

TWENTY-THIRD CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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SIXTH REGULAR SESSION, 2025

C.B. NO. 23-217

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A BILL FOR AN ACT

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To amend the Code of the Federated States of Micronesia (Annotated), as amended, by creating a new title 28 thereof under a reserved title, for the purposes of enacting the Resource Management and Marine Spatial Planning Act of 2025, strengthening measures for the conservation and protection of marine resources under national jurisdiction, by setting out a Marine Spatial Plan for the Federated States of Micronesia; to provide for a mechanism of establishing national marine protected areas; to amend section 2025 of subtitle II of title 24 of the FSM Code, as amended, by carving out from its application Protected Area and Marine Reserve as defined in such subtitle; and for other purposes.

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

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1 Section 1. The Code of the Federated States of Micronesia
2 (Annotated), as amended, is hereby further amended by enacting a
3 new title 28, entitled: "Resource Management and Marine Spatial
4 Plan."

5 Section 2. The Code of the Federated States of Micronesia
6 (Annotated), as amended, is hereby further amended by creating a
7 new chapter 1 under title 28, entitled: "General Provisions."

8 Section 3. The Code of the Federated States of Micronesia
9 (Annotated), as amended, is hereby further amended by inserting a
10 new section 101 under chapter 1 of title 28, to read as follows:

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11 "Section 101. Short Title. This title shall be known and
12 may be cited as the "FSM Marine Spatial Planning Act of 2025."

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13 Section 4. The Code of the Federated States of Micronesia
14 (Annotated), as amended, is hereby further amended by inserting a
15 new section 102 under chapter 1 of title 28, to read as follows:

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1 "Section 102. Legislative findings. The FSM Congress finds
2 that:

3 (1) The Pacific Ocean and its many resources are of
4 environmental, economic, aesthetic, recreational, social,
5 cultural and historic importance to the people of the
6 Federated States of Micronesia.

7 (2) The prospecting, exploration, development and
8 extraction of ocean resources by both private companies and
9 government-backed initiatives have gained increasing
10 attention, raising the risk of conflicting uses and demands
11 on ocean resources for food and minerals, which may
12 jeopardize values of importance to the people of the Federated
13 States of Micronesia.

14 (3) It is important that the Federated States of
15 Micronesia engage in comprehensive marine spatial planning,
16 including the development and maintenance of a marine spatial
17 plan, to promote integrated management of living and non-
18 living marine resources within national jurisdiction, in
19 particular, in the exclusive economic zone and in the areas
20 considered as continental shelf beyond the exclusive economic
21 zone; to ensure effective participation in planning and
22 management of ocean resources and uses which may affect the
23 Federated States of Micronesia; to coordinate management of
24 ocean resources with state and local government management of
25 coastal shores and resources; and to support long-term

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1 conservation in the exclusive economic zone of the Federated
2 States of Micronesia, including by ensuring the full
3 protection of at least 30 (thirty) percent of these waters.

4 (4) While much is known about the ocean, its
5 composition, attributes, and resources, additional research is
6 required to gain information and understanding necessary for
7 sound ocean planning and management.”

8 Section 5. The Code of the Federated States of Micronesia
9 (Annotated), as amended, is hereby further amended by inserting a
10 new section 103 under chapter 1 of title 28, to read as follows:

11 “Section 103. Purpose and legislative policy. This title
12 establishes the framework for implementing marine spatial
13 planning in the Federated States of Micronesia. The purposes
14 of this title are to:

15 (1) promote economic growth, the environmentally sound
16 development of marine waters of the Federated States of
17 Micronesia and the use of marine resources on a sustainable
18 basis;

19 (2) provide for the designation and management of
20 national marine protected areas;

21 (3) contribute to achieving the goals of marine spatial
22 planning described in this title; and

23 (4) establish the principles of planning and the
24 requirements for the planning procedure.”

25 Section 6. The Code of the Federated States of Micronesia

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1 (Annotated), as amended, is hereby further amended by inserting a
2 new section 104 under chapter 1 of title 28, to read as follows:

3 "Section 104. Application of this title. This title applies
4 to:

5 (1) all individuals, whether or not citizens of or
6 residents in the Federated States of Micronesia; and

7 (2) all bodies corporate, whether or not incorporated or
8 carrying on business in the Federated States of Micronesia."

9 Section 7. The Code of the Federated States of Micronesia
10 (Annotated), as amended, is hereby further amended by inserting a
11 new section 105 under chapter 1 of title 28, to read as follows:

12 "Section 105. Jurisdiction. This title applies to the entire
13 territory of the Federated States of Micronesia under
14 national jurisdiction, including all areas over which the
15 Federated States of Micronesia exercises sovereignty or is
16 entitled to assert sovereign rights, and further including,
17 for all marine waters, the seabed, subsoil, and water column."

18 Section 8. The Code of the Federated States of Micronesia
19 (Annotated), as amended, is hereby further amended by inserting a
20 new section 106 under chapter 1 of title 28, to read as follows:

21 "Section 106. Definitions. For the purposes of this title, the
22 following definitions shall apply:

23 (1) "Activities" includes any commercial, recreational,
24 conservation, cultural, subsistence, or other activities
25 carried out by humans in marine waters, including, without

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1 limitation, fishing and other harvesting of fauna and flora;
2 swimming; surfing; boating, yachting, and sailing; shipping;
3 diving and snorkeling; mineral exploration and extraction;
4 research, education, and training; tourism; wildlife viewing;
5 energy production; transportation; and aquaculture;

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

15 (3) "Authorized Officer" means any person or category of
16 persons designated pursuant to section 602 of chapter 6 of
17 this title as an authorized officer;

18 (4) "Citizen" means a person who is a citizen of the
19 Federated States of Micronesia;

20 (5) "Closed Area" means an area in which fishing or
21 other extraction of resources is prohibited;

22 (6) "Closed Season" means a period of time during which
23 fishing or other extraction of resources is prohibited;

24 (7) "Commercial Fishing" means any fishing resulting or
25 intending or appearing to result in the sale or trade of any

1 fish which may be taken during the fishing operations, and
2 does not include subsistence fishing;

3 (8) "Committee" means the National Marine Spatial
4 Planning Advisory Committee established pursuant to section
5 204 of chapter 2 of this title;

6 (9) "Contiguous Zone" means the contiguous zone of the
7 Federated States of Micronesia as defined in title 18 of this
8 code;

9 (10) "Continental Shelf" means the continental shelf of
10 the Federated States of Micronesia as defined in title 18 of
11 this code, and includes any areas of extended continental
12 shelf as further defined therein and claimed by the Federated
13 States of Micronesia in accordance with article 76 of the
14 United Nations Convention on the Law of the Sea;

