A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, for the purpose of strengthening measures for the conservation and protection of marine resources under national jurisdiction, by adding a new subtitle III to enact a FSM Marine Spatial Plan for the Federated States of Micronesia; to provide for national marine protected areas; to require environmental impact assessment whenever applicable in the Exclusive Economic Zone of the Federated States of Micronesia and other marine areas over which the Federated States of Micronesia is entitled to exercise or assert sovereign rights; to amend section 2025 of subtitle II of title 24 of the FSM Code, as amended, by carving out from its application Protected Area and Marine Reserve as defined in such subtitle, and for other purposes.

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


2. Section 2. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by creating a new chapter 1 under subtitle III entitled: “General Provisions.”

3. Section 3. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 101 under chapter 1 of subtitle III, to read as follows:

“Section 101. Short Title. This subtitle shall be
known and may be cited as the “FSM Marine Spatial Planning Act of 2022”.

Section 4. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 102 under chapter 1 of subtitle III, to read as follows:

"Section 102. Legislative findings. The FSM Congress finds that:

1) The Pacific Ocean and its many resources are of environmental, economic, aesthetic, recreational, social, cultural and historic importance to the people of the Federated States of Micronesia.

2) The prospecting, exploration, development and extraction of ocean resources by both private companies and government-backed initiatives have gained increasing attention, raising the risk of conflicting uses and demands on ocean resources for food and minerals, which may jeopardize values of importance to the people of the Federated States of Micronesia.

3) It is important that the Federated States of Micronesia engage in comprehensive marine spatial planning, including the development and maintenance of a marine spatial plan, to promote integrated management of living and non-living marine resources within national jurisdiction, in particular, in the exclusive economic
zone and in the areas considered as continental shelf
beyond the exclusive economic zone; to ensure effective
participation in planning and management of ocean
resources and uses which may affect the Federated States
of Micronesia; to coordinate management of ocean
resources with state and local government management of
coastal shores and resources; and to support long-term
conservation in the exclusive economic zone of the
Federated States of Micronesia, including by ensuring
the full protection of at least 30 (thirty) percent of
these waters.

4) While much is known about the ocean, its
composition, attributes, and resources, additional
research is required to gain information and
understanding necessary for sound ocean planning and
management.”

Section 5. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 103 under chapter 1 of subtitle III, to
read as follows:

“Section 103. Purpose and legislative policy. This
subtitle establishes the framework for implementing
marine spatial planning in the Federated States of
Micronesia. The purposes of this subtitle are to:

1) promote economic growth, the environmentally
sound development of marine waters of the Federated States of Micronesia and the use of marine resources on a sustainable basis;

2) provide for the designation and management of national marine protected areas;

3) contribute to achieving the goals of marine spatial planning described in this subtitle; and

4) establish the principles of planning and the requirements for the planning procedure.”

Section 6. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 104 under chapter 1 of subtitle III, to read as follows:

“Section 104. Application of this subtitle. This subtitle applies to:

1) all individuals, whether or not citizens of or residents in the Federated States of Micronesia; and

2) all bodies corporate, whether or not incorporated or carrying on business in the Federated States of Micronesia.”

Section 7. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 105 under chapter 1 of subtitle III, to read as follows:

“Section 105. Jurisdiction. This subtitle applies to
the entire territory of the Federated States of Micronesia under national jurisdiction, including all areas over which the Federated States of Micronesia exercises sovereignty or is entitled to assert sovereign rights, and further including, for all marine waters, the seabed, subsoil, and water column.”

Section 8. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 106 under chapter 1 of subtitle III, to read as follows:

"Section 106. Definitions. For the purposes of this Act, the following definitions shall apply:

1) “Activities” includes any commercial, recreational, conservation, cultural, subsistence, or other activities carried out by humans in marine waters, including, without limitation, fishing and other harvesting of fauna and flora; swimming; surfing; boating, yachting, and sailing; shipping; diving and snorkeling; mineral exploration and extraction; research, education, and training; tourism; wildlife viewing; energy production; transportation; and aquaculture;

2) “Atoll" means a naturally formed coral reef system which has one or more islands situated on the reef system, including, but not limited to, Ngulu,
Ulithi, Sorol, Eauripik, Woleai, Paraulep, Ifalik,
Olaimarao, Elato, Lamotrek, West Fayu, Puluwat, Pulap,
Pulusuk, Namonuito, Kuop, Nomowin, Murilo, Losap,
Namoluk, Satawan, Etal, Lukunor, Minto Reef, Oroluk,
Nukuoro, Kapingamarangi, Pakin, Ant, Sapwuahfik,
Mwoakilloa and Pingelap;

3) “Authorized Officer” means any person or category
of persons designated pursuant to section 602 of chapter
6 of this subtitle as an authorized officer;

4) “Citizen” means a person who is a citizen of the
Federated States of Micronesia;

5) “Closed Area” means an area in which fishing or
other extraction of resources is prohibited;

6) “Closed Season” means a period of time during
which fishing or other extraction of resources is
prohibited;

7) “Committee” means the National Marine Spatial
Planning Advisory Committee established pursuant to
section 204 of chapter 2 of this subtitle;

8) “Commercial Fishing” means any fishing resulting
or intending or appearing to result in the sale or trade
of any fish which may be taken during the fishing
operations, and does not include subsistence fishing;

9) “Continental Shelf” means the continental shelf
of the Federated States of Micronesia as defined in
title 18 of this code, and includes any areas of
extended continental shelf as further defined therein
and claimed by the Federated States of Micronesia in
accordance with article 76 of the United Nations
Convention on the Law of the Sea;

10) “Contiguous Zone” means the contiguous zone of
the Federated States of Micronesia as defined in title
18 of this code;

