
A BILL FOR AN ACT

To amend sections 101, 102, 103, 106, 204, 205, 303, 402, 404, 407, 603, 606, 611, 701, 907, 910 and 911 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 18-109, in order to enhance the ability of the Government of the Federated States of Micronesia to enforce, in its territory or exclusive economic zone and other zones where FSM-flagged or FSM-licensed vessels undertake fishing activities, the national fishery laws, regulations, and the international obligations including those in the Third Implementing Arrangement of the Parties to the Nauru Agreement, and the obligations assumed by the FSM Government on conservation, sustainable exploitation and management of fishery resources taking into consideration the national development needs and aspirations of the FSM, and for other purposes.

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

1 Section 1. Section 101 of title 24 of the Code of the
2 Federated States of Micronesia (Annotated), is hereby amended to
3 read as follows:

4 "Section 101. Purpose of this subtitle.

5 (1) The purpose of this subtitle is to ensure the
6 sustainable development, conservation and use of the
7 marine resources in the exclusive economic zone by
8 promoting development of, and investment in, fishing and
9 related activities in the context of effective
10 stewardship and to regulate fishing and related
11 activities of vessels entitled to fly the flag of the
12 Federated States of Micronesia beyond the fishery
13 waters.

1 (2) This act may be referred to as the 'Marine
2 Resources Act of 2002'."

3 Section 2. Section 102 of title 24 of the Code of the
4 Federated States of Micronesia (Annotated), is hereby amended to
5 read as follows:

6 "Section 102. Definitions. In this subtitle, except
7 where otherwise specified, the following terms shall
8 have the meanings stated below:

9 (1) 'Access agreement' means a treaty, agreement or
10 arrangement entered into by the Authority pursuant to
11 this act in relation to access to the exclusive economic
12 zone for fishing by foreign fishing vessels, and
13 includes bilateral and multilateral instruments
14 applicable at the national, subregional, regional or
15 international level.

16 (2) 'Administrator' means the director of a regional
17 fisheries agency or any other organization or person
18 authorized, pursuant to section 106 of chapter 1 of this
19 subtitle, to administer a fisheries access agreement or
20 fisheries management agreement to which the Federated
21 States of Micronesia is party.

22 (3) 'Agent' includes a person appointed or designated
23 by a foreign fishing company to act as the legal
24 representative of that company within the Federated
25 States of Micronesia, including acceptance of and

1 response to legal process, pursuant to section 404(4)(a)
2 of chapter 4 of this subtitle.

3 (4) 'Aircraft' means any craft capable of self-
4 sustained movement through the atmosphere and includes
5 helicopters.

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

15 (6) 'Authority' means the National Oceanic Resource
16 Management Authority established by section 201 of
17 chapter 2 of this subtitle.

18 (7) 'Authority observer' means any person authorized
19 in writing by the Authority to act as an observer on
20 fishing vessels for the purposes of this subtitle,
21 including any observer authorized pursuant to the
22 provisions of an access agreement or a fisheries
23 management agreement.

24 (8) 'Authorized officer' means any person or category
25 of persons designated pursuant to section 602 of chapter

1 6 of this subtitle as an authorized officer.

2 (9) 'Automatic location communicator' or 'mobile
3 transceiver unit' or 'transponder' means a Forum
4 Fisheries Agency (FFA) approved device placed on a
5 fishing vessel that transmits either in conjunction with
6 another device or devices or independently, information
7 concerning the position, fishing and such other
8 activities of the vessel.

9 (10) 'Based in the Federated States of Micronesia'
10 means using land-based facilities in the Federated
11 States of Micronesia to support fishing, including
12 location of the home port of a vessel in the Federated
13 States of Micronesia, landing or transshipping all fish
14 harvested within the exclusive economic zone and/or
15 operating under a joint venture arrangement in the
16 Federated States of Micronesia, or under arrangements
17 where the operator of a vessel is participating in
18 shore-based developments or is otherwise making a
19 substantial contribution to the development of the
20 domestic tuna industry.

21 (11) 'Buy' includes:

- 22 (a) barter or attempt to barter;
23 (b) purchase or attempt to purchase;
24 (c) receive on account or consignment;
25 (d) purchase or barter for future goods or for

1 any consideration of value; and

2 (e) purchase or barter as an agent for another
3 person, and 'buyer' shall have a corresponding meaning.

4 (12) 'by-catch' means all living and non-living
5 organisms incidentally caught while fishing for target
6 species, including any by-products and discard forming
7 part of the catch not retained on board the vessel
8 during such fishing operation.

9 (13) [~~(12)~~] 'Citizen' means a person who is a citizen
10 of the Federated States of Micronesia.

11 (14) [~~(13)~~] 'Closed area' means an area in which
12 fishing is prohibited.

13 (15) [~~(14)~~] 'Closed season' means a period of time
14 during which fishing is prohibited.

15 (16) [~~(15)~~] 'Commercial fishing' means any fishing
16 resulting or intending or appearing to result in the
17 sale or trade of any fish which may be taken during the
18 fishing operation, and does not include subsistence
19 fishing. For the purposes of this act, the following
20 shall be presumed to be commercial fishing:

21 (a) use of a vessel for fishing which measures
22 twenty-seven (27) feet or more in overall length;

23 (b) use of more than one vessel for fishing
24 which is owned by a single person for the primary
25 purpose of selling or trading any fish.

1 (17) [~~(16)~~] 'Commercial pilot fishing' means any
2 fishing for the purpose of testing the commercial
3 viability of:

4 (a) new fishing methods;

5 (b) developing new stocks of fish; or

6 (c) fishing in previously unexploited areas.

7 (18) [~~(17)~~] 'Court' means the Supreme Court of the
8 Federated States of Micronesia.

9 (19) [~~(18)~~] 'Domestic fishing' means any fishing by a
10 local fishing vessel longer than twenty-seven (27) feet
11 in overall length, but not including commercial pilot
12 fishing, and 'domestic fishing vessel' shall have a
13 corresponding meaning.

14 [~~(19)~~—(Reserved)]

15 (20) (Reserved)

16 (21) 'Drift net' means a gillnet or other net or
17 arrangement of nets which is more than 2.5 kilometers
18 (1.56 miles) in length, the purpose of which is to
19 enmesh, entrap or entangle fish.