15 (11) "Court" means the Supreme Court of the Federated
16 States of Micronesia;

17 (12) "Department" means the Department of Resources and
18 Development;

19 (13) "Exclusive Economic Zone" means the exclusive
20 economic zone of the Federated States of Micronesia as
21 defined in title 18 of this code;

22 (14) "Fish" means any living marine resource;

23 (15) "Internal Waters" means the internal waters of the
24 Federated States of Micronesia as defined in title 18 of this
25 code;

1 (16) "Island" means a naturally formed area of land
2 surrounded by water, which is above water at high tide;

3 (17) "Marine Protected Area" means an ocean area
4 designated as a national marine protected area and managed
5 pursuant to chapter 4 of this title, or pursuant to another
6 law of a State or of the Federated States of Micronesia, or by
7 other lawful means, to achieve the long-term conservation of
8 nature with associated ecosystem services and cultural values;

9 (18) "Marine Resource" means the natural resources in
10 the marine waters of the Federated States of Micronesia,
11 whether living or non-living;

12 (19) "Marine Spatial Plan" or "Plan" means a plan,
13 adopted pursuant to this title, or by a State marine spatial
14 planning law, including all associated maps and materials,
15 that allocates the spatial and temporal distribution of human
16 activities in an area of marine waters of the Federated
17 States of Micronesia;

18 (20) "Marine Spatial Planning" means the public process
19 established by this title, or by a State marine spatial
20 planning law, for analyzing and allocating the spatial and
21 temporal distribution of human activities in an area of
22 marine waters of the Federated States of Micronesia to
23 achieve ecological, economic, and social objectives;

24 (21) "Marine Waters of the Federated States of
25 Micronesia" or "Marine Waters" means the waters located

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1 within the maritime zones of the Federated States of
2 Micronesia, and unless otherwise specified, includes: the
3 water column; the seabed, subsoil, and any minerals contained
4 therein; the continental shelf and any extension thereof; all
5 flora, fauna, historical or cultural features; anyone or
6 anything else located in or on the water and the subsoil; and
7 natural phenomena such as tidal, wind, and solar influences;

8 (22) "Maritime Zone" means the internal waters,
9 Territorial Sea, contiguous zone, and exclusive economic zone
10 of the Federated States of Micronesia, and any other such
11 zone that may be lawfully established pursuant to title 18 of
12 this code;

13 (23) "Ocean Area" means any clearly defined geographical
14 area located within the marine waters of the Federated States
15 of Micronesia, and unless otherwise specified, includes: the
16 surface and airspace above the water; the water column; the
17 seabed, subsoil, and any minerals contained therein; the
18 continental shelf and any extension thereof; all flora,
19 fauna, historical or cultural features; anyone or anything
20 else located in or on the water; and natural phenomena such
21 as tidal, wind, and solar influences;

22 (24) "Offshore" means the marine waters located beyond
23 12 (twelve) nautical miles from baselines;

24 (25) "Person" means a natural person or business
25 enterprise and includes, but is not limited to, a

1 corporation, partnership, cooperative, association, the
2 government of any of the four States, or any political
3 subdivision thereof, and any foreign government, subdivisions
4 of such government or other entity;

5 (26) "Plan Area" means the total area of marine waters
6 of the Federated States of Micronesia covered by a marine
7 spatial plan;

8 (27) "Protected Areas Network" or "PAN" means the
9 National Protected Areas Network of the Federated States of
10 Micronesia, as it may be further elaborated through policy
11 statements and law;

12 (28) "Recreational Fishing" means fishing for sport or
13 leisure;

14 (29) "Regulation" or "Regulations" means any regulation
15 which may be promulgated pursuant to this title;

16 (30) "Secretary" means the Secretary of the Department
17 of Resources and Development;

18 (31) "Territorial Sea" means the Territorial Sea of the
19 Federated States of Micronesia as defined in title 18 of this
20 code; and

21 (32) "Use Zone" means an area of marine waters that is
22 designated as a zone for purposes of this title and that
23 prioritizes or excludes one or more activities or forms of
24 development."

25 Section 9. The Code of the Federated States of Micronesia

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1 (Annotated), as amended, is hereby further amended by inserting a
2 new section 107 under chapter 1 of title 28, to read as follows:

3 "Section 107. Principles and approaches. To achieve the
4 objectives of this title, and in the implementation of this
5 title, the Federated States of Micronesia shall be guided by
6 the following principles and approaches:

7 (1) the principle of non-regression (a commitment to not
8 walking back environmental protections, once in place,
9 afforded by law or regulation);

10 (2) the polluter pays principle (the individual or company
11 responsible for introducing or spreading pollution should
12 bear the costs of measures to prevent, eradicate, contain or
13 manage that pollution and to mitigate and remediate the
14 damage it gives rise to);

15 (3) the precautionary principle (lack of full scientific
16 certainty should not be used as a reason for postponing
17 measures to prevent environmental damage to habitats or
18 species when there is a threat of serious or irreversible
19 environmental degradation);

20 (4) evidence-based decision making (making decisions about a
21 program, practice, or policy that are grounded in the best
22 available research evidence and informed by experiential
23 evidence from the field and relevant contextual evidence);

24 (5) the use of best available science;

25 (6) the use of best available technology;

- 1 (7) the ecosystem approach (a strategy for the integrated
- 2 management of land, water and living resources that promotes
- 3 conservation and sustainable use in an equitable way);
- 4 (8) ecosystem-based management (integration of biological,
- 5 social, and economic factors into a comprehensive strategy
- 6 aimed at protecting and enhancing sustainability, diversity,
- 7 and productivity of natural resources);
- 8 (9) an integrated approach (an integrated approach to the
- 9 conservation of marine resources and the management of
- 10 maritime activities that is cross-sectoral and also works
- 11 across the various levels of government);
- 12 (10) adaptive management (a systematic approach for improving
- 13 management through learning by management outcomes);
- 14 (11) an approach that builds ecosystem resilience to the
- 15 adverse effects of climate change and ocean acidification and
- 16 restores ecosystem integrity;
- 17 (12) consideration of the traditional knowledge and practices
- 18 held by indigenous peoples and local communities;
- 19 (13) recognition of traditional leadership (traditional
- 20 leaders should be consulted on management and in decisions
- 21 about over-consumption or the destruction of any species,
- 22 place, or thing);
- 23 (14) not undermining conservation efforts;
- 24 (15) the non-transfer, directly or indirectly, of damage of
- 25 hazards from one area to another and the non-transformation

1 of one type of pollution into another;
2 (16) public trust (holding that marine resources belong to
3 the people and are held in trust by the Government for its
4 people and future generations, and that marine waters should
5 be managed as a common area, not owned exclusively by or for
6 the benefit of any one group or private interest);
7 (17) transparency (processes used to make decisions should be
8 easily understood by the public, allowing citizens to see how
9 decisions are made, and how resources have been allocated);
10 and
11 (18) public participation (the Government shall establish
12 means of public participation by informing all interested
13 parties and by consulting relevant stakeholders and
14 authorities, and the public concerned, at an early stage in
15 the development of a marine spatial plan, in accordance with
16 this title, the law of the Federated States of Micronesia,
17 and traditional processes of engagement)."