11) “Court” means the Supreme Court of the Federated
States of Micronesia;

12) “Department” means the Department of Resources
and Development;

13) “Exclusive Economic Zone” means the exclusive
economic zone of the Federated States of Micronesia as
defined in title 18 of this code;

14) “Fish” means any living marine resource;

15) “Internal Waters” means the internal waters of
the Federated States of Micronesia as defined in title
18 of this code;

16) “Island” means a naturally formed area of land
surrounded by water, which is above water at high tide;

17) “Marine Protected Area” means an ocean area
designated as a national marine protected area and
managed pursuant to chapter 4 of this subtitle, or
pursuant to another law of a State or of the Federated
States of Micronesia, or by other lawful means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values;

18) “Marine Resource” means the natural resources in the marine waters of the Federated States of Micronesia, whether living or non-living;

19) “Marine Spatial Plan” or Plan” means a plan, adopted pursuant to this Act, or by a State marine spatial planning law, including all associated maps and materials, that allocates the spatial and temporal distribution of human activities in an area of marine waters of the Federated States of Micronesia;

20) “Marine Spatial Planning” means the public process established by this Act, or by a State marine spatial planning law, for analyzing and allocating the spatial and temporal distribution of human activities in an area of marine waters of the Federated States of Micronesia to achieve ecological, economic, and social objectives;

21) “Marine Waters of the Federated States of Micronesia” or “Marine Waters” means the waters located within the maritime zones of the Federated States of Micronesia, and unless otherwise specified, includes: the water column; the seabed, subsoil, and any minerals contained therein; the continental shelf and any
extension thereof; all flora, fauna, historical or
cultural features; anyone or anything else located in or
on the water and the subsoil; and natural phenomena such
as tidal, wind, and solar influences;

22) “Maritime Zone” means the internal waters,
Territorial Sea, contiguous zone, and exclusive economic
zone of the Federated States of Micronesia, and any
other such zone that may be lawfully established
pursuant to title 18 of this code;

23) “Ocean Area” means any clearly defined
geographical area located within the marine waters of
the Federated States of Micronesia, and unless otherwise
specified, includes: the surface and airspace above the
water; the water column; the seabed, subsoil, and any
minerals contained therein; the continental shelf and
any extension thereof; all flora, fauna, historical or
cultural features; anyone or anything else located in or
on the water; and natural phenomena such as tidal, wind,
and solar influences;

24) “Offshore” means the marine waters located beyond
12 (twelve) nautical miles from baselines;

25) “Person” means and natural person or business
enterprise and includes, but is not limited to, a
corporation, partnership, cooperative, association, the
government of any of the four States, or any political
subdivision thereof, and any foreign government,
subdivisions of such government or other entity;

26) "Plan Area" means the total area of marine waters
of the Federated States of Micronesia covered by a
marine spatial plan;

27) "Protected Areas Network" or "PAN" means the
National Protected Areas Network of the Federated States
of Micronesia, as it may be further elaborated through
policy statements and law;

28) "Recreational Fishing" means fishing for sport or
leisure;

29) "Regulation" or "Regulations" means any
regulation which may be promulgated pursuant to this
subtitle;

30) "Secretary" means the Secretary of the Department
of Resources and Development;

31) "Territorial Sea" means the Territorial Sea of
the Federated States of Micronesia as defined in title
18 of this code; and

32) "Use Zone" means an area of marine waters that is
designated as a zone for purposes of this Act and that
prioritizes or excludes one or more activities or forms
of development."

Section 9. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 107 under chapter 1 of subtitle III, to read as follows:

"Section 107. Principles and approaches. To achieve the objectives of this subtitle, and in the implementation of this subtitle, the Federated States of Micronesia shall be guided by the following principles and approaches:

1) the principle of non-regression (a commitment to not walking back environmental protections, once in place, afforded by law or regulation);

2) the polluter pays principle (the individual or company responsible for introducing or spreading pollution should bear the costs of measures to prevent, eradicate, contain or manage that pollution and to mitigate and remediate the damage it gives rise to);

3) the precautionary principle (lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental damage to habitats or species when there is a threat of serious or irreversible environmental degradation);

4) evidence-based decision making (making decisions about a program, practice, or policy that are grounded in the best available research evidence and informed by experiential evidence from the field and relevant contextual evidence);
5) the use of best available science;
6) the use of best available technology;
7) the ecosystem approach (a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way);
8) ecosystem-based management (integration of biological, social, and economic factors into a comprehensive strategy aimed at protecting and enhancing sustainability, diversity, and productivity of natural resources);
9) an integrated approach (an integrated approach to the conservation of marine resources and the management of maritime activities that is cross-sectoral and also works across the various levels of government);
10) adaptive management (a systematic approach for improving management through learning by management outcomes);
11) an approach that builds ecosystem resilience to the adverse effects of climate change and ocean acidification and restores ecosystem integrity;
12) consideration of the traditional knowledge and practices held by indigenous peoples and local communities;
13) recognition of traditional leadership
(traditional leaders should be consulted on management and in decisions about over-consumption or the destruction of any species, place, or thing);

14) not undermining conservation efforts;

15) the non-transfer, directly or indirectly, of damage of hazards from one area to another and the non-transformation of one type of pollution into another;

16) public trust (holding that marine resources belong to the people and are held in trust by the Government for its people and future generations, and that marine waters should be managed as a common area, not owned exclusively by or for the benefit of any one group or private interest);

17) transparency (processes used to make decisions should be easily understood by the public, allowing citizens to see how decisions are made, and how resources have been allocated); and

18) public participation (the Government shall establish means of public participation by informing all interested parties and by consulting relevant stakeholders and authorities, and the public concerned, at an early stage in the development of a marine spatial plan, in accordance with this subtitle, the law of the Federated States of Micronesia, and traditional processes of engagement).”
Section 10. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 108 under chapter 1 of subtitle III, to read as follows:

"Section 108. Severability. If any provision of this subtitle or amendments or additions thereto, or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions, application, amendments or additions that can be given effect without the invalid provisions or application, and to this end the provisions of this subtitle and the amendments or additions thereto are severable."

