



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 21st 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
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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

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.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: JULY 17, 2019

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

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

P.O. Box PS 3 Palikir, Sokehs

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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.

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 black ink, appearing to read "Liwiana Ramon Ioanis".

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

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

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

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

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

7 (ii) salary; and

8 (iii) full insurance coverage;

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

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

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

21 (g) ensure the continuous monitoring of the
22 international distress and call frequency 2182 kHz (HF)
23 or the international safety and call frequency 156.8 MHz
24 (channel 16, VHF-FM) to facilitate communication
25 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

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

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

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

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

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March 3rd, 2020

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David W. Panuelo
President
Federated States of Micronesia

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