18 Section 10. The Code of the Federated States of Micronesia
19 (Annotated), as amended, is hereby further amended by inserting a
20 new section 108 under chapter 1 of title 28, to read as follows:

21 "Section 108. Severability. If any provision of this title
22 or amendments or additions thereto, or the application
23 thereof to any person, thing or circumstance is held invalid,
24 the invalidity does not affect the provisions, application,
25 amendments or additions that can be given effect without the

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1 invalid provisions or application, and to this end the
2 provisions of this title and the amendments or additions
3 thereto are severable."

4 Section 11. The Code of the Federated States of Micronesia
5 (Annotated), as amended, is hereby further amended by creating a
6 new chapter 2 of title 28, entitled: "Administration".

7 Section 12. The Code of the Federated States of Micronesia
8 (Annotated), as amended, is hereby further amended by inserting a
9 new section 201 under chapter 2 of title 28, to read as follows:

10 "Section 201. Government coordination and administration.
11 The responsibility for developing, executing and implementing
12 a marine spatial plan shall be with the Department of
13 Resources and Development, at the direction of the Secretary
14 in consultation with the National Marine Spatial Planning
15 Advisory Committee established pursuant to section 204 of
16 chapter 2 of this title. The Secretary shall provide timely
17 updates to the President or a secretariat designated by the
18 President for coordination and accountability purposes."

19 Section 13. The Code of the Federated States of Micronesia
20 (Annotated), as amended, is hereby further amended by inserting a
21 new section 202 under chapter 2 of title 28, to read as follows:

22 "Section 202. Secretary of the Department of Resources and
23 Development—duties and functions.

24 (1) The Secretary shall formulate and implement a legal
25 framework to promote, administer, manage, implement, and

1 coordinate marine spatial planning in the Federated States of
2 Micronesia.

3 (2) The Secretary shall, as appropriate and pursuant to
4 the requirements of this title:

5 (a) develop and adopt one or more marine spatial
6 plans;

7 (b) modify a marine spatial plan;

8 (c) revoke a marine spatial plan;

9 (d) ensure cooperation among other governmental
10 departments with respect to marine spatial planning,
11 including by way of consultation with the National
12 Marine Spatial Planning Advisory Committee;

13 (e) seek to resolve user conflicts; and

14 (f) report to the President on implementation of
15 marine spatial planning in the Federated States of
16 Micronesia at least once every 2 (two) years.

17 (3) Except as may be expressly provided, nothing in this
18 title is intended to change or limit the existing authority of
19 the Secretary, the Department, or any other governmental
20 entity."

21 Section 14. The Code of the Federated States of Micronesia
22 (Annotated), as amended, is hereby further amended by inserting a
23 new section 203 under chapter 2 of title 28, to read as follows:

24 "Section 203. Regulations.

25 (1) The Secretary may promulgate suitable regulations

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1 according to the Administrative Procedures Act in order to
2 implement this title.

3 (2) The Secretary has further authority to adopt
4 regulations with respect to the following subjects:

5 (a) the operation of the National Marine Spatial
6 Planning Advisory Committee;

7 (b) the content of a marine spatial plan, including
8 its elements and form;

9 (c) the process for developing and adopting a
10 marine spatial plan, modifying a marine spatial plan, or
11 revoking a marine spatial plan;

12 (d) the collection of and response to public
13 comments, or any other aspect of public participation
14 with respect to marine spatial planning;

15 (e) the categories of use zones that may be
16 included in a marine spatial plan and the applicable
17 requirements for such use zones;

18 (f) monitoring and conducting reviews of a marine
19 spatial plan;

20 (g) the designation and management of national
21 marine protected areas in the exclusive economic zone
22 and continental shelf of the Federated States of
23 Micronesia;

24 (h) the collection, storage, management, and
25 sharing of spatial data and other information pertaining

1 to marine spatial planning;

2 (i) marine scientific research;

3 (j) procedures for resolving user conflicts;

4 (k) prescribing penalties and offenses for
5 violations of this title;

6 (l) the payment of fees and fines pursuant to this
7 title;

8 (m) marine spatial plan administration, compliance,
9 and enforcement; and

10 (n) any other subject deemed necessary for the
11 implementation of this title.

12 (3) Regulations adopted by the Secretary shall have the
13 full force and effect of law, and shall be considered an
14 integral part of this title."

15 Section 15. The Code of the Federated States of Micronesia
16 (Annotated), as amended, is hereby further amended by inserting a
17 new section 204 under chapter 2 of title 28, to read as follows:

18 "Section 204. National Marine Spatial Planning Advisory
19 Committee—established.

20 (1) To provide advice to the Secretary regarding the
21 marine spatial plan, there is hereby established a National
22 Marine Spatial Planning Advisory Committee comprised of the
23 following national officials: the Secretary of Justice; the
24 Secretary of Environment, Climate Change and Emergency
25 Management; the Secretary of Foreign Affairs; the Secretary

1 of Transportation, Communications & Infrastructure; the
2 Director of National Archives, Culture and Historic
3 Preservation; and the Executive Director of the National
4 Oceanic Resource Management Authority, or their designated
5 representatives.

6 (2) The Committee shall:

7 (a) review and advise the Secretary on every
8 proposal to adopt, modify, or revoke a marine spatial
9 plan;

10 (b) advise the Secretary on the resolution of user
11 conflicts;

12 (c) advise the Secretary on the review of a marine
13 spatial plan;

14 (d) facilitate cooperation between relevant
15 governmental departments as it relates to marine spatial
16 planning;

17 (e) provide a forum for discussing ocean resource
18 policy, planning and management issues and, when
19 appropriate, mediating disagreements; and

20 (f) otherwise advise, assist, and make
21 recommendations to the Secretary, as requested, on
22 matters relating to the implementation of this title.

23 (3) The Committee may engage scientific and technical
24 experts, from inside as well as outside of Government, to
25 develop knowledge and understanding of relevant issues

1 related to marine spatial planning. The Committee may also
2 engage with the relevant state officials and agencies to
3 ensure broad consultation with respect to the marine spatial
4 plan.”

