 101. Purpose of this subtitle.

5 (1) The purpose of this subtitle is to ensure the
6 sustainable development, conservation and use of the
7 marine resources in the exclusive economic zone by
8 promoting development of, and investment in, fishing and
9 related activities in the context of effective
10 stewardship and to regulate fishing and related
11 activities of vessels entitled to fly the flag of the
12 Federated States of Micronesia beyond the fishery
13 waters.

1 (2) This act may be referred to as the 'Marine
2 Resources Act of 2002'."

3 Section 2. Section 102 of title 24 of the Code of the
4 Federated States of Micronesia (Annotated), is hereby amended to
5 read as follows:

6 "Section 102. Definitions. In this subtitle, except
7 where otherwise specified, the following terms shall
8 have the meanings stated below:

9 (1 'Access agreement' means a treaty, agreement or
10 arrangement entered into by the Authority pursuant to
11 this act in relation to access to the exclusive economic
12 zone for fishing by foreign fishing vessels, and
13 includes bilateral and multilateral instruments
14 applicable at the national, subregional, regional or
15 international level.

16 (2 'Administrator' means the director of a regional
17 fisheries agency or any other organization or person
18 authorized, pursuant to section 106 of chapter 1 of this
19 subtitle, to administer a fisheries access agreement or
20 fisheries management agreement to which the Federated
21 States of Micronesia is party.

22 (3 'Agent' includes a person appointed or designated
23 by a foreign fishing company to act as the legal
24 representative of that company within the Federated
25 States of Micronesia, including acceptance of and

1 response to legal process, pursuant to section 404(4)(a)
2 of chapter 4 of this subtitle.

3 (4 'Aircraft' means any craft capable of self-
4 sustained movement through the atmosphere and includes
5 helicopters.

6 (5 'Atoll' means a naturally formed coral reef
7 system which has one or more islands situated on the
8 reef system, including, but not limited to, Ngulu,
9 Ulithi, Sorol, Eauripik, Woleai, Faraulep, Ifalik,
10 Olaimarao, Elato, Lamotrek, West Fayu, Puluwat, Pulap,
11 Pulusuk, Namonuito, Kuop, Nomowin, Murilo, Losap,
12 Namoluk, Satawan, Etal, Lukunor, Minto Reef, Oroluk,
13 Nukuoro, Kapingamarangi, Pakin, Ant, Sapwuahfik,
14 Mwoakilloa and Pingelap.

15 (6 'Authority' means the National Oceanic Resource
16 Management Authority established by section 201 of
17 chapter 2 of this subtitle.

18 (7 'Authority observer' means any person authorized
19 in writing by the Authority to act as an observer on
20 fishing vessels for the purposes of this subtitle,
21 including any observer authorized pursuant to the
22 provisions of an access agreement or a fisheries
23 management agreement.

24 (8 'Authorized officer' means any person or category
25 of persons designated pursuant to section 602 of chapter

1 6 of this subtitle as an authorized officer.

2 (9 'Automatic location communicator' or 'mobile
3 transceiver unit' or 'transponder' means a Forum
4 Fisheries Agency (FFA) approved device placed on a
5 fishing vessel that transmits either in conjunction with
6 another device or devices or independently, information
7 concerning the position, fishing and such other
8 activities of the vessel.

9 (10 'Based in the Federated States of Micronesia'
10 means using land-based facilities in the Federated
11 States of Micronesia to support fishing, including
12 location of the home port of a vessel in the Federated
13 States of Micronesia, landing or transshipping all fish
14 harvested within the exclusive economic zone and/or
15 operating under a joint venture arrangement in the
16 Federated States of Micronesia, or under arrangements
17 where the operator of a vessel is participating in
18 shore-based developments or is otherwise making a
19 substantial contribution to the development of the
20 domestic tuna industry.

21 (11 'Buy' includes:

- 22 (a) barter or attempt to barter;
23 (b) purchase or attempt to purchase;
24 (c) receive on account or consignment;
25 (d) purchase or barter for future goods or for

1 any consideration of value; and

2 (e) purchase or barter as an agent for another
3 person, and 'buyer' shall have a corresponding meaning.

4 (12) 'by-catch' means all living and non-living
5 organisms incidentally caught while fishing for target
6 species, including any by-products and discard forming
7 part of the catch not retained on board the vessel
8 during such fishing operation.

9 (13) 'Citizen' means a person who is a citizen of the
10 Federated States of Micronesia.

11 (14) 'Closed area' means an area in which fishing is
12 prohibited.

13 (15) 'Closed season' means a period of time during
14 which fishing is prohibited.

15 (16) 'Commercial fishing' means any fishing resulting
16 or intending or appearing to result in the sale or trade
17 of any fish which may be taken during the fishing
18 operation, and does not include subsistence fishing.
19 For the purposes of this act, the following shall be
20 presumed to be commercial fishing:

21 (a) use of a vessel for fishing which measures
22 twenty-seven (27) feet or more in overall length;

23 (b) use of more than one vessel for fishing
24 which is owned by a single person for the primary
25 purpose of selling or trading any fish.

1 (17) 'Commercial pilot fishing' means any fishing for
2 the purpose of testing the commercial viability of:

3 (a) new fishing methods;

4 (b) developing new stocks of fish; or

5 (c) fishing in previously unexploited areas.

6 (18) 'Court' means the Supreme Court of the Federated
7 States of Micronesia.

8 (19) 'Domestic fishing' means any fishing by a local
9 fishing vessel longer than twenty-seven (27) feet in
10 overall length, but not including commercial pilot
11 fishing, and 'domestic fishing vessel' shall have a
12 corresponding meaning.

13 (20 (Reserved)

14 (21 'Drift net' means a gillnet or other net or
15 arrangement of nets which is more than 2.5 kilometers
16 (1.56 miles) in length, the purpose of which is to
17 enmesh, entrap or entangle fish.

18 (22) 'Drift net fishing activities' includes fishing
19 with the use of a drift net and any related activities
20 including transporting, transshipping and processing any
21 drift net catch, and provisioning of food, fuel and
22 other supplies for vessels used or outfitted for drift
23 net fishing.