20 (22) 'Drift net fishing activities' includes fishing
21 with the use of a drift net and any related activities
22 including transporting, transshipping and processing any
23 drift net catch, and provisioning of food, fuel and
24 other supplies for vessels used or outfitted for drift
25 net fishing.

1 (23) 'Exclusive economic zone' means the exclusive
2 economic zone as defined in title 18 of the Code of the
3 Federated States of Micronesia.

4 (24) 'Executive Director' means the individual
5 appointed by the Authority to be in charge of the daily
6 activities and operation of the authority and to perform
7 such other functions as required by this subtitle.

8 (25) 'Export' means to:

9 (a) send or take out of the country;

10 (b) attempt to send or take out of the country;

11 (c) receive on account or consignment for
12 purposes of paragraph (a) or (b) above;

13 (d) act as an agent for another person for
14 purposes of (a) through (c) above; and

15 (e) carry or transport anything for purposes of
16 paragraphs (a) through (d) of this subsection, and
17 'exporter' shall have a corresponding meaning.

18 (26) 'Fish' means any living marine resource.

19 (27) 'Fish aggregating device' means [~~any man-made or~~
20 ~~party man-made floating or not, intended for the purpose~~
21 ~~of aggregating fish, and includes any natural floating~~
22 ~~object on which a device has been placed to facilitate~~
23 ~~its location]~~ an object or group of objects, of any
24 size, that has or has not been deployed, that is living
25 or non-living, including but not limited to buoys,

1 floats, netting, webbing, plastics, bamboo, logs and
2 whale sharks floating on or near the surface of the
3 water that fish may associate with.

4 (28) 'Fish processing' means the producing of any
5 substance or article from fish by any method and
6 includes the cutting up, dismembering, cleaning,
7 sorting, loining, freezing, canning, salting, preserving
8 and reduction of fish.

9 (29) 'Fisheries management agreement' means any
10 agreement, arrangement or treaty in force to which the
11 Federated States of Micronesia is a party, not including
12 any access agreement, which has as its primary purpose
13 cooperation in or coordination of fisheries management
14 measures in all or part of the region, or implementation
15 of a multilateral access agreement, including, but not
16 limited to, fisheries monitoring, control and
17 surveillance and establishing criteria or requirements
18 for fishing and fisheries access.

19 (30) 'Fishery' or 'Fisheries' means one or more stock
20 of fish or any fishing operation based on such stocks
21 which can be treated as a unit for purposes of
22 conservation and management, taking into account
23 geographical, scientific, technical, recreational,
24 economic and other relevant characteristics.

25 (31) 'Fishery waters' means the exclusive economic

1 zone, the territorial sea and internal waters as
2 described in title 18 of the Code of the Federated
3 States of Micronesia, and any other waters over which
4 the Federated States of Micronesia claims sovereignty or
5 sovereign [R]rights.

6 (32) 'Fishing' means:

7 (a) [~~actual or attempted~~] searching for,
8 catching, taking or harvesting fish;

9 (b) attempting to search for, catch, take or
10 harvest fish;

11 (c) [~~b~~] engaging in any other activity which
12 can reasonably be expected to result in the locating,
13 catching, taking or harvesting of fish for any purpose;

14 (d) [~~e~~] the placing, searching for or
15 recovering fish aggregating devices or associated
16 electronic equipment such as radio beacons;

17 (e) [~~d~~] any operations at sea directly in
18 support of, or in preparation for, any activity
19 described in sub-paragraphs (a) to (d), except for
20 operations defined as related activities in subsection
21 (60) of this section;

22 (f) [~~e~~] the use of any other vessel, vehicle,
23 aircraft or hovercraft, [~~in relation to~~] for any
24 activity described in [~~this subsection~~] sub-paragraphs
25 (a) to (e) except for [~~flights in~~] emergencies involving

1 the health and safety of crew or the safety of a vessel.

2 (33) 'Fishing day' means any calendar day, or part of
3 a calendar day, during which a fishing vessel is in the
4 fishery waters outside of a port, but does not include
5 any calendar day, or part of a calendar day on which the
6 fishing vessel is not engaged in fishing or related
7 activities.

8 (34)[~~(33)~~] 'Fishing gear' means any equipment,
9 implement, or other thing that can be used in the act of
10 fishing, including any fishing net, rope, line, float,
11 trap, hook, winch, boat, beacon or locating device,
12 aircraft or helicopter.

13 (35)[~~(34)~~] 'Fishing vessel' means any vessel, boat, ship
14 or other craft which is used for, equipped to be used
15 for or of a type that is normally used for fishing as
16 the term fishing is defined in subsection [~~(33)~~] (32) of
17 this section.

18 (36)[~~(35)~~] 'Flag fishing vessel' means any foreign
19 fishing vessel that is [~~registered in~~] entitled to fly
20 the flag of the Federated States of Micronesia pursuant
21 to title 18 of the Code of the FSM and any domestic
22 fishing vessel.

23 (37)[~~(36)~~] 'Foreign fishing' means any fishing not
24 defined as domestic fishing, and not including
25 commercial pilot fishing or fishing from a local fishing

1 vessel less than or equal to twenty-seven (27) feet in
2 overall length.

3 (38)~~(37)~~ 'Foreign fishing vessel' means any fishing
4 vessel other than a local fishing vessel.

5 (39)~~(38)~~ 'Foreign party' means a noncitizen party to
6 an access agreement or a party to an access agreement
7 that is at least twenty percent foreign-owned.

8 (40)~~(39)~~ 'Foreign recreational fishing' means fishing
9 using a foreign fishing vessel for recreational or sport
10 purposes.

11 (41) "Full insurance coverage" means insurance cover
12 for:

13 (a) personal injury;

14 (b) loss of life;

15 (c) loss of equipment and personal effects;

16 (d) medical coverage, including medical
17 evacuation if required;

18 (e) repatriation costs if required; and

19 (f) losses arising from the action, inaction or
20 activity of the authorized observer whilst on board or
21 in the service of the vessel."

22 (42)~~(40)~~ 'High seas' means all parts of the sea that
23 are not included in the exclusive economic zone, in the
24 territorial sea, or in the internal water of any nation,
25 or in the archipelagic waters of an archipelagic nation.

1 (42)[~~(41)~~] 'Internal waters' means waters on the
2 landward side of the baseline of the territorial sea of
3 any island within the Federated States of Micronesia.