5 Section 16. The Code of the Federated States of Micronesia
6 (Annotated), as amended, is hereby further amended by creating a
7 new chapter 3 under title 28, entitled: “Marine Spatial Planning.”

8 Section 17. The Code of the Federated States of Micronesia
9 (Annotated), as amended, is hereby further amended by inserting a
10 new section 301 under chapter 3 of title 28, to read as follows:

11 “Section 301. Adoption of marine spatial plan.

12 (1) The Secretary shall, pursuant to the requirements of
13 this title, adopt one or more marine spatial plans to
14 beneficially organize and regulate activities in the
15 exclusive economic zone of the Federated States of Micronesia.

16 (2) Upon delegation by a State of its authority to
17 implement marine spatial planning in the Territorial Sea or
18 internal waters, the Secretary, pursuant to the requirements
19 of this title, shall adopt one or more marine spatial plans
20 according to the delegated authority.

21 (3) In preparing and adopting any marine spatial plan,
22 the Secretary shall:

23 (a) develop a draft plan that satisfies the requirements
24 of this title;

25 (b) seek review of the draft plan by the National Marine

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1 Spatial Planning Advisory Committee and seek to address the
2 advice of the Committee;

3 (c) ensure adequate consultation with all public and
4 private stakeholders with respect to the plan area, including
5 State governments and traditional leaders;

6 (d) make the draft plan subject to a public notice and
7 comment process at least as stringent as that provided for by
8 the Administrative Procedures Act; and

9 (e) publish the final plan in the form of a regulation.

10 (4) A marine spatial plan takes effect upon the effective
11 date of the regulation adopting it."

12 Section 18. The Code of the Federated States of Micronesia
13 (Annotated), as amended, is hereby further amended by inserting a
14 new section 302 under chapter 3 of title 28, to read as follows:

15 "Section 302. Plan elements and criteria.

16 (1) The Secretary shall include in a marine spatial plan
17 official maps issued by authority under title 18 of this
18 Code, narrative descriptions, and other elements as may be
19 necessary to clearly describe the plan area, any use zones
20 within the plan area, and the activities that are subject to
21 the plan.

22 (2) Without restricting the generality of subsection (1)
23 hereof, the Secretary shall ensure that a marine spatial plan
24 includes the following elements-

25 (a) one or more maps that delineate by way of

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1 Global Positioning System coordinates:

2 (i) the boundaries of the plan area; and

3 (ii) any use zones within the plan area in

4 which one or more specified activities are allowed,

5 prohibited, or otherwise regulated, to facilitate

6 implementation, compliance, and enforcement;

7 (b) for each use zone within the plan area, a

8 written description including:

9 (i) identification of permissible activities

10 in the use zone, including any licenses, permits, or

11 other permissions that may be required to engage in

12 such activities;

13 (ii) a concise description of any

14 prohibitions, limitations, or other requirements

15 applicable to the use zone, including as to the

16 nature, timing, duration, or location of any

17 activity; and

18 (iii) references to any other Act, law,

19 regulation, marine protected area designation, or

20 policy of the Federated States of Micronesia, or of

21 any State where such State has delegated planning

22 authority to the National Government pursuant to

23 this title, that governs activities within the use

24 zone.

25 (3) The Secretary shall use best efforts to delineate

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1 the boundaries of the plan area and any use zones contained
2 therein so as to allow for ease of administration and
3 enforcement, including through the use of straight lines not
4 less than 60 (sixty) nautical miles in length.

5 (4) Subject to subsection (5), the Secretary may include
6 as part of a marine spatial plan additional elements to assist
7 in the implementation, administration, and public
8 understanding of the plan, such as:

9 (a) narrative information (e.g., concerning the
10 cultural, environmental, economic, or social context of
11 the plan area; the plan's procedural history and
12 development; or relevant regional or international
13 factors);

14 (b) an implementation plan or similar tool to aid
15 in the plan's effectiveness;

16 (c) references to scientific data and information,
17 studies, and reports; and

18 (d) supplemental maps, charts, graphs, tables,
19 photographs, and other graphic materials or visual aids.

20 (5) Any additional element included in a marine spatial
21 plan pursuant to subsection (4) does not provide an
22 independent basis for enforcement against any person, except
23 as the Secretary may expressly provide by regulation.

24 (6) The Secretary shall ensure that a marine spatial
25 plan—

1 (a) reflects the principles and approaches
2 contained in section 107 of chapter 1 this title; and

3 (b) identifies and addresses, subject to section
4 306(2) of chapter 3 of this title, all present
5 activities, and any reasonably anticipated future
6 activities in the plan area; and

7 (c) conforms to national law and is consistent with
8 the regional and international obligations and
9 commitments of the Federated States of Micronesia as
10 implemented by national law."

11 Section 19. The Code of the Federated States of Micronesia
12 (Annotated), as amended, is hereby further amended by inserting a
13 new section 303 under chapter 3 of title 28, to read as follows:

14 "Section 303. Use zones.

15 (1) In preparing a marine spatial plan, the Secretary
16 may delineate one or more use zones within the plan area in
17 which specified activities are allowed, prohibited, or
18 otherwise regulated.

19 (2) The following categories of areas constitute use
20 zones for purposes of this title:

21 (a) any marine protected area;

22 (b) any use zone established pursuant to
23 regulations promulgated under this title; and

24 (c) any area or zone otherwise provided for by the
25 law of the Federated States of Micronesia or of a State

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1 where such State has delegated planning authority to the
2 National Government pursuant to this title.

3 (3) The categories of use zones identified in subsection
4 (2) hereof shall have independent legal effect separate and
5 apart from the legal effect of the marine spatial plan.”

6 Section 20. Title 24 of the Code of the Federated States
7 of Micronesia (Annotated), as amended, is hereby further amended by
8 inserting new section 304 under chapter 3 of title 28, to read as
9 follows:

10 “Section 304. Plan modification and revocation.

11 (1) The Secretary may, pursuant to the requirements of
12 this section, modify a marine spatial plan:

13 (a) to include a new activity, or to more
14 effectively address a changed activity, within the plan
15 area;

16 (b) to account for new scientific data or other
17 information that suggests the need to revisit a use
18 zone’s requirements or boundaries;

19 (c) to account for a change in the law, policy, or
20 international obligations of the Federated States of
21 Micronesia that affects how activities or ocean areas
22 covered within the plan area are regulated; or

23 (d) in response to any other change in
24 circumstances that, in the judgment of the Secretary,
25 requires a modification.