Section 11. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by creating a new chapter 2 under subtitle III entitled: "Administration."

Section 12. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 201 under chapter 2 of subtitle III, to read as follows:

"Section 201. Government coordination and administration. The responsibility for developing, executing and implementing a marine spatial plan shall be with the Department of Resources and Development, at
the direction of the Secretary in consultation with the National Marine Spatial Planning Advisory Committee established pursuant to section 204 of chapter 2 of this subtitle. The Secretary shall provide timely updates to the President or a secretariat in the President’s Office for coordination and accountability purposes.”

Section 13. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 202 under chapter 2 of subtitle III, to read as follows:

“Section 202. Secretary of the Department of Resources and Development—duties and functions.

1) The Secretary shall formulate and implement a legal framework to promote, administer, manage, implement, and coordinate marine spatial planning in the Federated States of Micronesia.

2) The Secretary shall, as appropriate and pursuant to the requirements of this subtitle:

a) develop and adopt one or more marine spatial plans;

b) modify a marine spatial plan;

c) revoke a marine spatial plan;

d) ensure cooperation among other governmental departments with respect to marine spatial planning, including by way of consultation with the National
Marine Spatial Planning Advisory Committee;

e) seek to resolve user conflicts; and

f) report to the President on implementation of
marine spatial planning in the Federated States of
Micronesia at least once every 2 (two) years.

3) Except as may be expressly provided, nothing in
this subtitle is intended to change or limit the
existing authority of the Secretary, the Department, or
any other governmental entity.”

Section 14. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 203 under chapter 2 of subtitle III, to
read as follows:

“Section 203. Regulations.

1) The Secretary promulgate suitable regulation
according to the Administrative Procedures Act in order
to implement this subtitle.

2) The Secretary has further authority to adopt
regulation with respect to the following subjects:

a) the operation of the National Marine Spatial
Planning Advisory Committee;

b) the content of a marine spatial plan,
including its elements and form;

c) the process for developing and adopting a
marine spatial plan, modifying a marine spatial plan, or
revoking a marine spatial plan;

d) the collection of and response to public
comments, or any other aspect of public participation
with respect to marine spatial planning;

e) the categories of use zones that may be
included in a marine spatial plan and the applicable
requirements for such use zones;

f) monitoring and conducting reviews of a
marine spatial plan;

g) the designation and management of national
marine protected areas in the exclusive economic zone
and continental shelf of the Federated States of
Micronesia;

h) the collection, storage, management, and
sharing of spatial data and other information
pertaining to marine spatial planning;

i) marine scientific research;

j) procedures for resolving user conflicts;

k) prescribing penalties and offenses for
violations of this subtitle;

l) the payment of fees and fines pursuant to
this subtitle;

m) marine spatial plan administration,
compliance, and enforcement; and

n) any other subject deemed necessary for the
3) Regulations adopted by the Secretary shall have the full force and effect of law, and shall be considered an integral part of this subtitle.”

Section 15. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 204 under chapter 2 of subtitle III, to read as follows:

“Section 204. National Marine Spatial Planning Advisory Committee—established.

1) To provide advise to the Secretary regarding the marine spatial plan, there is hereby a National Marine Spatial Planning Advisory Committee comprised of the following national officials: the Secretary of Justice; the Secretary of Environment, Climate Change and Emergency Management; the Secretary of Foreign Affairs; Secretary of Transportation, Communication & Infrastructure, Director of National Archive, Cultural and Historic Preservation, and the Executive Director of the National Oceanic Resource Management Authority, or their designated representatives.

2) The Committee shall:

a) review and advise the Secretary on every proposal to adopt, modify, or revoke a marine spatial plan;
b) advise the Secretary on the resolution of user conflicts;

c) advise the Secretary on the review of a marine spatial plan;

d) facilitate cooperation between relevant governmental departments as it relates to marine spatial planning;

e) provide a forum for discussing ocean resource policy, planning and management issues and, when appropriate, mediating disagreements; and

f) otherwise advise, assist, and make recommendations to the Secretary, as requested, on matters relating to the implementation of this subtitle.

3) The Committee may engage scientific and technical experts, from inside as well as outside of Government, to develop knowledge and understanding of relevant issues related to marine spatial planning. The Committee may also engage with the relevant state officials and agencies to ensure broad consultation with respect to the marine spatial plan."

Section 16. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by creating a new chapter 3 under subtitle III entitled: "Marine Spatial Planning."
Section 17. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 301 under chapter 3 of subtitle III, to read as follows:

"Section 301. Adoption of marine spatial plan.

1) The Secretary shall, pursuant to the requirements of this subtitle, adopt one or more marine spatial plans to beneficially organise and regulate activities in the exclusive economic zone of the Federated States of Micronesia.

2) Upon delegation by a State of its authority to implement marine spatial planning in the Territorial Sea or internal waters, the Secretary, pursuant to the requirements of this subtitle, shall adopt one or more marine spatial plans according to the delegated authority.

3) In preparing and adopting any marine spatial plan, the Secretary shall:

a) develop a draft plan that satisfies the requirements of this subtitle;

b) seek review of the draft plan by the National Marine Spatial Planning Advisory Committee and seek to address the advice of the Committee;

c) ensure adequate consultation with all public and private stakeholders with respect to the plan area,
including State governments and traditional leaders;

d) make the draft plan subject to a public
notice and comment process at least as stringent as that
provided for by the Administrative Procedures Act; and

e) publish the final plan in the form of a
regulation.

