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A BILL FOR AN ACT

To amend sections 301, 302, 303, 305, 306, 403, 406, 408, and 410 of title 24 of the Code of the Federated States of Micronesia to change the size, composition, and authority of the Micronesian Maritime Authority, and for other purposes.

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

1 Section 1. Section 301 of title 24 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 301. Micronesian Maritime Authority--Established.

4 (1) There is hereby established a Micronesian Maritime
5 Authority composed of ~~four members appointed by the High~~
6 ~~Commissioner!~~ seven members with four members from the
7 Congress of the Federated States of Micronesia appointed by
8 the Speaker of the Congress of the Federated States of Micro-
9 nesia; ~~and one at-large member appointed jointly by the speaker~~
10 ~~and the High Commissioner!~~ by the President of the Federated
11 States of Micronesia in consultation with the Speaker, and the
12 remaining two members being the Secretary of External Affairs,
13 or his designee, and the Secretary of Resources and Develop-
14 ment, or his designee; provided, however, that present members
15 of the Authority who were appointed jointly by the Presiding
16 Officers of the former Congress of Micronesia, and who are
17 also members of the Congress of the Federated States of
18 Micronesia, as well as the appointees of the High Commissioner
19 and the joint appointee of the High Commissioner and the Pres-
20 iding Officers of the former Congress of Micronesia, shall
21 serve until their terms of appointment expire.

22 (2) All appointments shall be for a term of two years.
23 The term of office of each original member shall commence
24 effective the date of the first meeting of the Authority.
25 Vacancies shall be filled in the same manner as the original

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1 appointment for the remainder of the term of office of the
2 vacancy.

3 (3) The chairman shall be chosen by majority vote of
4 the members of the Authority. The Authority shall meet at
5 such times and places as may be designated by the chairman
6 or by the Authority. The Authority shall adopt its own rules
7 of procedure and regulation by majority vote."

8 Section 2. Section 302 of title 24 of the Code of the Federated
9 States of Micronesia is hereby amended to read as follows:

10 "Section 302. Authority; Regulations.

11 (1) The Authority shall have the following authority:

12 (a) to adopt regulations for the conservation,
13 management, and exploitation of all living resources in
14 the extended fishery zone of the Federated States of Micro-
15 nesia pursuant to sections 52, 53, and 54 of this title;

16 (b) to conclude foreign fishing agreements in
17 accordance with section 152 of this title;

18 (c) to issue foreign fishing permits in accordance
19 with procedures established by the Authority or regula-
20 tions promulgated pursuant to subsection 1 and paragraph
21 2(a) of this section;

22 (d) to rebate according to regulation approved by
23 the Authority all or a portion of a fee collected pursuant
24 to section 154(7) of this title from a joint fishing ven-
25 ture duly organized by law, if the rebate will promote

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1 fishery development; and

2 (e) to participate in the planning and execution
3 of programs relating to fisheries, or fishing in the
4 extended fishery zone in which any agency of the Micro-
5 nesian Government has a proprietary interest, direct or
6 indirect, by way of stock ownership, partnership, joint
7 venture, or otherwise.

8 (12) Regulations adopted by the Authority shall have
9 the full force and effect of law.

10 (2a) The process for the adoption of regulations
11 by the Authority is expressly exempt from the requirements
12 of the Administrative Procedure Act set forth in title 17
13 of this code, but the Authority nevertheless shall publish
14 its proposed regulations and afford the public a reasonable
15 opportunity to present its views prior to the adoption of
16 any regulation.

17 (2b) The chairman may promulgate interim
18 regulations on his own authority which shall be effective
19 for a period no longer than six months unless the Authority
20 by majority vote revokes the interim regulations."

21 Section 3. Section 303 of title 24 of the Code of the Federated States
22 of Micronesia is hereby amended to read as follows:

23 "Section 303. Duties/ and functions/ and authority. In addi-
24 tion to the authority granted in the preceding section, Tthe
25 Authority shall have the following duties/ and functions ~~and~~

1 AUTHORITY:

2 (1) to adopt regulations for the conservation,
3 maintenance and exploitation of all living resources in the
4 extended fishery zone of the Federated States of Micronesia
5 pursuant to sections 102, 103 and 104 of title 18;

6 (2) to provide technical assistance in the delimita-
7 tion of the extended fishery zone in accordance with section
8 107 of title 18;

9 (3) to negotiate and conclude foreign fishing agree-
10 ments in accordance with sections 402 through 404 of this
11 title;

12 (4) to issue foreign fishing permits in accordance with
13 procedures established by the Authority or regulations not
14 promulgated pursuant to section 302 and subsection (1) of this
15 section;

16 (5) to require all foreign fishing vessels to possess
17 a permit issued by a State before fishing in the Territorial
18 Sea or exclusive fishery zone of a State;

19 (6) to rebate according to regulation approved by the
20 Authority all or a portion of a fee collected pursuant to
21 section 403 of this title from a joint fishing venture duly
22 organized by law, if the rebate will promote fishery develop-
23 ment;

24 (7) to the Authority shall submit its budget and a
25 report regarding the expenditure of its funds to the Congress

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1 each regular session for approval; and
2 (85) to perform such other duties and functions
3 as may be necessary to carry out the purposes of this
4 title."