1 (2) The Secretary may revoke a marine spatial plan--

2 (a) when doing so is necessary to replace the plan
3 with a new marine spatial plan; or

4 (b) when, for any reason, the plan is no longer
5 consistent with the requirements of this title or
6 another law, and the plan cannot be made consistent by
7 way of a modification pursuant to this section.

8 (3) In modifying or revoking any marine spatial plan,
9 the Department shall follow the procedure set forth in
10 section 301(3) of chapter 3 of this title, except that such
11 modification or revocation may be published by way of either
12 a new or amended regulation according to the Administrative
13 Procedures Act.

14 (4) The modification or revocation of a marine spatial
15 plan is effective upon promulgation by the Secretary as a new
16 or amended regulation according to the Administrative
17 Procedures Act."

18 Section 21. The Code of the Federated States of Micronesia
19 (Annotated), as amended, is hereby further amended by inserting a
20 new section 305 under chapter 3 of title 28, to read as follows:

21 "Section 305. Plan review.

22 (1) The Secretary may, in consultation with the National
23 Marine Spatial Planning Advisory Committee, conduct a review
24 of a marine spatial plan:

25 (a) at any time after plan implementation has

1 begun; or
 2 (b) in response to an emergency, natural disaster,
 3 or significant change in ecological conditions based on
 4 best available science or technology.

5 (2) In conducting a review of a marine spatial plan, the
 6 Secretary shall prepare written findings.

7 (3) The Secretary shall conduct a review of a marine
 8 spatial plan at least once every five years."

9 Section 22. The Code of the Federated States of Micronesia
 10 (Annotated), as amended, is hereby further amended by inserting a
 11 new section 306 under chapter 3 of title 28, to read as follows:

12 "Section 306. Plans harmonized; activities addressed.

13 (1) The Secretary shall use best efforts to ensure that
 14 all marine spatial plans adopted for the marine waters of the
 15 Federated States of Micronesia—whether adopted by the
 16 Secretary pursuant to this title or by the States—are
 17 harmonized to the greatest extent practicable and implemented
 18 in a coordinated manner.

19 (2) If a marine spatial plan adopted pursuant to this
 20 title will address fewer than all present activities or
 21 reasonably anticipated future activities in the plan area, the
 22 Secretary shall include as part of the plan a brief statement
 23 indicating:

24 (a) which activities are to be omitted from the plan;

25 (b) why these activities are to be omitted; and

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1 (c) how and when the omitted activities are likely to be
2 addressed in the future."

3 Section 23. The Code of the Federated States of Micronesia
4 (Annotated), as amended, is hereby further amended by inserting a
5 new section 307 under chapter 3 of title 28, to read as follows:

6 "Section 307. Plan duration. Unless a marine spatial plan
7 specifies otherwise, the plan remains in force until modified
8 or revoked pursuant to this title."

9 Section 24. The Code of the Federated States of Micronesia
10 (Annotated), as amended, is hereby further amended by inserting a
11 new section 308 under chapter 3 of title 28, to read as follows:

12 "Section 308. Binding effect of plan. All persons are bound
13 by the requirements of a marine spatial plan, as that plan is
14 expressed through the plan area boundaries, use zone
15 boundaries, use zone requirements, and any other express
16 requirements."

17 Section 25. The Code of the Federated States of Micronesia
18 (Annotated), as amended, is hereby further amended by inserting a
19 new section 309 under chapter 3 of title 28, to read as follows:

20 "Section 309. Relationship of plan to other laws.

21 (1) Notwithstanding any provision of the code, if all or
22 part of an ocean area is subject to a marine spatial plan, no
23 new regulatory requirements may be imposed in that ocean area
24 except in conformity with the plan.

25 (2) A government official deciding on the issuance of a

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1 certificate, license, permit, approval, or other permission
2 under another law for any activity, use, development, or other
3 action that will or is likely to occur within an area subject
4 to a marine spatial plan shall ensure that such decision, and
5 any resulting certificate, license, permit, approval, or other
6 permission, conform to the plan's requirements to the maximum
7 extent practicable.

8 (3) A proposed project to be implemented in the
9 exclusive economic zone or continental shelf that may have a
10 potential impact on the marine environment, including any such
11 project that will be carried out in a plan area, is subject
12 to the environmental impact assessment requirements of the
13 Federated States of Micronesia."

14 Section 26. The Code of the Federated States of Micronesia
15 (Annotated), as amended, is hereby further amended by inserting a
16 new chapter 4 under title 28, entitled: "National Marine Protected
17 Areas."

18 Section 27. The Code of the Federated States of Micronesia
19 (Annotated), as amended, is hereby further amended by inserting
20 new section 401 under chapter 4 of title 28, to read as follows:

21 "Section 401. Designation of national marine protected areas.
22 The Secretary may, pursuant to the requirements of this
23 chapter, declare an ocean area located within the exclusive
24 economic zone or continental shelf to be a national marine
25 protected area."

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1 Section 28. The Code of the Federated States of Micronesia
2 (Annotated), as amended, is hereby further amended by inserting
3 new section 402 under chapter 4 of title 28, to read as follows:

4 "Section 402. Management of national marine protected areas.

5 (1) The Secretary shall provide for the management of
6 any national marine protected area designated pursuant to
7 this chapter.

8 (2) Such management must include a written management
9 plan tailored to the purpose and needs of the national marine
10 protected area."

11 Section 29. The Code of the Federated States of Micronesia
12 (Annotated), as amended, is hereby further amended by inserting
13 new section 403 under chapter 4 of title 28, to read as follows:

14 "Section 403. Protected Areas Network.

15 (1) National marine protected areas designated pursuant
16 to this chapter are included in the Protected Areas Network of
17 the Federated States of Micronesia.

18 (2) The Secretary shall use best efforts to ensure that
19 the designation, implementation, and management of national
20 marine protected areas designated pursuant this chapter are
21 carried out so as to maximize the conservation benefits and
22 effectiveness of the Protected Areas Network as a whole."

23 Section 30. The Code of the Federated States of Micronesia
24 (Annotated), as amended, is hereby further amended by inserting
25 new section 404 under chapter 4 of title 28, to read as follows:

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1 "Section 404. Closed area designated as protected. The
2 closed area established pursuant to section 506 of title I of
3 title 24 is considered a national marine protected area under
4 this title."

5 Section 31. The Code of the Federated States of Micronesia
6 (Annotated), as amended, is hereby further amended by creating a
7 new chapter 5 under title 28, entitled: "Data Management."

