

AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by amending section 113 to enable the waiver of permit fees in certain circumstances, and for other purposes.

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

1 Section 1. Section 113 of chapter 1 of title 24 of the Code
2 of the Federated States of Micronesia, as enacted by Public Law
3 No. 12-34, is hereby amended to read as follows:

4 "Section 113. Permits - fees and charges.

5 (1) No permit shall be issued without payment of a
6 fee, royalty or other form of compensation, except if
7 the royalty, fee or other form of compensation payable
8 has been waived by the Executive Director in accordance
9 with subsection (5) of this section.

10 (2) The Authority shall determine the fees, royalties
11 or other forms of compensation for permits, and other
12 charges it may require in relation to fishing or related
13 activities, including fees and charges related to
14 authorized observers and authorized observer placements.

15 (3) In determining the fees for marine scientific
16 research, the Authority shall take into account a
17 research plan submitted by the applicant, and the long
18 term value of such research to the management and
19 development of any fishery in the exclusive economic

1 zone.

2 (4) Subject to subsection (5) of this section, no
3 permit shall be issued pursuant to this subtitle until
4 the requisite fees, royalties, charges and other forms
5 of compensation have been paid in accordance with this
6 subtitle and in accordance with the terms of any
7 applicable access agreement.

8 (5) If the Executive Director is satisfied, on the
9 basis of all the information before him or her, that a
10 vessel holding a current, valid permit has:

11 (a) located a citizen of the Federated States of
12 Micronesia who is genuinely lost or in distress at sea
13 and has been reported as such to the relevant
14 authorities; and

15 (b) safely delivered that citizen to the nearest
16 port, whether in the Federated States of Micronesia or
17 elsewhere; and

18 (c) in doing so, has not acted contrary to (i)
19 the laws of any state within the Federated States of
20 Micronesia (ii) if the nearest port is outside the
21 Federated States of Micronesia, the laws of the country
22 in which the port is located or (iii) international law;
23 the Executive Director shall waive fees payable, in full
24 or in part, for the next permit granted to that vessel

1 in accordance with subsection (6) of this section. It
2 shall be the responsibility of the individual seeking
3 the waiver of permit fees to provide the necessary
4 information regarding a rescue to the Executive
5 Director.

6 (6) If the Executive Director is satisfied that a
7 vessel is eligible to have permit fees waived in
8 accordance with subsection (5) of this section, he or
9 she shall waive whichever is lower of the full cost of
10 the permit or:

11 (a) for a long line fishing vessel weighing under
12 20 gross tons, \$10,000;

13 (b) for a long line fishing vessel weighing over
14 20 gross tons but under 70 gross tons, \$15,000;

15 (c) for a long line fishing vessel weighing over
16 70 gross tons, \$20,000;

17 (d) for a purse seine fishing vessel, \$25,000; and

18 (e) for any other vessel that may apply for a
19 permit in accordance with this chapter, an amount up to
20 \$25,000, to be determined by the Executive Director."
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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.

December 22, 2005

W/o signature
Joseph J. Urusemal
President
Federated States of Micronesia

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