



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



**PRESIDENTIAL COMM. NO. 23-380**  
**FSM CONGRESS**

July 2, 2024

The Honorable Esmond B. Moses  
Speaker  
Twenty-Third Congress  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

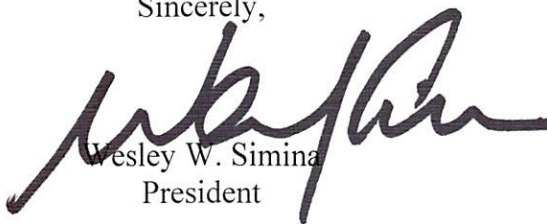
Dear Speaker Moses:

I am transmitting the following act, which I have signed to become Public Law No. 23-108:

Congressional Act No. 23-121, 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 LAWS NOS. 19-169 AND 21-93, BY REDUCING THE FISHING AGGREGATED DEVICE (FAD) CLOSURE TO A ONE AND HALF MONTHS FROM JULY TO MID-AUGUST, PROHIBITION OF DEPLOYING, SERVICING OR SETTING ON FADS, AND FOR OTHER PURPOSES."

Thank you.

Sincerely,



Wesley W. Simina  
President

xc: Chief Justice, FSM Supreme Court



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

Office of the Chief Clerk

PRESIDENTIAL COMM. NO. 23-380  
FSM CONGRESS

June 3, 2024



His Excellency Wesley W. Simina  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear President Simina:

I have the honor to transmit herewith Congressional Act No. 23-121, "AN ACT TO FURTHER AMEND SECTION 404 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAWS NOS. 19-169 AND 21-93, BY REDUCING THE FISHING AGGREGATED DEVICE (FAD) CLOSURE TO A ONE AND HALF MONTHS FROM JULY TO MID-AUGUST, PROHIBITION OF DEPLOYING, SERVICING OR SETTING ON FADS, AND FOR OTHER PURPOSES, which was passed by the Twenty-Third Congress of the Federated States of Micronesia, Fourth Regular Session, 2024, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

Jessicalynn Reyes  
Chief Clerk, Congress of the  
Federated States of Micronesia

Enclosures



PRESIDENTIAL COMM. NO. 23-380  
FSM CONGRESS

TWENTY- THIRD CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
FOURTH REGULAR SESSION  
MAY 14 – JUNE 2, 2024

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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 LAWS NOS. 19-169 AND 21-93, BY REDUCING THE FISHING AGGREGATED DEVICE (FAD) CLOSURE TO A ONE AND HALF MONTHS FROM JULY TO MID-AUGUST, PROHIBITION OF DEPLOYING, SERVICING OR SETTING ON FADS, AND FOR OTHER PURPOSES.

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INTRODUCED BY SENATOR: QUINCY LAWRENCE (BY REQUEST)  
DATE: APRIL 2, 2024

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REFERRED TO: RESOURCES AND DEVELOPMENT COMMITTEE  
WITHDRAWN – MAY 29, 2024

FIRST READING: MAY 30, 2024  
SECOND READING: MAY 31, 2024

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A handwritten signature in black ink, appearing to read "Jessicalynn Reyes", is written over a horizontal line.

Jessicalynn Reyes  
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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PRESIDENTIAL COMM. NO. 23-380  
FSM CONGRESS

ACT NO. 23-121

(CONGRESSIONAL BILL NO. 23-103)

We hereby certify that on May 31 the foregoing act passed Second and Final Reading of the Twenty-Third Congress of the Federated States of Micronesia, Fourth Regular Session, 2024, 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 "Esmond B. Moses".

Esmond B. Moses  
Speaker  
Congress of the  
Federated States of Micronesia

A large, stylized handwritten signature in black ink, appearing to read "Jessicalynn Reyes".

Jessicalynn Reyes  
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 Laws Nos. 19-169 and 21-93, by reducing the Fishing Aggregated Device (FAD) closure to a one and half months from July to mid-August, prohibition of deploying, servicing or setting on FADs, 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 UTC on 1 July and 2359 hours UTC on 15 August each year,  
11 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


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(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.

July 02, 2024

  
Wesley W. Simina  
President  
Federated States of Micronesia

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with