24 (23) 'Exclusive economic zone' means the exclusive
25 economic zone as defined in title 18 of the Code of the

1 Federated States of Micronesia.

2 (24) 'Executive Director' means the individual
3 appointed by the Authority to be in charge of the daily
4 activities and operation of the authority and to perform
5 such other functions as required by this subtitle.

6 (25 'Export' means to:

7 (a) send or take out of the country;

8 (b) attempt to send or take out of the country;

9 (c) receive on account or consignment for
10 purposes of paragraph (a) or (b) above;

11 (d) act as an agent for another person for
12 purposes of (a) through (c) above; and

13 (e) carry or transport anything for purposes of
14 paragraphs (a) through (d) of this subsection, and
15 'exporter' shall have a corresponding meaning.

16 (26) 'Fish' means any living marine resource.

17 (27) 'Fish aggregating device' means an object or
18 group of objects, of any size, that has or has not been
19 deployed, that is living or non-living, including but
20 not limited to buoys, floats, netting, webbing,
21 plastics, bamboo, logs and whale sharks floating on or
22 near the surface of the water that fish may associate
23 with.

24 (28) 'Fish processing' means the producing of any
25 substance or article from fish by any method and

1 includes the cutting up, dismembering, cleaning,
2 sorting, loining, freezing, canning, salting, preserving
3 and reduction of fish.

4 (29) 'Fisheries management agreement' means any
5 agreement, arrangement or treaty in force to which the
6 Federated States of Micronesia is a party, not including
7 any access agreement, which has as its primary purpose
8 cooperation in or coordination of fisheries management
9 measures in all or part of the region, or implementation
10 of a multilateral access agreement, including, but not
11 limited to, fisheries monitoring, control and
12 surveillance and establishing criteria or requirements
13 for fishing and fisheries access.

14 (30) 'Fishery' or 'Fisheries' means one or more stock
15 of fish or any fishing operation based on such stocks
16 which can be treated as a unit for purposes of
17 conservation and management, taking into account
18 geographical, scientific, technical, recreational,
19 economic and other relevant characteristics.

20 (31) 'Fishery waters' means the exclusive economic
21 zone, the territorial sea and internal waters as
22 described in title 18 of the Code of the Federated
23 States of Micronesia, and any other waters over which
24 the Federated States of Micronesia claims sovereignty or
25 sovereign rights.

1 (32) 'Fishing' means:

2 (a) searching for, catching, taking or
3 harvesting fish;

4 (b) attempting to search for, catch, take or
5 harvest fish;

6 (c) engaging in any other activity which can
7 reasonably be expected to result in the locating,
8 catching, taking or harvesting of fish for any purpose;

9 (d) the placing, searching for or recovering
10 fish aggregating devices or associated electronic
11 equipment such as radio beacons;

12 (e) any operations at sea directly in support
13 of, or in preparation for, any activity described in
14 sub-paragraphs (a) to (d), except for operations defined
15 as related activities in subsection (60) of this
16 section;

17 (f) the use of any other vessel, vehicle,
18 aircraft or hovercraft, for any activity described in
19 sub-paragraphs (a) to (e) except for emergencies
20 involving the health and safety of crew or the safety of
21 a vessel.

22 (33) 'Fishing day' means any calendar day, or part of
23 a calendar day, during which a fishing vessel is in the
24 fishery waters outside of a port, but does not include
25 any calendar day, or part of a calendar day on which the

1 fishing vessel is not engaged in fishing or related
2 activities.

3 (34) 'Fishing gear' means any equipment, implement, or
4 other thing that can be used in the act of fishing,
5 including any fishing net, rope, line, float, trap,
6 hook, winch, boat, beacon or locating device, aircraft
7 or helicopter.

8 (35) 'Fishing vessel' means any vessel, boat, ship or
9 other craft which is used for, equipped to be used for
10 or of a type that is normally used for fishing as the
11 term fishing is defined in subsection (32) of this
12 section.

13 (36) 'Flag fishing vessel' means any foreign fishing
14 vessel that is entitled to fly the flag of the Federated
15 States of Micronesia pursuant to title 18 of the Code of
16 the FSM and any domestic fishing vessel.

17 (37) 'Foreign fishing' means any fishing not defined
18 as domestic fishing, and not including commercial pilot
19 fishing or fishing from a local fishing vessel less than
20 or equal to twenty-seven (27) feet in overall length.

21 (38) 'Foreign fishing vessel' means any fishing vessel
22 other than a local fishing vessel.

23 (39) 'Foreign party' means a noncitizen party to an
24 access agreement or a party to an access agreement that
25 is at least twenty percent foreign-owned.

(40) 'Foreign recreational fishing' means fishing using a foreign fishing vessel for recreational or sport purposes.

(41 "Full insurance coverage" means insurance cover for:

- (a) personal injury;
- (b) loss of life;
- (c) loss of equipment and personal effects;
- (d) medical coverage, including medical evacuation if required;
- (e) repatriation costs if required; and
- (f) losses arising from the action, inaction or activity of the authorized observer whilst on board or in the service of the vessel."

(42) 'High seas' means all parts of the sea that are not included in the exclusive economic zone, in the territorial sea, or in the internal water of any nation, or in the archipelagic waters of an archipelagic nation.

(42) 'Internal waters' means waters on the landward side of the baseline of the territorial sea of any island within the Federated States of Micronesia.

(43) 'international conservation and management measures' means measures to conserve or manage fish that are adopted and applied by an organization or arrangement to which the Federated States of Micronesia

1 is a member and is required to apply.

2 (44) 'Island' means a naturally formed area of land
3 surrounded by water, which is above water at high tide.

4 (45) 'licensing member' or 'FFA member' means a party
5 to the South Pacific Forum Fisheries Agency Convention,
6 1979.

7 (46) 'Local fishing vessel' means any fishing vessel
8 wholly owned and controlled by:

9 (a) the Government of the Federated States of
10 Micronesia, any State government or any subdivision
11 thereof;

12 (b) one or more natural persons who are citizens
13 of the Federated States of Micronesia;

14 (c) any corporation, company, society, or other
15 association of persons incorporated or established under
16 the laws of the Federated States of Micronesia or of any
17 State and which is wholly owned and controlled by one or
18 more of the entities or persons described in
19 paragraphs(a) or (b) of this subsection; and

20 (d) any combination of persons or entities
21 described in paragraphs (a) through (c) of this
22 subsection.

