A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, by inserting a new section 408 to regulate bunkering and provisioning activities at sea, and for the other purposes.

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

Section 1. Title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended by inserting a new section 408 to read as follows:

"Section 408. Related activities — Bunkering and Provisioning.

(a) No fishing vessel shall engage in or conduct any bunkering or provisioning activities in the Exclusive Economic Zone, except where specifically authorized by the Authority. Bunkering and provisioning activities are also prohibited in the high seas.

(b) Where a fishing vessel is permitted by the authority to conduct bunkering or provisioning activities:

(i) it shall provide a seventy-two (72) hour advance notice to the Authority of a request to conduct bunkering or provision activities and shall provide the name of the vessel, its international radio call sign, its position, the time and location where
such bunkering or provisioning activities is requested to occur and an undertaking to pay all fees required under the laws of the Federated States of Micronesia; and it shall comply with all conditions attached to the authorizations for bunkering or provisioning activities;

(ii) it shall pay such fees required by the Authority or as prescribed by regulation; and

(iii) it shall submit full reports on bunkering or provisioning activities on such form as may be required by the Authority or prescribed by regulation.

(2) No purse seine fishing vessel shall, during the validity of a license issued by the Authority, conduct any bunkering or provisioning activities in the High Seas of the Western and Central Pacific Fisheries Commission Convention Area East of 130 degrees East and South of 20 degrees North.

(3) For the purpose of this section, “bunkering activities” means the transfer to or receiving from a vessel fuel and oil, and “provisioning activities” means the transfer to or receiving from a vessel any supplies not limited to, food, cargo, crew and spare parts required by the vessel.
(4) Any person who violates this section shall be subject to a civil penalty of not less than $75,000 and not more than $275,000."

Section 2. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 7/15/21

Introduced by: /s/ Florencio S. Harper

Florencio S. Harper (by request)