4 (43) 'international conservation and management
5 measures' means measures to conserve or manage fish that
6 are adopted and applied by an organization or
7 arrangement to which the Federated States of Micronesia
8 is a member and is required to apply.

9 (44)[~~(42)~~] 'Island' means a naturally formed area of
10 land surrounded by water, which is above water at high
11 tide.

12 (45) 'licensing member' or 'FFA member' means a party
13 to the South Pacific Forum Fisheries Agency Convention,
14 1979.

15 (46)[~~(43)~~] 'Local fishing vessel' means any fishing
16 vessel wholly owned and controlled by:

17 (a) the Government of the Federated States of
18 Micronesia, any State government or any subdivision
19 thereof;

20 (b) one or more natural persons who are citizens
21 of the Federated States of Micronesia;

22 (c) any corporation, company, society, or other
23 association of persons incorporated or established under
24 the laws of the Federated States of Micronesia or of any
25 State and which is wholly owned and controlled by one or

1 more of the entities or persons described in
2 paragraphs(a) or (b) of this subsection; and

3 (d) any combination of persons or entities
4 described in paragraphs (a) through (c) of this
5 subsection.

6 (47)~~(44)~~ 'Master' in relation to any fishing vessel
7 means the person in charge or apparently in charge of
8 that vessel.

9 (48)~~(45)~~ 'Multilateral access agreement' means an
10 access agreement between a foreign party and one or more
11 regional parties, to which the Federated States of
12 Micronesia is a party.

13 (49) 'net sharing' means the transfer of any fish or
14 fish products from one vessel to another vessel
15 belonging to the same owner, or to any other vessel,
16 provided that such transfer is in the last set,
17 authorized by the Authority, and carried out in
18 accordance with any conditions required in writing by
19 the Authority or prescribed by regulations.

20 (50)~~(46)~~ 'Officer' means any authorized officer or
21 national police officer, and includes any officer of a
22 vessel or aircraft used for the enforcement of this act,
23 whether or not such officers are officials of the
24 Government of the Federated States of Micronesia or of
25 one of the four State governments.

1 (51)[~~(47)~~] 'Operator' means any person who is in charge
2 of, directs or controls a fishing vessel, or for whose
3 direct economic or financial benefit a vessel is being
4 used, including the owner, charterer and master.

5 (52)[~~(48)~~] 'Owner' in relation to a fishing vessel means
6 any person exercising or discharging or claiming the
7 right or accepting the obligation to exercise or
8 discharge any of the powers or duties of an owner,
9 whether on his own behalf or on behalf of another, and
10 includes a person who owns the vessel jointly with any
11 other person or persons and any manager, director or
12 secretary of any corporate body or company that holds an
13 ownership interest in the vessel.

14 (53)[~~(49)~~] 'Permit' means any permit issued under this
15 subtitle or under an access agreement entered into
16 pursuant to this subtitle.

17 (54)[~~(50)~~] 'Person' means any natural person or business
18 enterprise and includes, but is not limited to, a
19 corporation, partnership, cooperative, association, the
20 government of any of the four States, or any political
21 subdivision thereof, and any foreign government,
22 subdivision of such government or other entity.

23 (55)[~~(51)~~] 'Port sampler' means a category of authorized
24 observer who performs duties at a point of transshipment
25 or port located either inside or outside the Federated

1 States of Micronesia.

2 (56)~~[(52)]~~ 'Recreational fishing' means fishing for
3 sport or leisure.

4 (57)~~[(53)]~~ 'Region' means that area of land and ocean
5 which falls within the sovereignty and sovereign rights
6 of the member countries of the ~~South~~ Pacific Islands
7 Forum Fisheries Agency, whose headquarters are located
8 in Honiara, Solomon Islands, and includes high seas
9 within such area, and for the purposes of data
10 collection, includes that area of the Western and
11 Central Pacific Ocean which falls within the
12 jurisdiction and sovereign rights of the member
13 countries of the Secretariat of the Pacific Community
14 located in Noumea, New Caledonia, and 'regional' shall
15 have a corresponding meaning.

16 (58)~~[(54)]~~ 'Regional access license' means a regional
17 access license issued to any fishing vessel of a party
18 to a multilateral access agreement or fisheries
19 management agreement, in accordance with such agreement.

20 (59) 'Regulation' or 'Regulations' means any
21 regulation which may be promulgated by the Authority
22 pursuant to this act.

23 (60)~~[(55)]~~ 'Related activities' in relation to fishing
24 means:

25 (a) transshipment;

1 (b) refueling or supplying fishing vessels,
2 selling or supplying fishing equipment, or performing
3 either activity in support of fishing; and

4 (c) on-shore storing, buying or processing fish
5 or fish products from the time they are first landed.

6 (61)~~[(57)]~~ 'Secretary' means the Secretary of the
7 Department of Justice.

8 (62)~~[(58)]~~ 'Sell' includes the exchange of any fish or
9 fish product or other thing for cash or for anything
10 which has value or which can be exchanged for cash, and
11 includes any exchange by barter.

12 (63)~~[(59)]~~ 'Shark' means any fish of the taxon
13 Elasmobranchii.

14 (64)~~[(60)]~~ 'Shark Fin' means any fin of a shark
15 including caudal fins.

16 (65)~~[(61)]~~ 'Stock of fish' means a species, subspecies
17 or other category of fish identified on the basis of
18 geographical, scientific, technical, recreational and
19 economic characteristics which can be treated as a unit
20 for purposes of conservation and management.

21 (66)~~[(62)]~~ 'Subsistence fishing' means fishing by a
22 citizen or a resident substantially for personal
23 consumption, and does not include any fishing resulting
24 or intending or appearing to result, directly or
25 indirectly, in the sale or trading of any fish which may

1 be taken during the fishing operations.

2 (67)[(+63)] 'Transponder' [øɹ] has the same meaning as
3 'automatic location communicator' [~~means a device placed~~
4 ~~on a fishing vessel that transmits, either in~~
5 ~~conjunction with another device or devices or~~
6 ~~independently, information concerning the position,~~
7 ~~fishing and other activities of the vessel]~~.

8 (68)[(+64)] 'Transshipment' means the transfer of any or
9 all fish [~~or fish products]~~ on board a fishing vessel to
10 [~~or from any]~~ another vessel [~~or aircraft for the~~
11 ~~purpose of transporting such fish or fish products~~
12 ~~elsewhere]~~; provided, that net sharing is not considered
13 as transshipment.