23 (47) 'Master' in relation to any fishing vessel means
24 the person in charge or apparently in charge of that
25 vessel.

1 (48) 'Multilateral access agreement' means an access
2 agreement between a foreign party and one or more
3 regional parties, to which the Federated States of
4 Micronesia is a party.

5 (49 'net sharing' means the transfer of any fish or
6 fish products from one vessel to another vessel
7 belonging to the same owner, or to any other vessel,
8 provided that such transfer is in the last set,
9 authorized by the Authority, and carried out in
10 accordance with any conditions required in writing by
11 the Authority or prescribed by regulations.

12 (50) 'Officer' means any authorized officer or
13 national police officer, and includes any officer of a
14 vessel or aircraft used for the enforcement of this act,
15 whether or not such officers are officials of the
16 Government of the Federated States of Micronesia or of
17 one of the four State governments.

18 (51) 'Operator' means any person who is in charge of,
19 directs or controls a fishing vessel, or for whose
20 direct economic or financial benefit a vessel is being
21 used, including the owner, charterer and master.

22 (52) 'Owner' in relation to a fishing vessel means any
23 person exercising or discharging or claiming the right
24 or accepting the obligation to exercise or discharge any
25 of the powers or duties of an owner, whether on his own

1 behalf or on behalf of another, and includes a person
2 who owns the vessel jointly with any other person or
3 persons and any manager, director or secretary of any
4 corporate body or company that holds an ownership
5 interest in the vessel.

6 (53) 'Permit' means any permit issued under this
7 subtitle or under an access agreement entered into
8 pursuant to this subtitle.

9 (54) 'Person' means any natural person or business
10 enterprise and includes, but is not limited to, a
11 corporation, partnership, cooperative, association, the
12 government of any of the four States, or any political
13 subdivision thereof, and any foreign government,
14 subdivision of such government or other entity.

15 (55) 'Port sampler' means a category of authorized
16 observer who performs duties at a point of transshipment
17 or port located either inside or outside the Federated
18 States of Micronesia.

19 (56) 'Recreational fishing' means fishing for sport or
20 leisure.

21 (57) 'Region' means that area of land and ocean which
22 falls within the sovereignty and sovereign rights of the
23 member countries of the Pacific Islands Forum Fisheries
24 Agency, whose headquarters are located in Honiara,
25 Solomon Islands, and includes high seas within such

1 area, and for the purposes of data collection, includes
2 that area of the Western and Central Pacific Ocean which
3 falls within the jurisdiction and sovereign rights of
4 the member countries of the Secretariat of the Pacific
5 Community located in Noumea, New Caledonia, and
6 'regional' shall have a corresponding meaning.

7 (58) 'Regional access license' means a regional access
8 license issued to any fishing vessel of a party to a
9 multilateral access agreement or fisheries management
10 agreement, in accordance with such agreement.

11 (59 'Regulation' or 'Regulations' means any
12 regulation which may be promulgated by the Authority
13 pursuant to this act.

14 (60) 'Related activities' in relation to fishing
15 means:

- 16 (a) transshipment;
17 (b) refueling or supplying fishing vessels,
18 selling or supplying fishing equipment, or performing
19 either activity in support of fishing; and
20 (c) on-shore storing, buying or processing fish
21 or fish products from the time they are first landed.

22 (61) 'Secretary' means the Secretary of the Department
23 of Justice.

24 (62) 'Sell' includes the exchange of any fish or fish
25 product or other thing for cash or for anything which

1 has value or which can be exchanged for cash, and
2 includes any exchange by barter.

3 (63) 'Shark' means any fish of the taxon
4 Elasmobranchii.

5 (64) 'Shark Fin' means any fin of a shark including
6 caudal fins.

7 (65) 'Stock of fish' means a species, subspecies or
8 other category of fish identified on the basis of
9 geographical, scientific, technical, recreational and
10 economic characteristics which can be treated as a unit
11 for purposes of conservation and management.

12 (66) 'Subsistence fishing' means fishing by a citizen
13 or a resident substantially for personal consumption,
14 and does not include any fishing resulting or intending
15 or appearing to result, directly or indirectly, in the
16 sale or trading of any fish which may be taken during
17 the fishing operations.

18 (67) 'Transponder' has the same meaning as 'automatic
19 location communicator'.

20 (68) 'Transshipment' means the transfer of any or all
21 fish on board a fishing vessel to another vessel;
22 provided, that net sharing is not considered as
23 transshipment.

24 (69) 'United Nations Agreement' means the agreement
25 for the implementation of the provisions of the United

1 Nations Convention on the Law of the Sea of 10 December
2 1982 relating to the conservation and management of
3 straddling fish stocks and highly migratory fish stocks.

4 (70 'United Nations Convention' means the United
5 Nations Convention on the Law of the Sea, 1982.

6 (71) 'Vehicle' means any car, truck, van, bus, trailer
7 or other powered land conveyance.

8 (72) 'Vessel' means any boat, ship, canoe or other
9 water-going craft."

10 (73 'Vessel Monitoring System' or "VMS" means the
11 systems employed by FFA members and coordinated by the
12 FFA to monitor the position and activities of fishing
13 vessels for the purpose of effective fisheries
14 management.

15 (74 'zone' means the exclusive economic zone or
16 fisheries zone of a FFA member of the Pacific Islands
17 Forum Fisheries Agency."

18 Section 3. Section 103 of title 24 of the Code of the
19 Federated States of Micronesia (Annotated), is hereby amended
20 to read as follows:

21 "Section 103. Fishing permits and related activities
22 permits required - commercial.

23 No domestic fishing, commercial pilot fishing, foreign
24 fishing or such other fishing or related activity as may
25 be prescribed shall be allowed in the exclusive economic

1 zone unless it is in accordance with:

2 (1 a valid and applicable permit issued under
3 authority conferred by this subtitle or its regulations;
4 or

5 (2 a valid and applicable license issued by an
6 administrator pursuant to a multilateral access
7 agreement entered into pursuant to section 106 of
8 chapter 1 of this subtitle."

9 Section 4. Section 106 of title 24 of the Code of the
10 Federated States of Micronesia (Annotated), is hereby amended to
11 read as follows:

12 "Section 106. Fisheries management agreements;
13 multilateral access agreements.