8 Section 32. The Code of the Federated States of Micronesia
9 (Annotated), as amended, is hereby further amended by inserting
10 new section 501 under chapter 5 of title 28, to read as follows:

11 "Section 501. Generally. The National Government of the
12 Federated States of Micronesia shall collect, store, manage,
13 and share information, including spatial data, so as to
14 advance the objectives of this title."

15 Section 33. The Code of the Federated States of Micronesia
16 (Annotated), as amended, is hereby further amended by inserting
17 new section 502 under chapter 5 of title 28, to read as follows:

18 "Section 502. Management of spatial data and other
19 information. With respect to the management of spatial data
20 and other information, the Secretary shall ensure, by
21 regulation or otherwise, that:

22 (1) spatial data and other information are collected,
23 stored, managed, and made available by the National
24 Government of the Federated States of Micronesia in a
25 centralized manner;

1 (2) it is possible to combine spatial data and other
2 information from different sources in a consistent way and
3 share it between several users and applications;

4 (3) it is possible that spatial data and other
5 information collected at one level of government can be
6 shared between and among other State and National
7 governmental entities; and

8 (4) that spatial data and other information are made
9 available to the public under appropriate conditions.”

10 Section 34. The Code of the Federated States of Micronesia
11 (Annotated), as amended, is hereby further amended by inserting
12 new section 503 under chapter 5 of title 28, to read as follows:

13 “Section 503. Requirement to furnish information. The
14 Secretary may require any person to furnish within a
15 reasonable time any information he reasonably believes is in
16 that person’s possession and that relates to any matter within
17 the ambit of this title and is relevant to the execution of
18 the Department’s functions pursuant to this title.”

19 Section 35. The Code of the Federated States of Micronesia
20 (Annotated), as amended, is hereby further amended by creating a
21 new chapter 6 under title 28, entitled: “Enforcement.”

22 Section 36. The Code of the Federated States of Micronesia
23 (Annotated), as amended, is hereby further amended by inserting a
24 new section 601 under chapter 6 of title 28, to read as follows:

25 “Section 601. Enforcement. The Department of Justice shall

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1 have primary responsibility for enforcement of this title.”

2 Section 37. The Code of the Federated States of Micronesia
3 (Annotated), as amended, is hereby further amended by inserting a
4 new section 602 under chapter 6 of title 28, to read as follows:

5 “Section 602. Appointment of authorized officers.

6 (1) The Secretary of Justice may, in writing, appoint
7 any person as an authorized officer or class of persons as
8 authorized officers for the purposes of this title and such
9 person or persons shall exercise all law enforcement powers
10 and privileges accorded to authorized officers by this title.

11 (2) Any officer of the Division of Border Control and
12 Maritime Surveillance of the Government of the Federated
13 States of Micronesia shall be deemed to be an officer for the
14 purposes of this title.”

15 Section 38. The Code of the Federated States of Micronesia
16 (Annotated), as amended, is hereby further amended by inserting a
17 new section 603 under chapter 6 of title 28, to read as follows:

18 “Section 603. Powers of authorized officers.

19 (1) For the purposes of enforcing this title, any
20 authorized officer may:

21 (a) stop, board, and remain on board any vessel in
22 the plan area for the purpose of conducting routine
23 inspection or inquiry including inspection of
24 registration papers and identity of crew;

25 (b) stop and search any vessel, vehicle or aircraft

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1 in the plan area that he reasonably believes may be
2 transporting marine resources, engaging in other
3 activities related to extraction of marine resources, or
4 violating any requirement of a marine spatial plan or of
5 this title;

6 (c) require the master or any crew member or other
7 person aboard to inform him of the name, call sign and
8 country of registration of the vessel and the name of the
9 master, owner, charterer and crew members;

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

13 (e) make such examination and inquiry as may appear
14 necessary concerning any vessel, vehicle or aircraft in
15 relation to which any of the powers conferred by this
16 subsection have been or may be exercised and take
17 samples of any marine resources;

18 (f) require to be produced, examine and take copies
19 of any permit, logbook, record or other documents
20 required under this title or concerning the operation of
21 any vessel or aircraft;

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

24 (h) require to be produced and examine any marine
25 resources, fishing gear or appliance, explosive, poison

1 or other noxious substance;

2 (i) give directions to the master and any crew
3 member of any vessel, vehicle or aircraft stopped,
4 boarded or searched as may be necessary or reasonably
5 expedient for any purpose specified in this title or to
6 provide for the compliance of the vessel, vehicle or
7 aircraft, or master or any crew member with the
8 conditions of any permit;

9 (j) endorse any permit; and

10 (k) arrest any person who assaults him or any other
11 authorized officer in the exercise of his duties under
12 this title.

13 (2) Where an officer has reasonable grounds to believe
14 an offense against this title is being or has been committed,
15 he may without a warrant:

16 (a) enter, inspect and search any vessel, vehicle,
17 or aircraft, in which he has reasonable grounds to
18 believe an offense has been or is being committed or
19 marine resources have been taken illegally and are being
20 stored;

21 (b) stop, enter, search and stay in or on any
22 vessel, vehicle, or aircraft which he reasonably suspects
23 of transporting marine resources;

24 (c) take samples of any marine resources found in
25 any vessel, vehicle, or aircraft inspected or searched

1 under this title;

2 (d) after hot pursuit of a foreign fishing vessel
3 undertaken in accordance with international law and
4 commenced within the marine waters of the Federated
5 States of Micronesia, stop, board and search outside the
6 marine waters of the Federated States of Micronesia any
7 fishing vessel that he has reasonable grounds to believe
8 has been used in the commission of an offense, exercise
9 any powers conferred by this title in accordance with
10 international law, and bring such vessel and all persons
11 and things on board within the marine waters of the
12 Federated States of Micronesia;

13 (e) seize:

14 (i) any vessel, vehicle, fishing gear, nets or
15 other fishing appliances or aircraft that he has
16 reasonable grounds to believe has been or is being
17 used in the commission of an offense or in respect
18 of which the offense has been committed;

19 (ii) any marine resources that he has
20 reasonable grounds to believe have been taken in
21 the commission of an offense or are possessed in
22 contravention of this title;

23 (iii) any logs, charts or other documents
24 required to be maintained by this title or under
25 the terms of any license or other authorization or

1 which he has reasonable grounds to believe show or
2 tend to show, with or without other evidence, the
3 commission of an offense against this title; and

4 (iv) anything which he has reasonable grounds
5 to believe might be used as evidence in any
6 proceeding under this title;

7 (f) arrest any person who he has reasonable grounds
8 to believe has committed an offense against this
9 title;

10 (g) issue citations as authorized by regulations
11 promulgated under this title.

12 (3) An authorized officer may, while arresting any
13 person or vessel that he has reasonable grounds to believe
14 has done any act in contravention of this title, use such
15 force as is reasonably necessary in the circumstances to
16 effect the arrest.