14 (69)[(+65)] 'United Nations Agreement' means the
15 agreement for the implementation of the provisions of
16 the United Nations Convention on the Law of the Sea of
17 10 December [~~1992]~~ 1982 relating to the conservation and
18 management of straddling fish stocks and highly
19 migratory fish stocks.

20 (70) 'United Nations Convention' means the United
21 Nations Convention on the Law of the Sea, 1982.

22 (71)[(+67)] 'Vehicle' means any car, truck, van, bus,
23 trailer or other powered land conveyance.

24 (72)[(+68)] 'Vessel' means any boat, ship, canoe or other
25 water-going craft."

1 (73) 'Vessel Monitoring System' or "VMS" means the
2 systems employed by FFA members and coordinated by the
3 FFA to monitor the position and activities of fishing
4 vessels for the purpose of effective management
5 fisheries.

6 (74) 'zone' means the exclusive economic zone or
7 fisheries zone of an FFA member of the Pacific Islands
8 Forum Fisheries Agency."

9 Section 3. Section 103 of title 24 of the Code of the
10 Federated States of Micronesia (Annotated), is hereby amended
11 to read as follows:

12 "Section 103. Fishing permits and related activities
13 permits required - commercial.

14 No domestic fishing, commercial pilot fishing, foreign
15 fishing or such other fishing or related activity as may
16 be prescribed shall be allowed in the exclusive economic
17 zone unless it is in accordance with:

18 (1) a valid and applicable permit issued under
19 authority conferred by this subtitle or its regulations;

20 or

21 (2) a valid and applicable license issued by an
22 administrator pursuant to a multilateral access
23 agreement entered into pursuant to section 106 of
24 chapter 1 of this subtitle."

25 Section 4. Section 106 of title 24 of the Code of the

1 Federated States of Micronesia (Annotated), is hereby amended to
2 read as follows:

3 "Section 106. Fisheries management agreements;
4 multilateral access agreements.

5 (1) Notwithstanding any other provision of this
6 subtitle, the Authority is authorized to enter into
7 fisheries management agreements for cooperation in or
8 coordination of fisheries management measures in all or
9 part of the region or for the implementation of a
10 multilateral access agreement. Such agreements may,
11 among other things, at the Authority's discretion,
12 include provisions for the following:

13 (a) authorization of a person, body or
14 organization to perform functions required by a
15 multilateral access agreement, including, but not
16 limited to, the allocation, issuance and denial of
17 fishing licenses valid in the region or part thereof,
18 including the exclusive economic zone;

19 (b) an observer program;

20 (c) a port sampling program;

21 (d) fisheries monitoring and control; and

22 (e) any other matter relating to fisheries
23 management.

24 (2) For the purpose of giving effect to a
25 multilateral access agreement or fisheries management

1 agreement, the Authority may, in writing:

2 (a) exempt any foreign fishing vessel, holding a
3 valid fishing license issued pursuant to a multilateral
4 access agreement, from any requirement of this subtitle
5 which is inconsistent with the terms of such agreement;

6 (b) implement the establishment of closed areas,
7 closed seasons and such other management measures as may
8 be agreed upon pursuant to a fisheries management
9 agreement;

10 (c) authorize observers designated under an
11 observer program entered into pursuant to subsection
12 (1)(b) of this section to perform such duties and
13 responsibilities as may be required by such agreement;

14 (d) prescribe or otherwise require the
15 conditions to be observed by operators of foreign
16 fishing vessels exempted under paragraph (a) of this
17 subsection;

18 (e) prescribe or otherwise require the
19 conditions to be observed by flag vessels and citizens
20 for fishing outside the exclusive economic zone, in
21 accordance with any access agreement or fisheries
22 management agreement to which the Federated States of
23 Micronesia may be party.

24 (3) For the purpose of giving effect to international
25 conservation and management measures and decisions of an

1 organization established under a fisheries management
2 agreement, the Authority may prescribe regulations or
3 attach such conditions to a permit, or authorization to
4 fish or conduct related activities as the Authority may
5 consider necessary or expedient for this purpose.

6 (4) The provisions of this subtitle concerning the
7 application of international conservation and management
8 measures do not apply to the internal waters and
9 territorial sea of the Federated States of Micronesia as
10 defined under title 18 of the Code of the Federated
11 States of Micronesia, without the express consent of
12 each of the states of the Federated States of
13 Micronesia."

14 Section 5. Section 204 of Title 24 of the Code of the
15 Federated States of Micronesia (Annotated), is hereby amended
16 to read as follows:

17 "Section 204. Authority – adoption of regulations.

18 (1) The Authority shall have the authority to:

19 (a) adopt regulations for the management,
20 development and sustainable use of fisheries
21 resources in the exclusive economic zone;

22 (b) adopt regulations applicable to related
23 activities as defined in section 102 of this
24 subtitle;

25 (c) adopt regulations in relation to

1 fisheries monitoring and control;

2 (d) adopt regulations to implement access
3 agreements and fisheries management agreements;

4 (e) adopt regulations relating to the
5 confidentiality of information consistent with
6 section 208 of this subtitle;

7 (f) adopt regulations for the issuance of
8 citations and assessment of administrative penalties
9 consistent with chapter 7 of this subtitle;

10 (g) adopt regulations relating to compliance
11 by citizens and fishing vessels of the Federated
12 States of Micronesia which engage in fishing or
13 related activities on the high seas or outside the
14 [internal waters, the territorial sea or exclusive
15 economic zone of the Federated States of Micronesia]
16 fishery waters with applicable laws of foreign
17 states and with applicable access agreements or
18 fisheries management agreements;

19 (h) adopt regulations relating to marine
20 scientific research and training;

21 (i) adopt regulations relating to observer
22 programs and port sampling programs; and

23 (j) adopt, in consultation with relevant
24 State or national agencies, regulations consistent
25 with the international obligations of the Federated

1 States of Micronesia to prohibit the entry and use
2 of ports and facilities by vessels that have been
3 engaged in fishing or related activities that
4 undermine international conservation and management
5 measures;

6 (k)[(j)] adopt any other regulations deemed
7 necessary for the implementation of this subtitle."

8 (2) Regulations adopted by the Authority shall
9 have the full force and effect of law, and shall be
10 considered an integral part of this subtitle."

