TWENTIETH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SEVENTH SPECIAL SESSION, 2019

C.B. NO. 20-289

A BILL FOR AN ACT

To further amend section 611 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 19-169, to correct a technical error, and for other purposes.

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

1 Section 1. The purpose of this Act is to correct a 2 technical error in section 611 of title 24 of the Code of the 3 Federated States of Micronesia. Public Law No. 19-169 amended 4 paragraph (1) of section 611 and omitted paragraphs (2)-(5) of 5 that section, inadvertently causing them to be deleted. This 6 Act reinserts paragraphs (2)-(5) of section 611 of title 24 of 7 the Code of the Federated States of Micronesia.

8 Section 2. Section 611 of title 55 of the Code of the 9 Federated States of Micronesia (Annotated), as amended by 10 Public Law No. 19-169, is hereby further amended to read as 11 follows:

12 "Section 611. Transponders required.

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

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

(b) maintain such transponder in good working
order at all times during the period of validity of a

1 permit; 2 (c) consent to the monitoring of the transponder 3 by the Authority in all waters and at all times during the period of validity of the permit; and 4 5 (d) ensure that any information or data required 6 by the Authority to be transmitted by the transponder is 7 transmitted continuously, accurately and effectively to the designated receiver. 8 9 (2) For the purposes of this subtitle, a 10 transponder, which may also be referred to as an automatic location communicator or ALC, means any 11 12 device or machine placed on a fishing vessel as a 13 condition of its permit or access agreement, which 14 transmits, whether in conjunction with another machine or other machines, elsewhere or not, information or 15 data concerning the position, fishing and such other 16 17 activities of the vessel as may be required. 18 (3) The Authority may establish by regulation a 19 list of approved transponders. An approved transponder shall be presumed to be accurate; a 20 transponder that is not approved shall not be presumed 21 to be accurate. All information or data obtained or 22 23 ascertained by the use of a transponder, shall be 24 presumed to: 25 (a) come from the vessel so identified; and

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1	(b) be given by the master, owner and
2	charterer of the fishing vessel. This presumption
3	shall apply whether or not the information was stored
4	before or after any transmission or transfer.
5	(4) No person shall intentionally, recklessly or
6	unintentionally destroy, damage, render inoperative or
7	otherwise interfere with a machine aboard a vessel
8	which automatically feeds or inputs information or
9	data into a transponder, or intentionally feed or
10	input information or data into a transponder which is
11	not officially required or is meaningless.
12	(5) Any person who violates subsection (1) or
13	subsection (4) of this section, by failing to install,
14	maintain, or ensure the transmission of information
15	from a transponder as required, is subject to a civil
16	penalty of not less than \$100,000 and not more than
17	<u>\$500,000."</u>
18	Section 3. This act shall become law upon approval by the
19	President of the Federated States of Micronesia or upon its
20	becoming law without such approval.
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22	Date: 3/6/19 Introduced by: /s/ Wesley W. Simina
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