14 (1 Notwithstanding any other provision of this
15 subtitle, the Authority is authorized to enter into
16 fisheries management agreements for cooperation in or
17 coordination of fisheries management measures in all or
18 part of the region or for the implementation of a
19 multilateral access agreement. Such agreements may,
20 among other things, at the Authority's discretion,
21 include provisions for the following:

22 (a authorization of a person, body or
23 organization to perform functions required by a
24 multilateral access agreement, including, but not
25 limited to, the allocation, issuance and denial of

1 fishing licenses valid in the region or part thereof,
2 including the exclusive economic zone;

3 (b an observer program;

4 (c a port sampling program;

5 (d fisheries monitoring and control; and

6 (e any other matter relating to fisheries
7 management.

8 (2 For the purpose of giving effect to a
9 multilateral access agreement or fisheries management
10 agreement, the Authority may, in writing:

11 (a exempt any foreign fishing vessel, holding a
12 valid fishing license issued pursuant to a multilateral
13 access agreement, from any requirement of this subtitle
14 which is inconsistent with the terms of such agreement;

15 (b implement the establishment of closed areas,
16 closed seasons and such other management measures as may
17 be agreed upon pursuant to a fisheries management
18 agreement;

19 (c authorize observers designated under an
20 observer program entered into pursuant to subsection
21 (1)(b) of this section to perform such duties and
22 responsibilities as may be required by such agreement;

23 (d prescribe or otherwise require the
24 conditions to be observed by operators of foreign
25 fishing vessels exempted under paragraph (a) of this

1 subsection;

2 (e prescribe or otherwise require the
3 conditions to be observed by flag vessels and citizens
4 for fishing outside the exclusive economic zone, in
5 accordance with any access agreement or fisheries
6 management agreement to which the Federated States of
7 Micronesia may be party.

8 (3 For the purpose of giving effect to international
9 conservation and management measures and decisions of an
10 organization established under a fisheries management
11 agreement, the Authority may prescribe regulations or
12 attach such conditions to a permit, or authorization to
13 fish or conduct related activities as the Authority may
14 consider necessary or expedient for this purpose.

15 (4) The provisions of this subtitle concerning the
16 application of international conservation and management
17 measures do not apply to the internal waters and
18 territorial sea of the Federated States of Micronesia as
19 defined under title 18 of the Code of the Federated
20 States of Micronesia, without the express consent of
21 each of the states of the Federated States of
22 Micronesia."

23 Section 5. Section 204 of Title 24 of the Code of the
24 Federated States of Micronesia (Annotated), is hereby amended
25 to read as follows:

1 "Section 204. Authority – adoption of regulations.

2 (1 The Authority shall have the authority to:

3 (a adopt regulations for the management,
4 development and sustainable use of fisheries
5 resources in the exclusive economic zone;

6 (b adopt regulations applicable to related
7 activities as defined in section 102 of this
8 subtitle;

9 (c adopt regulations in relation to
10 fisheries monitoring and control;

11 (d adopt regulations to implement access
12 agreements and fisheries management agreements;

13 (e adopt regulations relating to the
14 confidentiality of information consistent with
15 section 208 of this subtitle;

16 (f adopt regulations for the issuance of
17 citations and assessment of administrative penalties
18 consistent with chapter 7 of this subtitle;

19 (g adopt regulations relating to compliance
20 by citizens and fishing vessels of the Federated
21 States of Micronesia which engage in fishing or
22 related activities on the high seas or outside the
23 fishery waters with applicable laws of foreign
24 states and with applicable access agreements or
25 fisheries management agreements;

1 (h adopt regulations relating to marine
2 scientific research and training;

3 (i adopt regulations relating to observer
4 programs and port sampling programs; and

5 (j adopt, in consultation with relevant
6 State or national agencies, regulations consistent
7 with the international obligations of the Federated
8 States of Micronesia to prohibit the entry and use
9 of ports and facilities by vessels that have been
10 engaged in fishing or related activities that
11 undermine international conservation and management
12 measures;

13 (k) adopt any other regulations deemed
14 necessary for the implementation of this subtitle."

15 (2 Regulations adopted by the Authority shall
16 have the full force and effect of law, and shall be
17 considered an integral part of this subtitle."

18 Section 6. Section 205 of Title 24 of the Code of the
19 Federated States of Micronesia (Annotated), is hereby amended to
20 read as follows:

21 "Section 205. Authority - duties and functions.

22 In addition to the regulatory authority granted in
23 the preceding section, the Authority shall have the
24 following duties and functions:

25 (1 to provide technical assistance in the

1 delimitation of the exclusive economic zone in
2 accordance with section 107 of title 18 of the Code of
3 the Federated States of Micronesia;

4 (2 to negotiate, conclude and implement access
5 agreements and fisheries management agreements in
6 accordance with sections 105. and 106 of chapter 1 of
7 this subtitle and chapters 4 and 5 of this subtitle;

8 (3 to issue fishing permits in accordance with
9 this subtitle;

10 (4 to issue permits for fishing in the territorial
11 sea or internal waters of an FSM State as authorized
12 pursuant to section 118 of chapter 1 of this subtitle;

13 (5 to regulate related activities in accordance with
14 this subtitle;

15 (6 to coordinate and implement fisheries monitoring
16 and control as required under this subtitle and under
17 international treaties to which the Federated States of
18 Micronesia is a party;

19 (7 to cooperate as appropriate with other nations or
20 territories in the region and with foreign states
21 fishing in the region and adjacent high seas area for
22 the conservation and management of highly migratory
23 fish stocks;

24 (8 to cooperate in and coordinate as appropriate
25 with each FSM State on fisheries management measures in

1 the exclusive economic zone and territorial sea;

2 (9 to convene and chair a Fisheries Management
3 and Surveillance Working Group as set forth in section
4 207 of this chapter;

5 (10 to employ a full-time Executive Director and
6 such other staff as it may deem necessary;

7 (11 to submit the Authority's budget and
8 report regarding the expenditure of its funds to the
9 Congress each regular session for review;

10 (12 to contribute to the planning of programs
11 relating to fisheries, or fishing in the exclusive
12 economic zone, in which an FSM State government or the
13 Government of the Federated States of Micronesia, or any
14 agency or subdivision thereof, has a proprietary
15 interest, direct or indirect, by way of stock ownership,
16 partnership, joint venture or otherwise; and

17 (13 to act as the authority responsible for
18 implementing the international fisheries and related
19 obligations of the Federated States of Micronesia
20 including the verification of catch and issuance of
21 catch certificates;

22 (14) to perform such other duties and functions as may
23 be necessary to carry out the purpose of this subtitle."