11 Section 6. Section 205 of Title 24 of the Code of the
12 Federated States of Micronesia (Annotated), is hereby amended to
13 read as follows:

14 "Section 205. Authority - duties and functions.
15 In addition to the regulatory authority granted in
16 the preceding section, the Authority shall have the
17 following duties and functions:

18 (1) to provide technical assistance in the
19 delimitation of the exclusive economic zone in
20 accordance with section 107 of title 18 of the Code of
21 the Federated States of Micronesia;

22 (2) to negotiate, conclude and implement access
23 agreements and fisheries management agreements in
24 accordance with sections 105 and 106 of chapter 1 of
25 this subtitle and chapters 4 and 5 of this subtitle;

1 (3) to issue fishing permits in accordance with
2 this subtitle;

3 (4) to issue permits for fishing in the territorial
4 sea or internal waters of an FSM State as authorized
5 pursuant to section 118 of chapter 1 of this subtitle;

6 (5) to regulate related activities in accordance with
7 this subtitle;

8 (6) to coordinate and implement fisheries monitoring
9 and control as required under this subtitle and under
10 international treaties to which the Federated States of
11 Micronesia is a party;

12 (7) to cooperate as appropriate with other nations or
13 territories in the region and with foreign states
14 fishing in the region and adjacent high seas area for
15 the conservation and management of highly migratory
16 fish stocks;

17 (8) to cooperate in and coordinate as appropriate
18 with each FSM State on fisheries management measures in
19 the exclusive economic zone and territorial sea;

20 (9) to convene and chair a Fisheries Management
21 and Surveillance Working Group as set forth in section
22 207 of this chapter;

23 (10) to employ a full-time Executive Director and
24 such other staff as it may deem necessary;

25 (11) to submit the Authority's budget and

1 report regarding the expenditure of its funds to the
2 Congress each regular session for review;
3 (12) to contribute to the planning of programs
4 relating to fisheries, or fishing in the exclusive
5 economic zone, in which an FSM State government or the
6 Government of the Federated States of Micronesia, or any
7 agency or subdivision thereof, has a proprietary
8 interest, direct or indirect, by way of stock ownership,
9 partnership, joint venture or otherwise; and
10 (13) to act as the authority responsible for
11 implementing the international fisheries and related
12 obligations of the Federated States of Micronesia
13 including the verification of catch and issuance of
14 catch certificates;
15 (14)[~~(13)~~] to perform such other duties and functions as
16 may be necessary to carry out the purpose of this
17 subtitle."

18 Section 7. Section 303 of title 24 of the Code of the
19 Federated States of Micronesia (Annotated), is hereby amended to
20 read as follows:

21 "Section 303. Fishing by flag fishing vessels on
22 the high seas or in an area designated by a
23 fisheries management agreement-compliance.

24 (1) Whenever fishing is permitted under subsection
25 (5) of this section, Flag fishing vessels and citizens

1 fishing on the high seas or in an area designated by a
2 fisheries management agreement shall:

3 (a) comply at all times with any applicable law
4 or agreement and the terms of any applicable permit, and
5 shall carry such permit on board at all times and
6 produce it on demand for inspection by an authorized
7 officer or investigating authority appointed pursuant to
8 a fisheries management agreement; and

9 (b) give information to an authorized officer or
10 investigating authority appointed pursuant to a
11 fisheries management agreement which may be required,
12 including vessel position, catches, fishing gear,
13 fishing operations and related activities in the area of
14 an alleged violation of such agreement.

15 (2) The Authority shall establish a national record
16 of fishing vessels authorized to fish on the high seas
17 and provide access to the information contained in that
18 record on request by directly interested foreign states,
19 taking into account any applicable laws of the Federated
20 States of Micronesia regarding the release of such
21 information.

22 (3) Flag fishing vessels and citizens are not
23 permitted to engage in drift net fishing activities.

24 (4) The Authority may take such further measures to
25 implement any fisheries management agreement in respect

1 to flag fishing vessels as may be necessary.

2 (5) Flag fishing vessels and citizens shall not fish
3 the areas listed below:

4 (a) the area of high seas bounded by the
5 national waters of the Federated States of Micronesia,
6 Indonesia, Palau, and Papua New Guinea; and

7 (b) the area of high seas bounded by the
8 national waters of the Federated States of Micronesia,
9 Fiji, Kiribati, the Marshall Islands, Nauru, Papua New
10 Guinea, the Solomon Islands, and Tuvalu. On a case-by-
11 case basis, the Authority may exercise discretionary
12 exemption from this prohibition to flag fishing vessels
13 and citizens.

14 (6) Catch retention. All bigeye, skipjack and yellow
15 fin tuna taken by a purse seine vessel shall be retained
16 on board and then landed or transshipped in accordance
17 with this title, except for:

18 (a) fish clearly and demonstrably unfit for
19 human consumption; and

20 (b) the final set of a trip when there may be
21 insufficient space to accommodate all fish caught in
22 that set. It is the duty of the Master of fishing
23 vessel to report fish that is discarded under (1) (a)
24 and (b) of this subsection."

25 Section 8. Section 402 of title 24 of the Code of the

1 Federated States of Micronesia (Annotated), is hereby amended
2 to read as follows:

3 "Section 402. Negotiation of access agreements.

4 The Authority shall negotiate and enter into access
5 agreements on behalf of the Government of the Federated
6 States of Micronesia in accordance with this subtitle.

7 Such agreements may, at the Authority's discretion:

8 (1) establish fees to be collected for permits issued
9 under the access agreement;

10 (2) establish a minimum or maximum number of vessels
11 to be granted access under the agreement; [~~and~~]

12 (3) establish a maximum number of fishing days or
13 such other rights to be granted under an access
14 agreement; and

15 (4)[~~(3)~~] permit the rebate of access fees in accordance
16 with section 403(2) of this subtitle, as the Authority
17 deems appropriate at the end of the licensing period if
18 the operator of any applicable vessel participated
19 substantially in shore-based developments or otherwise
20 made a substantial contribution to the development of
21 the fishing industry of the Federated States of
22 Micronesia."

23 Section 9. Section 404 of title 24 of the Code of the
24 Federated States of Micronesia (Annotated), is hereby amended to
25 read as follows:

1 "Section 404. Access agreements—minimum terms and
2 conditions.

