

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 3, 2020

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/s/ David W. Panuelo

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David W. Panuelo  
President  
Federated States of Micronesia

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