24 Section 7. Section 303 of title 24 of the Code of the
25 Federated States of Micronesia (Annotated), is hereby amended to

1 read as follows:

2 "Section 303. Fishing by flag fishing vessels on
3 the high seas or in an area designated by a
4 fisheries management agreement—compliance.

5 (1 Whenever fishing is permitted under subsection
6 (5) of this section, Flag fishing vessels and citizens
7 fishing on the high seas or in an area designated by a
8 fisheries management agreement shall:

9 (a comply at all times with any applicable law
10 or agreement and the terms of any applicable permit, and
11 shall carry such permit on board at all times and
12 produce it on demand for inspection by an authorized
13 officer or investigating authority appointed pursuant to
14 a fisheries management agreement; and

15 (b give information to an authorized officer or
16 investigating authority appointed pursuant to a
17 fisheries management agreement which may be required,
18 including vessel position, catches, fishing gear,
19 fishing operations and related activities in the area of
20 an alleged violation of such agreement.

21 (2 The Authority shall establish a national record
22 of fishing vessels authorized to fish on the high seas
23 and provide access to the information contained in that
24 record on request by interested foreign states, taking
25 into account any applicable laws of the Federated States

1 of Micronesia regarding the release of such information.

2 (3 Flag fishing vessels and citizens are not
3 permitted to engage in drift net fishing activities.

4 (4 The Authority may take such further measures to
5 implement any fisheries management agreement in respect
6 to flag fishing vessels as may be necessary.

7 (5 Flag fishing vessels and citizens shall not fish
8 the areas listed below:

9 (a the area of high seas bounded by the
10 national waters of the Federated States of Micronesia,
11 Indonesia, Palau, and Papua New Guinea; and

12 (b the area of high seas bounded by the
13 national waters of the Federated States of Micronesia,
14 Fiji, Kiribati, the Marshall Islands, Nauru, Papua New
15 Guinea, the Solomon Islands, and Tuvalu. On a case-by-
16 case basis, the Authority may exercise discretionary
17 exemption from this prohibition to flag fishing vessels
18 and citizens.

19 (6 Catch retention. All bigeye, skipjack and yellow
20 fin tuna taken by a purse seine vessel shall be retained
21 on board and then landed or transshipped in accordance
22 with this title, except for:

23 (a fish clearly and demonstrably unfit for
24 human consumption; and

25 (b the final set of a trip when there may be

1 insufficient space to accommodate all fish caught in
2 that set. It is the duty of the Master of fishing
3 vessel to report fish that is discarded under (1) (a)
4 and (b) of this subsection."

5 Section 8. Section 402 of title 24 of the Code of the
6 Federated States of Micronesia (Annotated), is hereby amended
7 to read as follows:

8 "Section 402. Negotiation of access agreements.

9 The Authority shall negotiate and enter into access
10 agreements on behalf of the Government of the Federated
11 States of Micronesia in accordance with this subtitle.

12 Such agreements may, at the Authority's discretion:

13 (1) establish fees to be collected for permits issued
14 under the access agreement;

15 (2) establish a minimum or maximum number of vessels
16 to be granted access under the agreement;

17 (3) establish a maximum number of fishing days or
18 such other rights to be granted under an access
19 agreement; and

20 (4) permit the rebate of access fees in accordance
21 with section 403(2) of this subtitle, as the Authority
22 deems appropriate at the end of the licensing period if
23 the operator of any applicable vessel participated
24 substantially in shore-based developments or otherwise
25 made a substantial contribution to the development of

1 the fishing industry of the Federated States of
2 Micronesia."

3 Section 9. Section 404 of title 24 of the Code of the
4 Federated States of Micronesia (Annotated), is hereby amended to
5 read as follows:

6 "Section 404. Access agreements—minimum terms and
7 conditions.

8 (A) All access agreements shall include the following
9 minimum terms:

10 (1) the foreign party recognizes the sovereign rights
11 and exclusive fishery management authority of the
12 Federated States of Micronesia within the exclusive
13 economic zone;

14 (2) the operator and each member of the crew shall
15 comply with the applicable access agreement, applicable
16 permit conditions, this subtitle, all regulations issued
17 pursuant to this subtitle and all other applicable laws
18 and regulations;(3) the operator shall:

19 (a) accept the Authority's authorized observers;

20 (b) provide any authorized observer, while on
21 board the vessel, at no expense, with officer level
22 accommodations, food and medical facilities;

23 (c) meet the following costs of the authorized
24 observer:

25 (i) full travel costs to and from the

1 vessel;

2 (ii) salary; and

3 (iii) full insurance coverage;

4 (d) display any permit or permit number issued
5 for any such vessel, pursuant to this subtitle, or any
6 other documentation as required by the Authority to be
7 displayed, under any access agreement, in the wheelhouse
8 of such vessel;

9 (e) ensure that appropriate position-fixing and
10 identification equipment is installed and maintained in
11 working order on each vessel;

12 (f) ensure that the vessel is marked and
13 identified in accordance with the Food and Agricultural
14 Organization (FAO) approved Standard Specifications for
15 the Marking and Identification of Fishing Vessels;

16 (g) ensure the continuous monitoring of the
17 international distress and call frequency 2182 kHz (HF)
18 or the international safety and call frequency 156.8 MHz
19 (channel 16, VHF-FM) to facilitate communication
20 with the fisheries management, surveillance and
21 enforcement authorities;

22 (h) ensure that a recent and up-to-date copy of
23 the International Code of Signals (INTERCO) is on board
24 and accessible at all times;

25 (i) ensure that the vessel is seaworthy and

1 contains adequate life safety equipment and survival
2 gear for each passenger and member of the crew;

3 (j) ensure that, promptly upon direction by the
4 Authority, each vessel will have installed, maintained
5 and fully operational at all times on board a
6 transponder, in accordance with section 611 of chapter 6
7 of this subtitle, and shall be responsible for all
8 operational and maintenance costs of the transponder and
9 cooperate fully with the Authority in their utilization.