3 (A) All access agreements shall include the following
4 minimum terms:

5 (1) the foreign party recognizes the sovereign rights
6 and exclusive fishery management authority of the
7 Federated States of Micronesia within the exclusive
8 economic zone;

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

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

15 (b) provide any authorized observer, while on
16 board the vessel, at no expense, with officer level
17 accommodations, food and medical facilities;

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

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

22 (ii) salary; and

23 (iii) full insurance coverage;

24 (d) display any permit or permit number issued
25 for any such vessel, pursuant to this subtitle, or any

1 other documentation as required by the Authority to be
2 displayed, under any access agreement, in the wheelhouse
3 of such vessel;

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

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

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

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

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

23 (j) ensure that, promptly upon direction by the
24 Authority, each vessel will have installed, maintained
25 and fully operational at all times on board a

1 transponder, in accordance with section 611 of chapter 6
2 of this subtitle, and shall be responsible for all
3 operational and maintenance costs of the transponder and
4 cooperate fully with the Authority in their utilization.

5 (4) the party to the access agreement shall, for the
6 duration of the access agreement:

7 (a) appoint and maintain a resident agent in the
8 Federated States of Micronesia that is approved by the
9 Authority, or establish and maintain a company
10 registered in accordance with the laws of the Federated
11 States of Micronesia, authorized to receive and respond
12 to any legal process issued in the Federated States of
13 Micronesia with respect to the owner or operator of the
14 vessel, and shall notify the Federated States of
15 Micronesia of the name and address of such agent or
16 company, and any communication, information, document,
17 direction, request or response to, or from that agent or
18 company, shall be deemed to have been sent to, or
19 received from such owner or operator;

20 (b) not exceed any allocation which may be
21 established in any given licensing period in accordance
22 with this subtitle;

23 (c) ensure compliance by each fishing vessel,
24 its operator and crew members, with the access
25 agreement, all laws of the Federated States of

1 Micronesia and the terms of the permit; and

2 (d) ensure compliance by each fishing vessel,
3 its operator and crew members, with subregional and
4 regional conservation and management measures for highly
5 migratory fish stocks.

6 (B) On such further terms and conditions as may be
7 modified or expanded by regulation promulgated by the
8 Authority in accordance with the Administrative
9 Procedures Act, the following terms and conditions are
10 mandatory to every access agreement:

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

15 (a) fish clearly and demonstrably unfit for
16 human consumption; and

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

19 It is the duty of vaster of fishing vessel to report
20 fish discard under (1) (a) and (b) of this subsection.

21 (2) Use of fish aggregating device. There shall be
22 no deployment or servicing of fish aggregating device
23 and associated electronic equipment, or fishing by purse
24 seine vessels on floating objects, between 0001 hours
25 GMT on 1 July and 2359 hours GMT on 30 September each

1 year, except that:

2 (a) by regulation, the Authority may grant
3 exemption to fishing vessels that have suffered
4 disproportionate burden from the prohibition on the use
5 of fish aggregating device; and

6 (b) by regulation, the Authority may provide for
7 appropriate arrangement set out in a FAD management plan
8 to meet the requirements of domestic fishing vessels
9 that are highly dependent on fishing on floating
10 objects.

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

13 (a) the area of high seas bounded by the
14 national waters of the Federated States of Micronesia,
15 Indonesia, Palau, and Papua New Guinea; and

16 (b) the area of high seas bounded by the
17 national waters of the Federated States of Micronesia,
18 Fiji, Kiribati, the Marshall Islands, Nauru, Papua New
19 Guinea, the Solomon Islands, and Tuvalu."

20 Section 10. Section 407 of title 24 of the Code of the
21 Federated States of Micronesia (Annotated), is hereby amended to
22 read as follows:

23 "Section 407. Related activities - transshipment.

24 (1) The operator of a foreign fishing vessel shall:

25 (a) not transship at sea under any

1 circumstances, except where specifically authorized by
2 the Authority;

3 (b) provide seventy-two (72) hours notice to the
4 Authority of a request to transship any or all of the
5 fish on board and shall provide the name of the vessel,
6 its international radio call sign, its position, the
7 catch on board by species, the time and port where such
8 transshipment is requested to occur and an undertaking
9 to pay all fees required under the laws of the Federated
10 States of Micronesia;

11 (c) only transship at the time and port
12 authorized for transshipment; ~~and~~

13 (d) comply with all conditions attached to the
14 authorization for transshipment;

15 (e) pay such fees required by the Authority or
16 prescribed by regulation; and

17 (f) [~~d~~] submit full reports on transshipping on such
18 forms as may be required by the Authority or prescribed
19 by regulation.

20 (g) shall allow and assist any person identified
21 as an authorized officer or an officer of the licensing
22 member full access to and use of facilities and
23 equipment, which the officer may determine is necessary
24 to carry out his duties; have full access to the bridge,
25 fish on board and areas which may be used to hold,

1 process, weigh and store fish; remove samples; have full
2 access to the vessel's records, including its log and
3 documentation for the purpose of inspection and
4 photocopying; and gather any other information required
5 to fully monitor the activity;

6 (h) shall not assault, obstruct, resist, delay,
7 refuse boarding to, intimidate or interfere with any
8 such officer in the performance of his duties.

9 (2) During transshipment in the Federated States of
10 Micronesia the foreign party and operator of each vessel
11 shall comply with all applicable National and State laws
12 and regulations in the Federated States of Micronesia
13 relating to protection of the environment, including
14 without limitation, sewage holding tank requirements.

15 (3) Any person who violates subsection (1)(a),
16 (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(h) or (2) of
17 this section shall be subject to a civil penalty of not
18 less than \$75,000 and not more than \$275,000."

19 Section 11. Section 603 of title 24 of the Code of the
20 Federated States of Micronesia (Annotated), as amended by
21 Public Law No. 18-109, is hereby further amended to read as
22 follows:

23 "Section 603. Powers of authorized officers.

24 (I) within the fishery waters.

