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.

13   (1) The Authority may require, as a condition of

14   fishing in the exclusive economic zone, that the operator

15   of any vessel:

16   (a) install on such vessel, at its own expense,

17   a transponder approved by the Authority;

18   (b) maintain such transponder in good working

19   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

4   the period of validity of the permit; and

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

8   the designated receiver.

9   (2) For the purposes of this subtitle, a

10   transponder, which may also be referred to as an

11   automatic location communicator or ALC, means any

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

15   or other machines, elsewhere or not, information or

16   data concerning the position, fishing and such other

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

20   transponder shall be presumed to be accurate; a

21   transponder that is not approved shall not be presumed

22   to be accurate. All information or data obtained or

23   ascertained by the use of a transponder, shall be

24   presumed to:

25   (a) come from the vessel so identified; and

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     $500,000."

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1   Section 3. This act shall become law upon approval by the

2 President of the Federated States of Micronesia or upon its

3 becoming law without such approval.

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7   March 26, 2019

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11   /s/ Peter M. Christian
                             Peter M. Christian
12   President
                             Federated States of Micronesia
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