4) A marine spatial plan takes effect upon the
effective date of the regulation adopting it.”

Section 18. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting new section 302 under chapter 3 of subtitle III, to read
as follows:

“Section 302. Plan elements and criteria.

1) The Secretary shall include in a marine spatial
plan official maps issued by authority under title 18 of
this Code, narrative descriptions, and other elements as
may be necessary to clearly describe the plan area, any
use zones within the plan area, and the activities that
are subject to the plan.

2) Without restricting the generality of subsection
(1) hereof, the Secretary shall ensure that a marine
spatial plan includes the following elements—

a) one or more maps that delineate by way of
Global Positioning System coordinates:

i) the boundaries of the plan area; and
ii) any use zones within the plan area in which one or more specified activities are allowed, prohibited, or otherwise regulated, to facilitate implementation, compliance, and enforcement;

b) for each use zone within the plan area, a written description including:

i) identification of permissible activities in the use zone, including any licenses, permits, or other permissions that may be required to engage in such activities;

ii) a concise description of any prohibitions, limitations, or other requirements applicable to the use zone, including as to the nature, timing, duration, or location of any activity; and

iii) references to any other Act, law, regulation, marine protected area designation, or policy of the Federated States of Micronesia, or of any State where such State has delegated planning authority to the National Government pursuant to this Act, that governs activities within the use zone.

3) The Secretary shall use best efforts to delineate the boundaries of the plan area and any use zones contained therein so as to allow for ease of administration and enforcement, including through the use of straight lines not less than 60 (sixty) nautical
miles in length.

4) Subject to subsection 5), the Secretary may include as part of a marine spatial plan additional elements to assist in the implementation, administration, and public understanding of the plan, such as:

a) narrative information (e.g., concerning the cultural, environmental, economic, or social context of the plan area; the plan’s procedural history and development; or relevant regional or international factors);

b) an implementation plan or similar tool to aid in the plan’s effectiveness;

c) references to scientific data and information, studies, and reports; and

d) supplemental maps, charts, graphs, tables, photographs, and other graphic materials or visual aids.

5) Any additional element included in a marine spatial plan pursuant to subsection 4) does not provide an independent basis for enforcement against any person, except as the Secretary may expressly provide by regulation.

6) The Secretary shall ensure that a marine spatial plan—

a) reflects the principles and approaches
contained in section 107 of chapter 1 this subtitle; and

b) identifies and addresses, subject to section
306(2) of chapter 3 of this subtitle, all present
activities, and any reasonably anticipated future
activities in the plan area; and

c) conforms to national law and is consistent
with the regional and international obligations and
commitments of the Federated States of Micronesia as
implemented by national law.”

Section 19. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting new section 303 under chapter 3 of subtitle III, to read
as follows:

“Section 303. Use zones.

1) In preparing a marine spatial plan, the Secretary
may delineate one or more use zones within the plan area
in which specified activities are allowed, prohibited,
or otherwise regulated.

2) The following categories of areas constitute use
zones for purposes of this subtitle:

a) any marine protected area;

b) any use zone established pursuant to
regulations promulgated under this subtitle; and

c) any area or zone otherwise provided for by
the law of the Federated States of Micronesia or of a
State where such State has delegated planning authority to the National Government pursuant to this subtitle.

3) The categories of use zones identified in subsection (2) hereof shall have independent legal effect separate and apart from the legal effect of the marine spatial plan."

Section 20. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 304 under chapter 3 of subtitle III, to read as follows:

"Section 304. Plan modification and revocation.

1) The Secretary may, pursuant to the requirements of this section, modify a marine spatial plan:

a) to include a new activity, or to more effectively address a changed activity, within the plan area;

b) to account for new scientific data or other information that suggests the need to revisit a use zone’s requirements or boundaries;

c) to account for a change in the law, policy, or international obligations of the Federated States of Micronesia that affects how activities or ocean areas covered within the plan area are regulated; or

d) in response to any other change in circumstances that, in the judgment of the Secretary,
requires a modification.

2) The Secretary may revoke a marine spatial plan—
   a) when doing so is necessary to replace the plan with a new marine spatial plan; or
   b) when, for any reason, the plan is no longer consistent with the requirements of this subtitle or another law—and the plan cannot be made consistent by way of a modification pursuant to this section.

3) In modifying or revoking any marine spatial plan, the Department shall follow the procedure set forth in section 301(3) of chapter 3 of this subtitle, except that such modification or revocation may be published by way of either a new or amended regulation according to the Administrative Procedures Act.

4) The modification or revocation of a marine spatial plan is effective upon promulgation by the Secretary as a new or amended regulation according to the Administrative Procedures Act.”

Section 21. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 305 under chapter 3 of subtitle III, to read as follows:

“Section 305. Plan review.

1) The Secretary may, in consultation with the National Marine Spatial Planning Advisory Committee,
conduct a review of a marine spatial plan:

a) at any time after plan implementation has begun; or

b) in response to an emergency, natural disaster, or significant change in ecological conditions based on best available science or technology.

2) In conducting a review of a marine spatial plan, the Secretary shall prepare written findings.

3) The Secretary shall conduct a review of a marine spatial plan at least once every five years.’’

Section 22. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 306 under chapter 3 of subtitle III, to read as follows:

“Section 306. Plans harmonized; activities addressed.

1) The Secretary shall use best efforts to ensure that all marine spatial plans adopted for the marine waters of the Federated States of Micronesia—whether adopted by the Secretary pursuant to this subtitle or by the States—are harmonized to the greatest extent practicable and implemented in a coordinated manner.