25 (1) For the purposes of enforcing this subtitle, any

1 authorized officer may:

2 (a) stop, board, remain on board and search any
3 vessel in the fishery waters that he reasonably believes
4 is a fishing vessel or a vessel which is used for,
5 equipped to be used for or of a type that is normally
6 used for related activities as the term related
7 activities is defined in section 102 of chapter 1;

8 ~~[(b) stop, board, remain on board and search any~~
9 ~~flag fishing vessel outside of the fishery waters;]~~

10 (b)[(e)] stop and search any vessel, vehicle or
11 aircraft that he reasonably believes may be transporting
12 fish or engaging in other activities relating to
13 fishing;

14 (c)[(d)] require the master or any crew member or
15 other person aboard to inform him of the name, call sign
16 and country of registration of the vessel and the name
17 of the master, owner, charterer and crew members;

18 (d)[(e)] examine the master or any crew member or
19 other person aboard about the cargo, contents of holds
20 and storage spaces, voyage and activities of the vessel;

21 (e)[(f)] make such examination and inquiry as may
22 appear necessary concerning any vessel, vehicle or
23 aircraft in relation to which any of the powers
24 conferred by this subsection have been or may be
25 exercised and take samples of any fish or fish product

1 found therein;

2 (f)[(g)] require to be produced, examine and take
3 copies of any permit, logbook, record or other documents
4 required under this subtitle or concerning the operation
5 of any vessel or aircraft;

6 (g)[(h)] make an entry dated and signed by him in the
7 logbook of such vessel or aircraft;

8 (h)[(i)] require to be produced and examine any fish,
9 fishing gear or appliance, explosive, poison or other
10 noxious substance;

11 (i)[(j)] give directions to the master and any crew
12 member of any vessel, vehicle or aircraft stopped,
13 boarded or searched as may be necessary or reasonably
14 expedient for any purpose specified in this subtitle or
15 to provide for the compliance of the vessel, vehicle or
16 aircraft, or master or any crew member with the
17 conditions of any permit;

18 (j)[(k)] endorse any permit; [and]

19 (k)[(l)] arrest any person who assaults him or any
20 other authorized officer in the exercise of his duties
21 under this subtitle.

22 (2) Where an authorized officer has reasonable
23 grounds to believe an offense against this subtitle is
24 being or has been committed, he may without a warrant:

25 (a) enter, inspect and search any vessel,

1 premises, other than premises used exclusively as a
2 dwelling house, in which he has reasonable grounds to
3 believe an offense has been or is being committed or
4 fish have been taken illegally and are being stored;

5 (b) stop, enter, search and stay in or on any
6 vessel, vehicle or aircraft which he reasonably suspects
7 of transporting fish or fish products;

8 (c) take samples of any fish found in any vessel
9 or vehicle inspected or within any premises searched
10 under this subtitle;

11 (d) after hot pursuit of a foreign fishing
12 vessel undertaken in accordance with international law
13 and commenced within the fishery waters, stop, board and
14 search outside the fishery waters any fishing vessel
15 that he has reasonable grounds to believe has been used
16 in the commission of an offense, exercise any powers
17 conferred by this subtitle in accordance with
18 international law, and bring such vessel and all persons
19 and things on board within the fishery waters;

20 (e) seize:

21 (i) any vessel (including its fishing gear,
22 equipment, stores and cargo), vehicle, fishing gear,
23 nets or other fishing appliances or aircraft that he has
24 reasonable grounds to believe has been or is being used
25 in the commission of an offense or in respect of which

1 the offense has been committed;

2 (ii) any fish or fish products that he has
3 reasonable grounds to believe have been caught in the
4 commission of an offense or are possessed in
5 contravention of this subtitle;

6 (iii) any logs, charts or other documents
7 required to be maintained by this subtitle or under the
8 terms of any license or other authorization or which he
9 has reasonable grounds to believe show or tend to show,
10 with or without other evidence, the commission of an
11 offense against this subtitle; and

12 (iv) any thing which he has reasonable
13 grounds to believe might be used as evidence in any
14 proceeding under this subtitle;

15 (f) arrest any person who he has reasonable
16 grounds to believe has committed an offense against this
17 subtitle; and

18 (g) issue citations as authorized by regulations
19 promulgated under section 703 of chapter 7 of this
20 subtitle.

21 (3) An authorized officer may, while arresting any
22 person or fishing vessel that he has reasonable grounds
23 to believe has done any act in contravention of this
24 subtitle, use such force as is reasonably necessary in
25 the circumstances to effect the arrest.

1 (4) Any person arrested without a warrant under this
2 section shall be detained and dealt with in accordance
3 with law.

4 (5) An authorized officer may:

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

7 (b) exercise any other lawful authority.

8 (6) A written receipt shall be given for any article
9 or thing seized under this section and the grounds for
10 such seizure shall be stated in such receipt.

11 (II) Beyond the fishery waters.

12 (1) An authorized officer may exercise any of the
13 powers under this Title beyond the fishery waters of the
14 Federated States of Micronesia in respect of any flag
15 fishing vessel, foreign fishing vessel or any person on
16 board any such vessel and relating to fisheries
17 inspection, compliance or enforcement provided that the
18 exercise of those powers is authorized by an access
19 agreement or fisheries management agreement to which the
20 Federated States of Micronesia is a party or authorized
21 under a conservation and management measure of a
22 regional fisheries management organization or
23 arrangement to which the Federated States of Micronesia
24 is a member.

25 (2) In exercising his powers beyond the fishery

1 waters, an authorized officer shall comply with the
2 procedures and requirements under such access agreement
3 or fisheries management agreement or conservation and
4 management measures implemented by a regional fisheries
5 management organization or arrangement.

6 (3) The Authority may make regulations providing for
7 additional measures and powers for authorized officers
8 beyond the fishery waters."

9 Section 12. Section 606 of title 24 of the Code of the
10 Federated States of Micronesia (Annotated), is hereby amended to
11 read as follows:

12 "Section 606. Appointment of authorized observers; port
13 samplers.

14 (1) The Executive Director may appoint, in writing,
15 any person to be an authorized observer or class of
16 persons to be authorized observers for the purposes of
17 this subtitle, any access agreement or any fisheries
18 management agreement.

19 (2) Authorized observers appointed under this
20 subtitle shall exercise their duties beyond the fishery
21 waters in accordance with any access agreement or
22 fisheries management agreement. The Authority may enter
23 into such reciprocal agreement or arrangement necessary
24 to facilitate the exercise of the authorized observer's
25 duties beyond the fishery waters.

1 (3)[(2)] The Executive Director may appoint, in
2 writing, any authorized observer to serve as a port
3 sampler. Port samplers shall perform the duties of
4 authorized observers at a point of transshipment or port
5 located either inside or outside the Federated States of
6 Micronesia.