17 (4) Any person arrested without a warrant under this
18 section shall be detained and dealt with in accordance with
19 the law.

20 (5) An authorized officer may:

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

23 (b) exercise any other lawful authority.

24 (6) A written receipt shall be given for any article or
25 thing seized under this section and the grounds for such

1 seizure shall be stated in such receipt.”

2 Section 39. The Code of the Federated States of Micronesia
3 (Annotated), as amended, is hereby further amended by inserting a
4 new section 604 under chapter 6 of title 28, to read as follows:

5 “Section 604. Requirements for seized vessels.

6 (1) Where any vessel is seized under this title:

7 (a) the master and crew shall take the vessel to
8 such port as the authorized officer shall designate as
9 being the nearest or most convenient port; and

10 (b) the master shall be responsible for the safety
11 of the vessel and each person on board the vessel,
12 including the crew, himself and any authorized officer
13 until the vessel arrives at the designated port.

14 (2) If the master fails or refuses to take the seized
15 vessel to the designated port, then an authorized officer or
16 person called upon to assist him may do so.

17 (3) If a vessel is taken to port in the circumstances
18 described in subsection (2) of this section, no claim
19 whatever may be made against any authorized officer or the
20 Government of the Federated States of Micronesia in respect
21 of any damage, injury, loss or death occurring while the
22 vessel is being taken, subject to the provisions of this
23 title.

24 (4) The provisions relating to vessel and masters
25 described in subsections (1) to (3) of this section apply

1 equally to vehicles and aircraft seized in accordance with
2 this title, and their drivers and pilots respectively.

3 (5) Any person who commits an act, or omits to act, in
4 violation of this section shall be subject to a civil penalty
5 of not less than \$40,000 and not more than \$100,000."

6 Section 40. The Code of the Federated States of Micronesia
7 (Annotated), as amended, is hereby further amended by inserting a
8 new section 605 under chapter 6 of title 28, to read as follows:

9 "Section 605. Removal of parts from seized vessels by
10 authorized officers.

11 (1) An authorized officer may remove any part or parts
12 from any seized vessel, vehicle or aircraft held in the
13 custody of the Government of the Federated States of
14 Micronesia for the purpose of immobilizing that vessel,
15 vehicle or aircraft.

16 (2) Any part or parts removed under subsection (1) of
17 this section shall be kept safely and returned to the vessel,
18 vehicle or aircraft upon its lawful release from custody.

19 (3) No person other than an authorized officer shall
20 knowingly possess, or arrange to obtain, any part or parts
21 removed under this section or knowingly possess, or arrange
22 to obtain, or make any replacement or substitute part or
23 parts for those removed under this section or fit or attempt
24 to fit any part or parts or any replacement or substitute
25 part or parts to a vessel, vehicle or aircraft held in the

1 custody of the Government of the Federated States of
2 Micronesia.

3 (4) Any person who commits an act in violation of this
4 section shall be subject to a civil penalty of not less than
5 \$15,000 and not more than \$50,000."

6 Section 41. The Code of the Federated States of Micronesia
7 (Annotated), as amended, is hereby further amended by inserting a
8 new section 606 under chapter 6 of title 28, to read as follows:

9 "Section 606. Duties owed to authorized officers.

10 (1) The master and each crew member of any vessel, the
11 driver of any vehicle and the pilot and crew of any aircraft
12 shall immediately comply with every instruction or direction
13 given by an authorized officer as appropriate and facilitate
14 safe boarding, entry and inspection of the vessel, vehicle or
15 aircraft and any fishing gear, equipment, records and marine
16 resources.

17 (2) The master and each crew member of a vessel, driver
18 of a vehicle and pilot and crew of an aircraft shall take all
19 reasonable measures to ensure the safety of an authorized
20 officer as appropriate in the performance of his duties.

21 (3) No person shall:

22 (a) assault, obstruct, resist, delay, refuse
23 boarding to, intimidate or fail to take all reasonable
24 measures to ensure the safety of, or otherwise interfere
25 with an authorized officer in the performance of his

1 duties;

2 (b) incite or encourage any other person to
3 assault, resist or obstruct any authorized officer who is
4 carrying out his powers or duties, or any person
5 lawfully acting under the authorized officer's orders or
6 in his aid;

7 (c) use threatening language or behave in a
8 threatening or insulting manner or use abusive language
9 or insulting gestures towards any authorized officer
10 while in the execution of his powers or duties, or any
11 person lawfully acting under an authorized officer's
12 orders or in his aid;

13 (d) fail to comply with the lawful requirements of
14 an authorized officer;

15 (e) furnish to any authorized officer any
16 particulars which, to his knowledge, are false or
17 misleading in any respect;

18 (f) impersonate or falsely represent himself to be
19 an authorized officer or falsely represent himself or
20 herself to be a person lawfully acting under an
21 authorized officer's orders or in his aid;

22 (g) resist lawful arrest for any act prohibited by
23 this title; or

24 (h) breach any other duty to an authorized officer
25 required under this title.

1 (4) For purposes of subsection (3) of this section, any
2 person who does not allow any authorized officer or an
3 authorized observer, or any person acting under his order or
4 in his aid, to exercise any of the powers conferred on such
5 person by this title shall be deemed to be obstructing that
6 officer or person.

7 (5) Every person who is a master, owner, charterer,
8 agent or company established under the laws of the Federated
9 States of Micronesia of a vessel that transports an authorized
10 officer outside the marine waters of the Federated States of
11 Micronesia and causes him to disembark outside the territory
12 or jurisdiction of the Federated States of Micronesia, shall
13 be jointly and severally liable for a fine plus all costs of
14 repatriation including board and lodging while out of the
15 Federated States of Micronesia and direct transportation to
16 the Federated States of Micronesia. It is unlawful for any
17 vessel to cause an authorized officer to disembark outside the
18 territory or jurisdiction of the Federated States of
19 Micronesia.

20 (6) Any person who violates subsection (3)(a) or (3)(b)
21 of this section shall be subject to a civil penalty of not
22 less than \$100,000 and not more than \$1,000,000."

23 Section 42. The Code of the Federated States of Micronesia
24 (Annotated), as amended, is hereby further amended by inserting a
25 new section 607 under chapter 6 of title 28, to read as follows:

1 "Section 607. Identification of authorized officers. An
2 authorized officer, when exercising any of the powers
3 conferred by this title, shall on request, produce
4 identification to show that he is an authorized officer or
5 authorized observer under this title."

