



*The President*  
*Palikir, Pohnpei*  
*Federated States of Micronesia*

PRESIDENTIAL COMM. NO. 21-231  
FSM CONGRESS

March 3, 2020



The Honorable Wesley W. Simina  
Speaker  
Twenty-First Congress  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

I am pleased to transmit the following congressional act, which I have signed into Public Law No. 21-93:

Congressional Act No. 21-92, entitled: "AN ACT TO FURTHER AMEND SECTION 404 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 19-169, TO GRANT THE NATIONAL OCEANIC RESOURCE MANAGEMENT AUTHORITY (NORMA) THE DISCRETION TO EXEMPT A FISHING VESSEL FROM THE PROHIBITION OF FISHING IN NEIGHBOURING HIGH SEAS, AND FOR OTHER PURPOSES."

I wish to thank the 21<sup>st</sup> FSM Congress for the passage of this act.

Sincerely,

David W. Panuelo  
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

February 13, 2020

RECEIVED  
FEB 13 2020  
Office of the  
President FSM

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear President Panuelo:

I have the honor to transmit herewith Congressional Act No. 21-92, "AN ACT TO FURTHER AMEND SECTION 404 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 19-169, TO GRANT THE NATIONAL OCEANIC RESOURCE MANAGEMENT AUTHORITY (NORMA) THE DISCRETION TO EXEMPT A FISHING VESSEL FROM THE PROHIBITION OF FISHING IN NEIGHBOURING HIGH SEAS, AND FOR OTHER PURPOSES.", which was passed by the Twenty-First Congress of the Federated States of Micronesia, Third Regular Session, 2020, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

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

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

Enclosures





TWENTY-FIRST CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
THIRD REGULAR SESSION  
JANUARY 27 – FEBRUARY 15, 2020

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## An Act

TO FURTHER AMEND SECTION 404 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 19-169, TO GRANT THE NATIONAL OCEANIC RESOURCE MANAGEMENT AUTHORITY (NORMA) THE DISCRETION TO EXEMPT A FISHING VESSEL FROM THE PROHIBITION OF FISHING IN NEIGHBOURING HIGH SEAS, AND FOR OTHER PURPOSES.

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INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: JULY 17, 2019

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REFERRED TO: COMMITTEE ON RESOURCES AND DEVELOPMENT

S.C.R NO. 21-42 – FEBRUARY 12, 2020

FIRST READING: – FEBRUARY 12, 2020

SECOND READING: – FEBRUARY 13, 2020

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

Liwiana Ramon Ioanis  
Chief Clerk, FSM Congress





Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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ACT NO. 21-92

(CONGRESSIONAL BILL NO. 21-29)

We hereby certify that on February 13 the foregoing act passed Second and Final Reading of the Twenty-First Congress of the Federated States of Micronesia, Third Regular Session, 2020, 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.

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

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

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AN ACT

To further amend section 404 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 19-169, to grant the National Oceanic Resource Management Authority (NORMA) the discretion to exempt a fishing vessel from the prohibition of fishing in neighbouring high seas, and for other purposes.

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

1           Section 1. Section 404 of title 24 of the Code of the  
2 Federated States of Micronesia (Annotated), as amended by Public  
3 Law No. 19-169, is hereby further amended to read as follows:

4           "Section 404. Access agreements—minimum terms and  
5 conditions.

6           (A) All access agreements shall include the following  
7 minimum terms:

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

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

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

18           (b) provide any authorized observer, while on

board the vessel, at no expense, with officer level accommodations, food and medical facilities;

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

(i) full travel costs to and from the vessel;

(ii) salary; and

(iii) full insurance coverage;

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

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

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

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

1 enforcement authorities;

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

5 (i) ensure that the vessel is seaworthy and  
6 contains adequate life safety equipment and survival  
7 gear for each passenger and member of the crew;

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

15 (4) the party to the access agreement shall, for the  
16 duration of the access agreement:

17 (a) appoint and maintain a resident agent in the  
18 Federated States of Micronesia that is approved by the  
19 Authority, or establish and maintain a company  
20 registered in accordance with the laws of the Federated  
21 States of Micronesia, authorized to receive and respond  
22 to any legal process issued in the Federated States of  
23 Micronesia with respect to the owner or operator of the  
24 vessel, and shall notify the Federated States of  
25 Micronesia of the name and address of such agent or

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1 company, and any communication, information, document,  
2 direction, request or response to, or from that agent or  
3 company, shall be deemed to have been sent to, or  
4 received from such owner or operator;

5 (b) not exceed any allocation which may be  
6 established in any given licensing period in accordance  
7 with this subtitle;

8 (c) ensure compliance by each fishing vessel,  
9 its operator and crew members, with the access  
10 agreement, all laws of the Federated States of  
11 Micronesia and the terms of the permit; and

12 (d) ensure compliance by each fishing vessel,  
13 its operator and crew members, with sub regional and  
14 regional conservation and management measures for highly  
15 migratory fish stocks.

16 (B) On such further terms and conditions as may be  
17 modified or expanded by regulation promulgated by the  
18 Authority in accordance with the Administrative  
19 Procedures Act, the following terms and conditions are  
20 mandatory to every access agreement:

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

25 (a) fish clearly and demonstrably unfit for



1 human consumption; and

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

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

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

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

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

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

23 (a) the area of high seas bounded by the  
24 national waters of the Federated States of Micronesia,  
25 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.

(c) On a case-by-case basis, the Authority may exercise discretionary exemption from this prohibition."

Section 2. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

March 3<sup>rd</sup>, 2020

A handwritten signature in blue ink, appearing to read 'David W. Panuelo', is written over a horizontal line.

David W. Panuelo  
President  
Federated States of Micronesia