10 (4) the party to the access agreement shall, for the
11 duration of the access agreement:

12 (a) appoint and maintain a resident agent in the
13 Federated States of Micronesia that is approved by the
14 Authority, or establish and maintain a company
15 registered in accordance with the laws of the Federated
16 States of Micronesia, authorized to receive and respond
17 to any legal process issued in the Federated States of
18 Micronesia with respect to the owner or operator of the
19 vessel, and shall notify the Federated States of
20 Micronesia of the name and address of such agent or
21 company, and any communication, information, document,
22 direction, request or response to, or from that agent or
23 company, shall be deemed to have been sent to, or
24 received from such owner or operator;

25 (b) not exceed any allocation which may be

1 established in any given licensing period in accordance
2 with this subtitle;

3 (c) ensure compliance by each fishing vessel,
4 its operator and crew members, with the access
5 agreement, all laws of the Federated States of
6 Micronesia and the terms of the permit; and

7 (d) ensure compliance by each fishing vessel,
8 its operator and crew members, with sub regional and
9 regional conservation and management measures for highly
10 migratory fish stocks.

11 (B) On such further terms and conditions as may be
12 modified or expanded by regulation promulgated by the
13 Authority in accordance with the Administrative
14 Procedures Act, the following terms and conditions are
15 mandatory to every access agreement:

16 (1) Catch retention. All bigeye, skipjack and
17 yellowfin tuna taken by a purse seine vessel shall be
18 retained on board and then landed or transshipped in
19 accordance with this title, except for:

20 (a) fish clearly and demonstrably unfit for
21 human consumption; and

22 (b) the final set of a trip where the Authority
23 has authorized net-sharing.

24 It is the duty of Master of fishing vessel to report
25 fish discard under (1) (a) and (b) of this subsection.

(2) Use of fish aggregating device. There shall be no deployment or servicing of fish aggregating device and associated electronic equipment, or fishing by purse seine vessels on floating objects, between 0001 hours GMT on 1 July and 2359 hours GMT on 30 September each year, except that:

(a) by regulation, the Authority may grant exemption to fishing vessels that have suffered disproportionate burden from the prohibition on the use of fish aggregating device; and

(b) by regulation, the Authority may provide for appropriate arrangement set out in a FAD management plan to meet the requirements of domestic fishing vessels that are highly dependent on fishing on floating objects.

(3) Closure of high seas areas. A fishing vessel shall not fish the areas listed below:

(a) the area of high seas bounded by the national waters of the Federated States of Micronesia, Indonesia, Palau, and Papua New Guinea; and

(b) the area of high seas bounded by the national waters of the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, Papua New Guinea, the Solomon Islands, and Tuvalu."

Section 10. Section 407 of title 24 of the Code of the

1 Federated States of Micronesia (Annotated), is hereby amended to
2 read as follows:

3 "Section 407. Related activities - transshipment.

4 (1) The operator of a foreign fishing vessel shall:

5 (a) not transship at sea under any
6 circumstances, except where specifically authorized by
7 the Authority;

8 (b) provide seventy-two (72) hours notice to the
9 Authority of a request to transship any or all of the
10 fish on board and shall provide the name of the vessel,
11 its international radio call sign, its position, the
12 catch on board by species, the time and port where such
13 transshipment is requested to occur and an undertaking
14 to pay all fees required under the laws of the Federated
15 States of Micronesia;

16 (c) only transship at the time and port
17 authorized for transshipment;

18 (d) comply with all conditions attached to the
19 authorization for transshipment;

20 (e) pay such fees required by the Authority or
21 prescribed by regulation; and

22 (f) submit full reports on transshipping on such
23 forms as may be required by the Authority or prescribed
24 by regulation.

25 (g) shall allow and assist any person identified

1 as an authorized officer or an officer of the licensing
2 member full access to and use of facilities and
3 equipment, which the officer may determine is necessary
4 to carry out his duties; have full access to the bridge,
5 fish on board and areas which may be used to hold,
6 process, weigh and store fish; remove samples; have full
7 access to the vessel's records, including its log and
8 documentation for the purpose of inspection and
9 photocopying; and gather any other information required
10 to fully monitor the activity;

11 (h) shall not assault, obstruct, resist, delay,
12 refuse boarding to, intimidate or interfere with any
13 such officer in the performance of his duties.

14 (2) During transshipment in the Federated States of
15 Micronesia the foreign party and operator of each vessel
16 shall comply with all applicable National and State laws
17 and regulations in the Federated States of Micronesia
18 relating to protection of the environment, including
19 without limitation, sewage holding tank requirements.

20 (3) Any person who violates subsection (1)(a),
21 (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(h) or (2) of
22 this section shall be subject to a civil penalty of not
23 less than \$75,000 and not more than \$275,000."

24 Section 11. Section 603 of title 24 of the Code of the
25 Federated States of Micronesia (Annotated), as amended by

1 Public Law No. 18-109, is hereby further amended to read as
2 follows:

3 "Section 603. Powers of authorized officers.

4 (I) within the fishery waters.

5 (1) For the purposes of enforcing this subtitle, any
6 authorized officer may:

7 (a) stop, board, remain on board and search any
8 vessel in the fishery waters that he reasonably believes
9 is a fishing vessel or a vessel which is used for,
10 equipped to be used for or of a type that is normally
11 used for related activities as the term related
12 activities is defined in section 102 of chapter 1;

13 (b) stop and search any vessel, vehicle or
14 aircraft that he reasonably believes may be transporting
15 fish or engaging in other activities relating to
16 fishing;

17 (c) require the master or any crew member or
18 other person aboard to inform him of the name, call sign
19 and country of registration of the vessel and the name
20 of the master, owner, charterer and crew members;

21 (d) examine the master or any crew member or
22 other person aboard about the cargo, contents of holds
23 and storage spaces, voyage and activities of the vessel;

24 (e) make such examination and inquiry as may
25 appear necessary concerning any vessel, vehicle or

1 aircraft in relation to which any of the powers
2 conferred by this subsection have been or may be
3 exercised and take samples of any fish or fish product
4 found therein;

5 (f) require to be produced, examine and take
6 copies of any permit, logbook, record or other documents
7 required under this subtitle or concerning the operation
8 of any vessel or aircraft;

9 (g) make an entry dated and signed by him in the
10 logbook of such vessel or aircraft;

11 (h) require to be produced and examine any fish,
12 fishing gear or appliance, explosive, poison or other
13 noxious substance;

14 (i) give directions to the master and any crew
15 member of any vessel, vehicle or aircraft stopped,
16 boarded or searched as may be necessary or reasonably
17 expedient for any purpose specified in this subtitle or
18 to provide for the compliance of the vessel, vehicle or
19 aircraft, or master or any crew member with the
20 conditions of any permit;

21 (j) endorse any permit; [~~and~~]

22 (k) arrest any person who assaults him or any
23 other authorized officer in the exercise of his duties
24 under this subtitle.