2) If a marine spatial plan adopted pursuant to this subtitle will address fewer than all present activities or reasonably anticipated future activities in the plan area, the Secretary shall include as part of the plan a
brief statement indicating:

a) which activities are to be omitted from the plan;

b) why these activities are to be omitted; and

c) how and when the omitted activities are likely to be addressed in the future.”

Section 23. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 307 under chapter 3 of subtitle III, to read as follows:

“Section 307. Plan duration. Unless a marine spatial plan specifies otherwise, the plan remains in force until modified or revoked pursuant to this subtitle.”

Section 24. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 308 under chapter 3 of subtitle III, to read as follows:

“Section 308. Binding effect of plan. All persons are bound by the requirements of a marine spatial plan, as that plan is expressed through the plan area boundaries, use zone boundaries, use zone requirements, and any other express requirements.”

Section 25. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by
inserting new section 309 under chapter 3 of subtitle III, to read as follows:

"Section 309. Relationship of plan to other laws.

1) Notwithstanding any provision of the code, if all or part of an ocean area is subject to a marine spatial plan, no new regulatory requirements may be imposed in that ocean area except in conformity with the plan.

2) A government official deciding on the issuance of a certificate, license, permit, approval, or other permission under another law for any activity, use, development, or other action that will or is likely to occur within an area subject to a marine spatial plan shall ensure that such decision, and any resulting certificate, license, permit, approval, or other permission, conform to the plan’s requirements to the maximum extent practicable.

3) A proposed project to be implemented in the exclusive economic zone or continental shelf that may have a potential impact on the marine environment, including any such project that will be carried out in a plan area, is subject to the environmental impact assessment requirements of the Federated States of Micronesia."

Section 26. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by
1 inserting new section 310 under chapter 3 of subtitle III, to read
2 as follows:

"Section 310. Marine spatial plan. Notwithstanding any
other provision of this Act, the marine spatial plan
appearing in Schedule 1 is in force."

Section 27. Title 24 of the Code of the Federated States
of Micronesia (Annotated), as amended, is hereby further amended
by creating a new chapter 4 under subtitle III entitled: "National
Marine Protected Areas."

Section 28. Title 24 of the Code of the Federated States
of Micronesia (Annotated), as amended, is hereby further amended
by inserting new section 401 under chapter 4 of subtitle III, to
read as follows:

"Section 401. Designation of national marine protected
areas. The Secretary may, pursuant to the requirements
of this chapter, declare an ocean area located within
the exclusive economic zone or continental shelf to be a
national marine protected area."

Section 29. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting new section 402 under chapter 4 of subtitle III, to read
as follows:

"Section 402. Management of national marine protected
areas.

1) The Secretary shall provide for the management of
any national marine protected area designated pursuant to this chapter.

2) Such management must include a written management plan tailored to the purpose and needs of the national marine protected area.”

Section 30. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 403 under chapter 4 of subtitle III, to read as follows:

“Section 403. Protected Areas Network.

1) National marine protected areas designated pursuant to this chapter are included in the Protected Areas Network of the Federated States of Micronesia.

2) The Secretary shall use best efforts to ensure that the designation, implementation, and management of national marine protected areas designated pursuant this chapter are carried out so as to maximize the conservation benefits and effectiveness of the Protected Areas Network as a whole.”

Section 31. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 404 under chapter 4 of subtitle III, to read as follows:

“Section 404. Closed area designated as protected. The closed area established pursuant to section 505 of..."
subtitle I of this title is designated as a national marine protected area.”

Section 32. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 405 under chapter 4 of subtitle III, to read as follows:

“Section 405. National marine protected areas. The areas listed in Schedule 2 are designated as national marine protected areas.”

Section 33. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by creating a new chapter 5 under subtitle III entitled: "Data Management."

Section 34. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 501 under chapter 5 of subtitle III, to read as follows:

“Section 501. Generally. The National Government of the Federated States of Micronesia shall collect, store, manage, and share information, including spatial data, so as to advance the objectives of this Act.”

Section 35. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 502 under chapter 5 of subtitle III, to read as follows:
“Section 502. Management of spatial data and other information. With respect to the management of spatial data and other information, the Secretary shall ensure, by regulation or otherwise, that:

1) spatial data and other information is collected, stored, managed, and made available by the National Government of the Federated States of Micronesia in a centralized manner;

2) it is possible to combine spatial data and other information from different sources in a consistent way and share it between several users and applications;

3) it is possible that spatial data and other information collected at one level of government can be shared between and among other State and National governmental entities; and

4) that spatial data and other information is made available to the public under appropriate conditions.”

Section 36. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting new section 503 under chapter 5 of subtitle III, to read as follows:

“Section 503. Requirement to furnish information. The Secretary may require any person to furnish within a reasonable time any information he reasonably believes is in that person’s possession and that relates to any
matter within the ambit of this Act and is relevant to
the execution of the Department’s functions."

Section 37. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
creating a new chapter 6 under subtitle III entitled:
"Enforcement."

Section 38. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 601 under chapter 6 of subtitle III, to
read as follows:

"Section 601. Enforcement. The Department of Justice
shall have primary responsibility for enforcement of
this chapter."

Section 39. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 602 under chapter 6 of subtitle III, to
read as follows:

"Section 602. Appointment of authorized officers.

1) The Secretary of Justice may, in writing, appoint
any person as an authorized officer or class of person
as authorized officers for the purposes of this subtitle
and such person or persons shall exercise all law
enforcement powers and privileges accorded to authorized
officer by this subtitle.

2) Any officer of the Division of Border Control and
Maritime Surveillance of the Government of the Federated States of Micronesia shall be deemed to be an officer for the purposes of this subtitle.”

Section 40. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 603 under chapter 6 of subtitle III, to read as follows:

“Section 603. Powers of authorized officers.

