
A BILL FOR AN ACT

To further amend section 404 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 19-169, to grant the National Oceanic Resource Management Authority (NORMA) the discretion to exempt a fishing vessel from the prohibition of fishing in neighbouring high seas, and for other purposes.

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

1 Section 1. Section 404 of title 24 of the Code of the
2 Federated States of Micronesia (Annotated), as amended by Public
3 Law No. 19-169, is hereby further amended to read as follows:

4 "Section 404. Access agreements—minimum terms and
5 conditions.

6 (A) All access agreements shall include the following
7 minimum terms:

8 (1) the foreign party recognizes the sovereign rights
9 and exclusive fishery management authority of the
10 Federated States of Micronesia within the exclusive
11 economic zone;

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

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

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

4 (c) meet the following costs of the authorized
5 observer:

6 (i) full travel costs to and from the
7 vessel;

8 (ii) salary; and

9 (iii) full insurance coverage;

10 (d) display any permit or permit number issued
11 for any such vessel, pursuant to this subtitle, or any
12 other documentation as required by the Authority to be
13 displayed, under any access agreement, in the wheelhouse
14 of such vessel;

15 (e) ensure that appropriate position-fixing and
16 identification equipment is installed and maintained in
17 working order on each vessel;

18 (f) ensure that the vessel is marked and
19 identified in accordance with the Food and Agricultural
20 Organization (FAO) approved Standard Specifications for
21 the Marking and Identification of Fishing Vessels;

22 (g) ensure the continuous monitoring of the
23 international distress and call frequency 2182 kHz (HF)
24 or the international safety and call frequency 156.8 MHz
25 (channel 16, VHF-FM) to facilitate communication

1 with the fisheries management, surveillance and
2 enforcement authorities;

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

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

9 (j) ensure that, promptly upon direction by the
10 Authority, each vessel will have installed, maintained
11 and fully operational at all times on board a
12 transponder, in accordance with section 611 of chapter 6
13 of this subtitle, and shall be responsible for all
14 operational and maintenance costs of the transponder and
15 cooperate fully with the Authority in their utilization.

16 (4) the party to the access agreement shall, for the
17 duration of the access agreement:

18 (a) appoint and maintain a resident agent in the
19 Federated States of Micronesia that is approved by the
20 Authority, or establish and maintain a company
21 registered in accordance with the laws of the Federated
22 States of Micronesia, authorized to receive and respond
23 to any legal process issued in the Federated States of
24 Micronesia with respect to the owner or operator of the
25 vessel, and shall notify the Federated States of

1 Micronesia of the name and address of such agent or
2 company, and any communication, information, document,
3 direction, request or response to, or from that agent or
4 company, shall be deemed to have been sent to, or
5 received from such owner or operator;

6 (b) not exceed any allocation which may be
7 established in any given licensing period in accordance
8 with this subtitle;

9 (c) ensure compliance by each fishing vessel, its
10 operator and crew members, with the access agreement, all
11 laws of the Federated States of Micronesia and the terms
12 of the permit; and

13 (d) ensure compliance by each fishing vessel, its
14 operator and crew members, with sub regional and regional
15 conservation and management measures for highly migratory
16 fish stocks.

17 (B) On such further terms and conditions as may be
18 modified or expanded by regulation promulgated by the
19 Authority in accordance with the Administrative
20 Procedures Act, the following terms and conditions are
21 mandatory to every access agreement:

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

1 (a) fish clearly and demonstrably unfit for human
2 consumption; and

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

5 It is the duty of Master of fishing vessel to report
6 fish discard under (1) (a) and (b) of this subsection.

7 (2) Use of fish aggregating device. There shall be no
8 deployment or servicing of fish aggregating device and
9 associated electronic equipment, or fishing by purse
10 seine vessels on floating objects, between 0001 hours
11 GMT on 1 July and 2359 hours GMT on 30 September each
12 year, except that:

13 (a) by regulation, the Authority may grant
14 exemption to fishing vessels that have suffered
15 disproportionate burden from the prohibition on the use
16 of fish aggregating device; and

17 (b) by regulation, the Authority may provide for
18 appropriate arrangement set out in a FAD management plan
19 to meet the requirements of domestic fishing vessels
20 that are highly dependent on fishing on floating
21 objects.

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

24 (a) the area of high seas bounded by the national
25 waters of the Federated States of Micronesia, Indonesia,

1 Palau, and Papua New Guinea; and

2 (b) the area of high seas bounded by the national
3 waters of the Federated States of Micronesia, Fiji,
4 Kiribati, the Marshall Islands, Nauru, Papua New Guinea,
5 the Solomon Islands, and Tuvalu.

6 (c) On a case-by-case basis, the Authority may
7 exercise discretionary exemption from this prohibition."

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

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12 Date: 7/17/19

Introduced by: /s/ Wesley W. Simina
Wesley W. Simina

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