25 (2) Where an authorized officer has reasonable

1 grounds to believe an offense against this subtitle is
2 being or has been committed, he may without a warrant:

3 (a) enter, inspect and search any vessel,
4 premises, other than premises used exclusively as a
5 dwelling house, in which he has reasonable grounds to
6 believe an offense has been or is being committed or
7 fish have been taken illegally and are being stored;

8 (b) stop, enter, search and stay in or on any
9 vessel, vehicle or aircraft which he reasonably suspects
10 of transporting fish or fish products;

11 (c) take samples of any fish found in any vessel
12 or vehicle inspected or within any premises searched
13 under this subtitle;

14 (d) after hot pursuit of a foreign fishing
15 vessel undertaken in accordance with international law
16 and commenced within the fishery waters, stop, board and
17 search outside the fishery waters any fishing vessel
18 that he has reasonable grounds to believe has been used
19 in the commission of an offense, exercise any powers
20 conferred by this subtitle in accordance with
21 international law, and bring such vessel and all persons
22 and things on board within the fishery waters;

23 (e) seize:

24 (i) any vessel (including its fishing gear,
25 equipment, stores and cargo), vehicle, fishing gear,

1 nets or other fishing appliances or aircraft that he has
2 reasonable grounds to believe has been or is being used
3 in the commission of an offense or in respect of which
4 the offense has been committed;

5 (ii) any fish or fish products that he has
6 reasonable grounds to believe have been caught in the
7 commission of an offense or are possessed in
8 contravention of this subtitle;

9 (iii) any logs, charts or other documents
10 required to be maintained by this subtitle or under the
11 terms of any license or other authorization or which he
12 has reasonable grounds to believe show or tend to show,
13 with or without other evidence, the commission of an
14 offense against this subtitle; and

15 (iv) any thing which he has reasonable
16 grounds to believe might be used as evidence in any
17 proceeding under this subtitle;

18 (f) arrest any person who he has reasonable
19 grounds to believe has committed an offense against this
20 subtitle; and

21 (g) issue citations as authorized by regulations
22 promulgated under section 703 of chapter 7 of this
23 subtitle.

24 (3) An authorized officer may, while arresting any
25 person or fishing vessel that he has reasonable grounds

1 to believe has done any act in contravention of this
2 subtitle, use such force as is reasonably necessary in
3 the circumstances to effect the arrest.

4 (4) Any person arrested without a warrant under this
5 section shall be detained and dealt with in accordance
6 with law.

7 (5) An authorized officer may:

8 (a) execute any warrant or other process issued
9 by any court of competent jurisdiction; and

10 (b) exercise any other lawful authority.

11 (6) A written receipt shall be given for any article
12 or thing seized under this section and the grounds for
13 such seizure shall be stated in such receipt.

14 (II) Beyond the fishery waters.

15 (1) An authorized officer may exercise any of the
16 powers under this Title beyond the fishery waters of the
17 Federated States of Micronesia in respect of any flag
18 fishing vessel, foreign fishing vessel or any person on
19 board any such vessel and relating to fisheries
20 inspection, compliance or enforcement provided that the
21 exercise of those powers is authorized by an access
22 agreement or fisheries management agreement to which the
23 Federated States of Micronesia is a party or authorized
24 under a conservation and management measure of a
25 regional fisheries management organization or

1 arrangement to which the Federated States of Micronesia
2 is a member.

3 (2) In exercising his powers beyond the fishery
4 waters, an authorized officer shall comply with the
5 procedures and requirements under such access agreement
6 or fisheries management agreement or conservation and
7 management measures implemented by a regional fisheries
8 management organization or arrangement.

9 (3) The Authority may make regulations providing for
10 additional measures and powers for authorized officers
11 beyond the fishery waters."

12 Section 12. Section 606 of title 24 of the Code of the
13 Federated States of Micronesia (Annotated), is hereby amended to
14 read as follows:

15 "Section 606. Appointment of authorized observers; port
16 samplers.

17 (1) The Executive Director may appoint, in writing,
18 any person to be an authorized observer or class of
19 persons to be authorized observers for the purposes of
20 this subtitle, any access agreement or any fisheries
21 management agreement.

22 (2) Authorized observers appointed under this
23 subtitle shall exercise their duties beyond the fishery
24 waters in accordance with any access agreement or
25 fisheries management agreement. The Authority may enter

1 into such reciprocal agreement or arrangement necessary
2 to facilitate the exercise of the authorized observer's
3 duties beyond the fishery waters.

4 (3) The Executive Director may appoint, in writing,
5 any authorized observer to serve as a port sampler.
6 Port samplers shall perform the duties of authorized
7 observers at a point of transshipment or port located
8 either inside or outside the Federated States of
9 Micronesia.

10 (4) The Authority may promulgate regulations that
11 provide, *inter alia*, for:

- 12 (a) observer duties within the fishery waters;
13 (b) observer duties on the high seas and in
14 waters under the jurisdiction of another nation;
15 (c) conduct of observers and related penalties;
16 (d) observer agents including the conduct and
17 registration or licensing of such agents; and
18 (e) reciprocal agreements or arrangements for
19 the recognition of observers appointed by another
20 nation.

21 (5) The requirements of sections 607(1), 607(2),
22 607(6), 607(7), 608, 609 and 610 shall apply equally to
23 authorized observers and port samplers."

24 Section 13. Section 611 of title 24 of the Code of the
25 Federated States of Micronesia (Annotated), is hereby amended to

1 read as follows:

2 "Section 611. Transponders required.