1) For the purposes of enforcing this subtitle, any authorized officer may:

   a) stop, board, and remain on board any vessel in the plan area for the purpose of conducting routine inspection or inquiry including inspection of registration papers and identity of crew;

   b) stop and search any vessel, vehicle or aircraft in the plan area that he reasonably believes may be transporting marine resources, engaging in other activities related to extraction of marine resources, or violating any requirement of a marine spatial plan or of this subtitle;

   c) require the master or any crew member or other person aboard to inform him of the name, call sign and country of registration of the vessel and the name of the master, owner, charterer and crew members;

   d) examine the master or any crew member or
other person aboard about the cargo, contents of holds
and storage spaces, voyage and activities of the vessel;

e) make such examination and inquiry as may
appear necessary concerning any vessel, vehicle or
aircraft in relation to which any of the powers
conferred by this subsection have been or may be
exercised and take samples of any marine resources;

f) require to be produced, examine and take
copies of any permit, logbook, record or other documents
required under this subtitle or concerning the operation
of any vessel or aircraft;

g) make an entry dated and signed by him in the
logbook of such vessel or aircraft;

h) require to be produced and examine any
marine resources, fishing gear or appliance, explosive,
poison or other noxious substance;

i) give directions to the master and any crew
member of any vessel, vehicle or aircraft stopped,
boarded or searched as may be necessary or reasonably
expedient for any purpose specified in this subtitle or
to provide for the compliance of the vessel, vehicle or
aircraft, or master or any crew member with the
conditions of any permit;

j) endorse any permit; and

h) arrest any person who assaults him or any
other authorized officer in the exercise of his duties under this subtitle.

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

   a) enter, inspect and search any vessel, vehicle, or aircraft, in which he has reasonable grounds to believe an offense has been or is being committed or marine resources have been taken illegally and are being stored;

   b) stop, enter, search and stay in or on any vessel, vehicle, or aircraft which he reasonably suspects of transporting marine resources;

   c) take samples of any marine resources found in any vessel, vehicle, or aircraft inspected or searched under this subtitle;

   d) after hot pursuit of a foreign fishing vessel undertaken in accordance with international law and commenced within the marine waters of the Federated States of Micronesia, stop, board and search outside the marine waters of the Federated States of Micronesia any fishing vessel that he has reasonable grounds to believe has been used in the commission of an offense, exercise any powers conferred by this subtitle in accordance with international law, and bring such vessel and all persons
and things on board within the marine waters of the
Federated States of Micronesia;

e) seize:

   i) any vessel, vehicle, fishing gear, nets
or other fishing appliances or aircraft that he has
reasonable grounds to believe has been or is being used
in the commission of an offense or in respect of which
the offense has been committed;

   ii) any marine resources that he has
reasonable grounds to believe have been taken in the
commission of an offense or are possessed in
contravention of this subtitle;

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

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

f) arrest any person who he has reasonable
grounds to believe has committed an offense against this
subtitle;

g) issue citations as authorized by regulations
promulgated under this subtitle.

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

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

5) An authorized officer may:

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

b) exercise any other lawful authority.

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

Section 41. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 604 under chapter 6 of subtitle III, to read as follows:

“Section 604. Requirements for seized vessels.

1) Where any vessel is seized under this subtitle:

a) the master and crew shall take the vessel to such port as the authorized officer shall designate as being the nearest or most convenient port; and
b) the master shall be responsible for the safety of the vessel and each person on board the vessel, including the crew, himself and any authorized officer until the vessel arrives at the designated port.

2) If the master fails or refuses to take the seized vessel to the designated port, then an authorized officer or person called upon to assist him may do so.

3) If a vessel is taken to port in the circumstances described in subsection 2) of this section, no claim whatever may be made against any authorized officer or the Government of the Federated States of Micronesia in respect of any damage, injury, loss or death occurring while the vessel is being taken, subject to the provisions of this subtitle.

4) The provisions relating to vessel and masters described in subsections 1) to 3) of this section apply equally to vehicles and aircraft seized in accordance with this subtitle, and their drivers and pilots respectively.

5) Any person who commits an act, or omits to act, in violation of this section shall be subject to a civil penalty of not less than $40,000 and not more than $100,000.”

Section 42. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 605 under chapter 6 of subtitle III, to read as follows:

"Section 605. Removal of parts from seized vessels by authorized officers.

1) An authorized officer may remove any part or parts from any seized vessel, vehicle or aircraft held in the custody of the Government of the Federated States of Micronesia for the purpose of immobilizing that vessel, vehicle or aircraft.

2) Any part or parts removed under subsection 1) of this section shall be kept safely and returned to the vessel, vehicle or aircraft upon its lawful release from custody.

3) No person other than an authorized officer shall knowingly possess, or arrange to obtain, any part or parts removed under this section or knowingly possess, or arrange to obtain, or make any replacement or substitute part or parts for those removed under this section or fit or attempt to fit any part or parts or any replacement or substitute part or parts to a vessel, vehicle or aircraft held in the custody of the Government of the Federated States of Micronesia.

4) Any person who commits an act in violation of this section shall be subject to a civil penalty of not less than $15,000 and not more than $50,000."
Section 43. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 606 under chapter 6 of subtitle III, to read as follows:

"Section 606. Duties owed to authorized officers.

1) The master and each crew member of any vessel, the driver of any vehicle and the pilot and crew of any aircraft shall immediately comply with every instruction or direction given by an authorized officer as appropriate and facilitate safe boarding, entry and inspection of the vessel, vehicle or aircraft and any fishing gear, equipment, records and marine resources.

2) The master and each crew member of a vessel, driver of a vehicle and pilot and crew of an aircraft shall take all reasonable measures to ensure the safety of an authorized officer as appropriate in the performance of his duties.