6 Section 43. The Code of the Federated States of Micronesia
7 (Annotated), as amended, is hereby further amended by inserting a
8 new section 608 under chapter 6 of title 28, to read as follows:

9 "Section 608. Protection against liability. Any person
10 who does, partly does, or omits to do any act in pursuance or
11 intended pursuance of any functions, powers or duties
12 conferred by or under this title shall not be subject to any
13 legal action, or civil or criminal liability with respect to
14 such act, whether on the grounds of want of jurisdiction,
15 mistake of law or fact, or on any other grounds, unless the
16 act, or omissions to act, was done in bad faith without
17 reasonable cause."

18 Section 44. The Code of the Federated States of Micronesia
19 (Annotated), as amended, is hereby further amended by creating a
20 new chapter 7 under title 28, entitled: "Jurisdiction and
21 Evidence."

22 Section 45. The Code of the Federated States of Micronesia
23 (Annotated), as amended, is hereby further amended by inserting a
24 new section 701 under chapter 7 of title 28, to read as follows:

25 "Section 701. Jurisdiction of the court.

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1 (1) Any case or controversy arising under this title or
2 out of any act or omission committed in contravention of any
3 provision of this title by any person:

4 (a) within the marine waters of the Federated
5 States of Micronesia; or

6 (b) outside the marine waters of the Federated
7 States of Micronesia by any flag vessel, citizen or
8 person ordinarily resident in the Federated States of
9 Micronesia; or

10 (c) by any person on board any vessel registered in
11 the Federated States of Micronesia;

12 shall be subject to the jurisdiction of the Supreme
13 Court of the Federated States of Micronesia and judicial
14 proceedings shall be taken as if such act or omission
15 had taken place in the Federated States of Micronesia
16 within the jurisdiction of the Supreme Court of the
17 Federated States of Micronesia.

18 (2) Where an authorized officer is exercising any powers
19 conferred on him outside the marine waters of the Federated
20 States of Micronesia in accordance with this title, any act or
21 omission of any person in contravention of any of the
22 provisions of this title shall be deemed to have been
23 committed within the marine waters of the Federated States of
24 Micronesia.

25 (3) Notwithstanding any provision of any other law of

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1 the Federated States of Micronesia, any information or
2 complaint with respect to any violation of this title must be
3 filed within two years of the discovery of the violation.

4 (4) The Court may at any time enter restraining orders or
5 prohibitions, issue warrants, issue process *in rem* or other
6 processes, prescribe and accept satisfactory bonds or other
7 security, and take such other actions as are in the interests
8 of justice.”

9 Section 46. The Code of the Federated States of Micronesia
10 (Annotated), as amended, is hereby further amended by inserting a
11 new section 702 under chapter 7 of title 28, to read as follows:

12 “Section 702. Presumptions.

13 (1) Where, in any legal proceedings under this title,
14 the place in which an event is alleged to have taken place is
15 in issue:

16 (a) there shall be a refutable presumption that the
17 place stated in the relevant entry in the logbook or
18 other official record of any enforcement vessel or
19 aircraft as being the place in which the event took place
20 was the place in which the event took place; and

21 (b) *prima facie* evidence of an entry in a logbook
22 or other official record of an enforcement vessel or
23 aircraft may be given by the production of a written copy
24 or extract of the entry certified by an authorized
25 officer as a true copy or accurate extract.

1 (2) There shall be a refutable presumption that all
2 marine resources found on board any vessel which has been used
3 in the commission of any violation of this title have been
4 caught during the commission of that violation.

5 (3) Where, in any legal proceedings relating to a
6 violation of this title, an authorized officer gives evidence
7 of reasonable grounds to believe any marine resource to which
8 the charge relates were taken in a specified use zone of the
9 marine spatial plan, there shall be a refutable presumption
10 that all the marine resources shall be presumed to have been
11 so taken.

12 (4) Where a photograph taken by an authorized officer is
13 taken of any marine resource extraction or related activity
14 and simultaneously the date, time or position from which the
15 photograph is taken are superimposed upon the photograph then
16 it shall be presumed that the photograph was taken on the
17 date, at the time or in the position so appearing, if:

18 (a) the camera taking the photograph is connected
19 directly to the instruments which provide the date, time
20 and position concerned; and

21 (b) the photograph was taken by an authorized
22 officer.”

23 Section 47. The Code of the Federated States of Micronesia
24 (Annotated), as amended, is hereby further amended by creating a
25 new chapter 8 under title 28, entitled: “Violations and Penalties

1 for Prohibited Acts.”

2 Section 48. The Code of the Federated States of Micronesia
3 (Annotated), as amended, is hereby further amended by inserting a
4 new section 801 under chapter 8 of title 28, to read as follows:

5 “Section 801. Civil Penalties.

6 (1) Any person who is found by the Supreme Court of the
7 Federated States of Micronesia in a civil proceeding to have
8 committed an act prohibited by this title shall be liable to
9 the Federated States of Micronesia for a civil penalty.

10 (2) Each day of a continuing violation shall constitute
11 a separate offense, for which a separate penalty shall be
12 assessed.

13 (3) In determining the amount of the penalty, the
14 Supreme Court of the Federated States of Micronesia shall take
15 into account the nature, circumstances, extent and gravity of
16 the prohibited acts committed and, with respect to the
17 violator, the degree of culpability, any history of prior
18 offenses, whether there are multiple violations which together
19 constitute a serious disregard of conservation and management
20 measures and such other matters as justice may require.

21 (4) The Department of Justice is authorized to initiate
22 all proceedings under this section and to recover the amount
23 assessed as a civil penalty.

24 (5) The proceeds of civil penalties shall be deposited
25 into the General Fund of the Federated States of Micronesia.”

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1 Section 49. Section 2025 of subtitle II of title 24 of the
2 Code of the Federated States of Micronesia (Annotated), as amended,
3 is hereby further amended to read as follows:

4 "Section 2025. Part of License Area outside of national
5 jurisdiction.

6 If part of the License area includes or purports to include
7 an area that is outside of the national jurisdiction of the
8 Federated States of Micronesia, [~~or an area that comprises or~~
9 ~~is within a Protected Area or a Marine Reserve,~~] [~~†~~]or an
10 area within the Territorial Sea where such responsibility has
11 not been delegated to NSRA by State under this subtitle[~~†~~],
12 then the License remains valid, but does not authorize Seabed
13 Mineral Activities to be carried out within that part until
14 further consultations and conditions are met."

15 Section 50. This act shall become law upon approval by the
16 President of the Federated States of Micronesia or upon its
17 becoming law without such approval.

19 Date: 1/10/25 Introduced by: /s/ Quincy Lawrence
20 Quincy Lawrence
21 (by request)