7 ~~[(3) Authorized observers and port samplers shall not~~
8 ~~be appointed as authorized officers and shall not~~
9 ~~be authorized to take enforcement action under this~~
10 ~~subtitle.]~~

11 (4) The Authority may promulgate regulations that
12 provide, *inter alia*, for:

- 13 (a) observer duties within the fishery waters;
14 (b) observer duties on the high seas and in
15 waters under the jurisdiction of another nation;
16 (c) conduct of observers and related penalties;
17 (d) observer agents including the conduct and
18 registration or licensing of such agents; and
19 (e) reciprocal agreements or arrangements for
20 the recognition of observers appointed by another
21 nation.

22 (5)[(4)] The requirements of sections 607(1), 607(2),
23 607(6), 607(7), 608, 609 and 610 shall apply equally to
24 authorized observers and port samplers."

25 Section 13. Section 611 of title 24 of the Code of the

1 Federated States of Micronesia (Annotated), is hereby amended to
2 read as follows:

3 "Section 611. Transponders required.

4 (1) The Authority may require, as a condition of
5 fishing in the exclusive economic zone, that the
6 operator of any vessel:

7 (a) install on such vessel, at its own expense,
8 a transponder approved by the Authority;

9 (b) maintain such transponder in good working
10 order at all times during the period of validity of a
11 permit [~~while in the fishery waters or such other area~~
12 ~~as may be agreed or designated~~]; [and]

13 (c) consent to the monitoring of the transponder
14 by the Authority in all waters and at all times during
15 the period of validity of the permit; and

16 (d)[~~(e)~~] ensure that any information or data required
17 by the Authority to be transmitted by the transponder is
18 transmitted continuously, accurately and effectively to
19 the designated receiver."

20 Section 14. Section 701 of title 24 of the Code of the
21 Federated States of Micronesia (Annotated), is hereby amended to
22 read as follows:

23 "Section 701. Jurisdiction of the court.

24 (1) Any case or controversy arising under this
25 subtitle or out of any act or omission committed in

1 contravention of any provision of this subtitle by any
2 person:

3 (a) within the fishery waters; or

4 (b) outside the fishery waters by any
5 flag vessel, citizen or person ordinarily resident in
6 the Federated States of Micronesia; or

7 (c) by any person on board any fishing vessel
8 registered in the Federated States of Micronesia shall
9 be subject to the jurisdiction of the Supreme Court of
10 the Federated States of Micronesia and judicial
11 proceedings shall be taken as if such act or
12 omission had taken place in the Federated States of
13 Micronesia within the jurisdiction of the Supreme Court
14 of the Federated States of Micronesia.

15 (2) Where an authorized officer is exercising any
16 powers conferred on him outside the fishery waters in
17 accordance with section 603(II) of chapter 6 of this
18 subtitle, any act or omission of any person in
19 contravention of any of the provisions of this subtitle
20 shall be deemed to have been committed within the
21 fishery waters.

22 (3) Notwithstanding any provision of any other law of
23 the Federated States of Micronesia, any information or
24 complaint with respect to any violation of this subtitle
25 must be filed within two years of the discovery of

1 the violation.

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

7 Section 15. Section 907 of title 24 of the Code of the
8 Federated States of Micronesia (Annotated), is hereby amended to
9 read as follows:

10 "Section 907. Fishing, Conducting Research or
11 training or Related Activities without a valid
12 permit.

13 (1) No person shall use any [~~fish~~ing] vessel for,
14 and the crew and operator of any [~~fish~~ing] vessel
15 shall not engage in, commercial or non-commercial
16 fishing, research or related activities in the
17 [~~exclusive economic zone~~] fishery waters without a
18 valid and applicable permit as required pursuant to
19 sections 103, 104 or 117 of chapter 1 of this
20 subtitle.

21 (2) Any person who commits an act in violation of
22 this section shall be subject to a civil penalty of
23 not less than \$100,000 and not more than \$1,000,000.

24 (3) Where a person who violates this section for
25 not having a valid permit employs fish aggregating

1 device prohibited by section 404(B)(2) of chapter 4
2 of this subtitle, the maximum penalty applicable
3 under this section shall be \$2,000,000."

4 Section 16. Section 910 of title 24 of the Code of the
5 Federated States of Micronesia (Annotated), is hereby amended to
6 read as follows:

7 "Section 910. Improper stowage of fishing gear and
8 reporting requirement.

9 (1) No operator of a fishing vessel in the fishery
10 waters shall refuse or otherwise fail to stow all
11 fishing gear in such a manner that it is not readily
12 available for use in fishing except when such
13 fishing vessel is in an area in which it is
14 authorized to fish in accordance with this subtitle.

15 (2) No operator of a vessel which is used for,
16 equipped to be used for or of a type that is
17 normally used for fishing or related activities
18 transiting the fishery waters shall, upon entry and
19 while within the fishery waters, refuse or otherwise
20 fail to report its name, International Radio Call
21 Sign, flag registration, date and time, position (to
22 1 minute of arc), complement, intended activity in
23 the fishery waters, catch on board, and such other
24 information prescribed, to the Authority in the
25 manner prescribed.

1 (3) Where the operator of a vessel transiting the
2 fishery waters refuses or otherwise fails to report
3 the information described in subsection (2), there
4 shall be a refutable presumption that all fish found
5 on board such vessel have been caught within the
6 fishery waters in violation of this subtitle.
7 ~~(4)[(2)]~~ Any person who commits an act in violation
8 of this section shall be subject to a civil penalty
9 of not less than \$50,000 and not more than
10 \$500,000."

11 Section 17. Section 911 of title 24 of the Code of the
12 Federated States of Micronesia (Annotated), is hereby amended to
13 read as follows:

14 Section 911. Violation of marine space.

15 (1) No person shall use a vessel which is used for,
16 equipped to be used for or of a type that is normally
17 used for related activities for entering or remaining
18 within the exclusive economic zone in violation of any
19 provision of this subtitle.

20 (2) No operator of a vessel which is used for,
21 equipped to be used for or of a type that is normally
22 used for related activities entering or remaining within
23 the exclusive economic zone shall, upon entry and while
24 within the exclusive economic zone, refuse or otherwise
25 fail to report its name, International Radio Call Sign,