3) No person shall:

   a) assault, obstruct, resist, delay, refuse boarding to, intimidate or fail to take all reasonable measures to ensure the safety of, or otherwise interfere with an authorized officer in the performance of his duties;

   b) incite or encourage any other person to assault, resist or obstruct any authorized officer who
is carrying out his powers or duties, or any person
lawfully acting under the authorized officer’s orders or
in his aid;

c) use threatening language or behave in a
threatening or insulting manner or use abusive language
or insulting gestures towards any authorized officer
while in the execution of his powers or duties, or any
person lawfully acting under an authorized officer’s
orders or in his aid;

d) fail to comply with the lawful requirements
of authorized officer;

e) furnish to any authorized officer any
particulars which, to his knowledge, are false or
misleading in any respect;

f) impersonate or falsely represent himself to
be an authorized officer or falsely represent himself or
herself to be a person lawfully acting under an
authorized officer’s orders or in his aid;

g) resist lawful arrest for any act prohibited
by this subtitle; or

h) breach any other duty to an authorized
officer required under this subtitle.

4) For purposes of subsection 3) of this section,
any person who does not allow any authorized officer or
an authorized observer, or any person acting under his
order or in his aid, to exercise any of the powers
conferred on such person by this subtitle shall be
deemed to be obstructing that officer or person.

5) Every person who is a master, owner, charterer,
agent or company established under the laws of the
Federated States of Micronesia of a vessel that
transports an authorized officer outside the marine
waters of the Federated States of Micronesia and causes
him to disembark outside the territory or jurisdiction
of the Federated States of Micronesia, shall be jointly
and severally liable for a fine plus all costs of
repatriation including board and lodging while out of
the Federated States of Micronesia and direct
transportation to the Federated States of Micronesia. It
is unlawful for any vessel to cause an authorized
officer to disembark outside the territory or
jurisdiction of the Federated States of Micronesia.

6) Any person who violates subsection 3)(a) or 3)(b)
of this section shall be subject to a civil penalty of
not less than $100,000 and not more than $1,000,000.”

Section 44. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 607 under chapter 6 of subtitle III, to
read as follows:

“Section 607. Identification of authorized officers. An
authorized officer, when exercising any of the powers
conferred by this subtitle, shall on request, produce
identification to show that he is an authorized officer
or authorized observer under this subtitle.”

Section 45. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 608 under chapter 6 of subtitle III, to
read as follows:

“Section 608. Protection against liability. Any person
who does, partly does, or omits to do any act in
pursuance or intended pursuance of any functions, powers
or duties conferred by or under this subtitle shall not
be subject to any legal action, or civil or criminal
liability with respect to such act, whether on the
grounds of want of jurisdiction, mistake of law or fact,
or on any other grounds, unless the act, or omissions to
act, was done in bad faith without reasonable cause.”

Section 46. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
creating a new chapter 7 under subtitle III entitled:

“Jurisdiction and Evidence.”

Section 47. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 701 under chapter 7 of subtitle III, to
read as follows:
“Section 701. Jurisdiction of the court.

1) Any case or controversy arising under this subtitle or out of any act or omission committed in contravention of any provision of this subtitle by any person:

   a) within the marine waters of the Federated States of Micronesia; or

   b) outside the marine waters of the Federated States of Micronesia by any flag vessel, citizen or person ordinarily resident in the Federated States of Micronesia; or

   c) by any person on board any vessel registered in the Federated States of Micronesia;

shall be subject to the jurisdiction of the Supreme Court of the Federated States of Micronesia and judicial proceedings shall be taken as if such act or omission had taken place in the Federated States of Micronesia within the jurisdiction of the Supreme Court of the Federated States of Micronesia.

2) Where an authorized officer is exercising any powers conferred on him outside the marine waters of the Federated States of Micronesia in accordance with this subtitle, any act or omission of any person in contravention of any of the provision of this subtitle
shall be deemed to have been committed within the marine waters of the Federated States of Micronesia.

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

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

Section 48. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 702 under chapter 7 of subtitle III, to read as follows:

“Section 702. Presumptions.

1) Where, in any legal proceedings under this subtitle, the place in which an event is alleged to have taken place is in issue:

a) there shall be a refutable presumption that the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place was the place in which the event took place; and
b) *prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft may be given by the production of a written copy or extract of the entry certified by an authorized officer as a true copy or accurate extract.

2) There shall be a refutable presumption that all marine resources found on board any vessel which has been used in the commission of any violation of this subtitle have been caught during the commission of that violation.

3) Where, in any legal proceedings relating to a violation of this subtitle, an authorized officer gives evidence of reasonable grounds to believe any marine resource to which the charge relates were taken in a specified use zone of the marine spatial plan, there shall be a refutable presumption that all the marine resources shall be presumed to have been so taken.

4) Where a photograph taken by an authorized officer is taken of any marine resource extraction or related activity and simultaneously the date, time or position from which the photograph is taken are superimposed upon the photograph then it shall be presumed that the photograph was taken on the date, at the time or in the position so appearing, if:

   a) the camera taking the photograph is
connected directly to the instruments which provide the date, time and position concerned; and

b) the photograph was taken by an authorized officer.”

Section 49. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by creating a new chapter 8 under subtitle III entitled: "Violations and Penalties for Prohibited Acts."

Section 50. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 801 under chapter 8 of subtitle III, to read as follows:

“Section 801. Civil Penalties.

1) Any person who is found by the Supreme Court of the Federated States of Micronesia in a civil proceeding to have committed an act prohibited by this subtitle shall be liable to the Federated States of Micronesia for a civil penalty.