3 (1) The Authority may require, as a condition of
4 fishing in the exclusive economic zone, that the
5 operator of any vessel:

6 (a) install on such vessel, at its own expense,
7 a transponder approved by the Authority;

8 (b) maintain such transponder in good working
9 order at all times during the period of validity of a
10 permit

11 (c) consent to the monitoring of the transponder
12 by the Authority in all waters and at all times during
13 the period of validity of the permit; and

14 (d) ensure that any information or data required
15 by the Authority to be transmitted by the transponder is
16 transmitted continuously, accurately and effectively to
17 the designated receiver."

18 Section 14. Section 701 of title 24 of the Code of the
19 Federated States of Micronesia (Annotated), is hereby amended to
20 read as follows:

21 "Section 701. Jurisdiction of the court.

22 (1) Any case or controversy arising under this
23 subtitle or out of any act or omission committed in
24 contravention of any provision of this subtitle by any
25 person:

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1 (a) within the fishery waters; or

2 (b) outside the fishery waters by any
3 flag vessel, citizen or person ordinarily resident in
4 the Federated States of Micronesia; or

5 (c) by any person on board any fishing vessel
6 registered in the Federated States of Micronesia shall
7 be subject to the jurisdiction of the Supreme Court of
8 the Federated States of Micronesia and judicial
9 proceedings shall be taken as if such act or
10 omission had taken place in the Federated States of
11 Micronesia within the jurisdiction of the Supreme Court
12 of the Federated States of Micronesia.

13 (2) Where an authorized officer is exercising any
14 powers conferred on him outside the fishery waters in
15 accordance with section 603(II) of chapter 6 of this
16 subtitle, any act or omission of any person in
17 contravention of any of the provisions of this subtitle
18 shall be deemed to have been committed within the
19 fishery waters.

20 (3) Notwithstanding any provision of any other law of
21 the Federated States of Micronesia, any information or
22 complaint with respect to any violation of this subtitle
23 must be filed within two years of the discovery of
24 the violation.

25 (4) The Court may at any time enter restraining

orders or prohibitions, issue warrants, issue process in
rem or other processes, prescribe and accept
satisfactory bonds or other security, and take such
other actions as are in the interests of justice."

Section 15. Section 907 of title 24 of the Code of the
Federated States of Micronesia (Annotated), is hereby amended to
read as follows:

"Section 907. Fishing, Conducting Research or
training or Related Activities without a valid
permit.

(1) No person shall use any vessel for, and the
crew and operator of any vessel shall not engage in,
commercial or non-commercial fishing, research or
related activities in the fishery waters without a
valid and applicable permit as required pursuant to
sections 103, 104 or 117 of chapter 1 of this
subtitle.

(2) Any person who commits an act in violation of
this section shall be subject to a civil penalty of
not less than \$100,000 and not more than \$1,000,000.

(3) Where a person who violates this section for
not having a valid permit employs fish aggregating
device prohibited by section 404(B)(2) of chapter 4
of this subtitle, the maximum penalty applicable
under this section shall be \$2,000,000."

1 Section 16. Section 910 of title 24 of the Code of the
2 Federated States of Micronesia (Annotated), is hereby amended to
3 read as follows:

4 "Section 910. Improper stowage of fishing gear and
5 reporting requirement.

6 (1) No operator of a fishing vessel in the fishery
7 waters shall refuse or otherwise fail to stow all
8 fishing gear in such a manner that it is not readily
9 available for use in fishing except when such
10 fishing vessel is in an area in which it is
11 authorized to fish in accordance with this subtitle.

12 (2) No operator of a vessel which is used for,
13 equipped to be used for or of a type that is
14 normally used for fishing or related activities
15 transiting the fishery waters shall, upon entry and
16 while within the fishery waters, refuse or otherwise
17 fail to report its name, International Radio Call
18 Sign, flag registration, date and time, position (to
19 1 minute of arc), complement, intended activity in
20 the fishery waters, catch on board, and such other
21 information prescribed, to the Authority in the
22 manner prescribed.

23 (3) Where the operator of a vessel transiting the
24 fishery waters refuses or otherwise fails to report
25 the information described in subsection (2), there

1 shall be a refutable presumption that all fish found
2 on board such vessel have been caught within the
3 fishery waters in violation of this subtitle.

4 (4) Any person who commits an act in violation of
5 this section shall be subject to a civil penalty of
6 not less than \$50,000 and not more than \$500,000."

7 Section 17. Section 911 of title 24 of the Code of the
8 Federated States of Micronesia (Annotated), is hereby amended to
9 read as follows:

10 Section 911. Violation of marine space.

11 (1) No person shall use a vessel which is used for,
12 equipped to be used for or of a type that is normally
13 used for related activities for entering or remaining
14 within the exclusive economic zone in violation of any
15 provision of this subtitle.

16 (2) No operator of a vessel which is used for,
17 equipped to be used for or of a type that is normally
18 used for related activities entering or remaining within
19 the exclusive economic zone shall, upon entry and while
20 within the exclusive economic zone, refuse or otherwise
21 fail to report its name, International Radio Call Sign,
22 flag registration, date and time, position (to 1 minute
23 of arc), complement, intended activity in the exclusive
24 economic zone, catch on board, and such other
25 information prescribed, to the Authority in the manner

1 prescribed.

2 (3) Where the operator of a vessel entering or
3 remaining within the exclusive economic zone refuses or
4 otherwise fails to report the information described in
5 subsection (2), there shall be a refutable presumption
6 that the vessel has engaged in related activities within
7 the exclusive economic zone in violation of this
8 subtitle.

9 (4) Any person who violates this section shall be
10 subject to a civil penalty of not less than \$50,000 and
11 not more than \$500,000."

12 Section 18. This act shall become law upon approval by the
13 President of the Federated States of Micronesia or upon its
14 becoming law without such approval.

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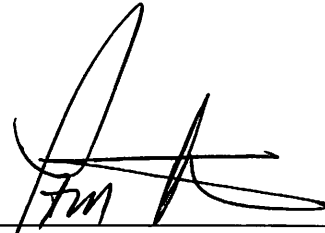
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4/18, 2017


Peter M. Christian
President
Federated States of Micronesia