2) Each day of a continuing violation shall constitute a separate offense, for which a separate penalty shall be assessed.

3) In determining the amount of the penalty, the Supreme Court of the Federated States of Micronesia shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and,
with respect to the violator, the degree of culpability,
any history of prior offenses, whether there are
multiple violation which together constitute a serious
disregard of conservation and management measures and
such other matters as justice may require.

4) The Department of Justice is authorized to
initiate all proceedings under this section and to
recover the amount assessed as a civil penalty.

5) The proceeds of civil penalties shall be
deposited into the General Fund of the Federated States
of Micronesia.”

Section 51. Title 24 of the Code of the Federated States of
Micronesia (Annotated), as amended, is hereby further amended by
inserting a new section 802 under chapter 8 of subtitle III, to
read as follows:

“Section 802. Criminal Penalties.

1) Any person who commits an act prohibited by this
subtitle is subject to criminal prosecution.

2) The captain and any crew of a vessel, who is
subject to criminal charges solely for violation of this
subtitle occurring outside the territorial waters but
within the exclusive economic zone or continental shelf
of the Federated States of Micronesia shall be released
upon posting of reasonable bond or other surety.

3) Unless otherwise provided, all maximum
penalties described in this subtitle shall be applicable in both civil and criminal proceedings in respect to the same prohibited acts. In addition to any fine, any criminal violation shall also be punishable by imprisonment for not more than ten years, if in the commission of any such offense the person:

a) uses a dangerous weapon;

b) engages in conduct that causes bodily injury to any authorized officer or other officer authorized to enforce the provisions of this subtitle; or

c) threatens any such person with bodily injury.

4) Each day of a continuing violation shall be considered a separate offense, for which a separate penalty shall be assessed.

5) Fines shall be deposited into the General Fund of the Federated States of Micronesia.

6) Criminal penalties shall be imposed without regard to whether the person committing the prohibited act is also subject to civil proceedings for the same violation, and without regard to the amount of any civil penalty imposed or which may be imposed in such civil proceedings.

7) Nothing in this subtitle shall be interpreted to allow the abatement of a criminal prosecution upon the
late satisfaction of a civil judgment or payment of a fine or other determination pursuant to administrative proceedings under this subtitle.”

Section 52. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 803 under chapter 8 of subtitle III, to read as follows:

“Section 803. Liability for loss or damage. A person found to have committed a violation of this subtitle may be additionally found liable for any loss or damage caused by the violation. The amount of compensation for such loss or damage may be awarded by the Court as restitution in addition to, and recovered in the same manner as, a fine.”

Section 53. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 804 under chapter 8 of subtitle III, to read as follows:

“Section 804. Liability of operators. In any proceedings under this subtitle, the act or omission of any crew member of a vessel or in association with a vessel, shall be deemed to be that of the operator of that vessel.”

Section 54. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended
by inserting a new section 805 under chapter 8 of subtitle III, to read as follows:

"Section 805. Civil liability of officers of companies.

1) Except as further provided in this section, each member of a partnership, officer of a corporation, firm, company or any other business enterprise engaged in activities governed by this subtitle shall be personally liable for any violation of, or offense committed under this subtitle, by any member or employee.

2) It shall be an affirmative defense to liability under this section for the officer to prove by a preponderance of the evidence, that he used due diligence to secure compliance with the subtitle or that the violation or offense was committed without that officer’s knowledge, consent, collusion or collaboration."

Section 55. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 806 under chapter 8 of subtitle III, to read as follows:

"Section 806. Prohibited acts—general.

1) It is a violation of this subtitle for any person to violate a requirement of a marine spatial plan
promulgated pursuant to this subtitle.

2) Any person who has committed an act in violation of subsection 1) of this section regarding:

a. extraction of any marine resources in any closed area of the marine spatial plan;
b. participation in activities prohibited in any us zone of the marine spatial plan;
c. using prohibited gear; or
d. falsifying or concealing the markings, identity or registration of a vessel shall be subject to a civil penalty of not less than $100,000 and not more than $500,000."

Section 56. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 807 under chapter 8 of subtitle III, to read as follows:

"Section 807. Obstruction of justice.

1) No person shall interfere with, delay, or prevent, by any means the apprehension or arrest of another person, knowing or having probable cause to believe that such person has committed any act prohibited by this subtitle.

2) Any person who commits an act in violation of this section shall be subject to a civil penalty of not less than $40,000 and not more than $100,000."
Section 57. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 808 under chapter 8 of subtitle III, to read as follows:

“Section 808. Resisting arrest.

1) No person shall resist a lawful arrest for any act prohibited by this subtitle.

2) Any person who commits an act in violation of this section shall be subject to a civil penalty of not less than $20,000 and not more than $50,000.”

Section 58. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 809 under chapter 8 of subtitle III, to read as follows:

“Section 809. Penalties for other violations of this subtitle. Any person who commits an act in violation of this subtitle, for which no civil penalty is otherwise specified in this chapter or the preceding chapters, shall be subject to a civil penalty of not less than $40,000 and not more than $100,000.”

Section 59. Section 2025 of subtitle II of Title 24 of the Code of the Federated States of Micronesia, as amended, is hereby further amended to read as follows:
"Section 2025. Part of License Area outside of national jurisdiction.

If part of the License area includes or purports to include an area that is outside of the national jurisdiction of the Federated States of Micronesia, [or an area that comprises or is within a Protected Area or a Marine Reserve] [or] an area within the Territorial Sea where such responsibility has not been delegated to NSRA by State under this subtitle[)], then the License remains valid, but does not authorize Seabed Mineral Activities to be carried out within that part until further consultations and conditions are met."

Section 60. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 9/14/22

Introduced by: /s/ Florencio S. Harper

Florencio S. Harper (by request)