5 Section 4. Section 305 of title 24 of the Code of the Federated
6 States of Micronesia is hereby amended to read as follows:

7 "Section 305. Compensation.

8 (1) Members of the Authority, other than the at-large
9 member *appointed jointly by the Presiding Officers of the*
10 *former Congress of Micronesia and the High Commissioner, or*
11 *appointed jointly by the Speaker of the Congress of the*
12 *Federated States of Micronesia and the High Commissioner,*
13 shall be compensated at the rate of thirty-five dollars per
14 day when actually on the business of the Authority.

15 (2) The *joint* at-large appointee shall be compensated
16 at a rate established by the Authority, but shall not partici-
17 pate in the decision of the Authority determining his compen-
18 sation.

19 (3) Despite anything to the contrary contained in this
20 section, members of the Authority who are employees of State
21 governments or the Government of the Federated States of
22 Micronesia or the Trust Territory of the Pacific Islands shall
23 not be entitled to receive any compensation.

24 (4) All members of the Authority, including members des-
25 cribed in subsections (2) and (3) of this section, shall receive

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1 per diem and travel expenses at established ~~Trust Territory~~
2 ~~Government~~ Federated States of Micronesia rates while on
3 the business of the Authority."

4 Section 5. Section 306 of title 24 of the Code of the Federated
5 States of Micronesia is hereby amended to read as follows:

6 "Section 306. Annual report. The chairman of the Authority
7 shall report on its activities to the ~~High Commissioner~~ Pre-
8 sident of the Federated States of Micronesia, ~~and~~ to the Pre-
9 siding Officer of the Congress of the Federated States of Micro-
10 nesia, and to each State Governor on an annual basis, which
11 report shall contain a detailed accounting of the expenditure
12 of funds of the Authority."

13 Section 6. Section 403 of title 24 of the Code of the Federated
14 States of Micronesia is hereby amended to read as follows:

15 "Section 403. Foreign fishing agreements - Terms. In nego-
16 tiating foreign fishing agreements, the Authority shall seek
17 substantial agreement by the foreign parties to the following
18 terms and conditions:

19 (1) The foreign party and the owner or operator or any
20 fishing vessel fishing pursuant to such agreement will abide
21 by all regulations issued under authority of chapter 3 of this
22 title.

23 (2) The foreign party and the owner or operator of any
24 fishing vessel fishing pursuant to such foreign fishing agree-
25 ments will abide by the agreement that:

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(a) any officer authorized to enforce the provisions of this title shall be permitted to board and search or inspect any vessel at any time and make arrests and seizures provided for in section 508 of this title whenever such officer has reasonable cause to believe, as a result of such a search or inspection, that any such vessel or any person has committed an act prohibited by this title;

(b) such officer shall also be permitted to examine and make negotiations on ~~the~~ any permit issued pursuant to sections 410 through 412 of this chapter, or other documentation required under any applicable foreign fishing agreement;

(c) ~~the~~ any permit issued for any such vessel pursuant to sections 410 through 412 of this chapter or any documentation required to be displayed under foreign fishing agreements shall be prominently displayed in the wheelhouse of such vessel;

(d) appropriate position-fixing and identification equipment shall be installed and maintained in working order on each such vessel;

(e) duly authorized Micronesian observers shall be permitted on board any such vessel and that the Government of Micronesia shall be reimbursed for the cost of such observers; and

(f) agents shall be appointed and maintained within Micronesia who are authorized to receive and respond to any legal process issued in Micronesia with respect to such owner or operator.

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1 (3) The foreign party and the owners or operators of
2 all of the fishing vessels of such party shall not, in any
3 year, exceed such party's allocation of the total allowable
4 level of foreign fishing, in the event allocations are
5 established by the Authority.

6 (4) Foreign parties will:

7 (a) apply, pursuant to sections 410 through 412
8 of this chapter, for any required permits;

9 (b) deliver promptly to the owner or operator of
10 the appropriate fishing vessel and permit which is issued
11 under that section for such vessel; and

12 (c) abide by the requirement that no foreign fishing
13 will be permitted in the extended fishery zone of Micronesia
14 ~~after June 30, 1979,~~ without a valid and applicable permit,
15 except as provided by foreign fishing agreements concluded
16 pursuant to chapter 3 of this title, and that all conditions
17 and restrictions of the permit, or any applicable foreign fishing
18 agreement, are complied with.

19 (5) The foreign party and the owner or operator of any
20 fishing vessel fishing pursuant to such agreement will abide by
21 all other terms and conditions of the agreement."

22 Section 7. Section 406 of title 24 of the Code of the Federated States
23 of Micronesia is hereby amended to read as follows:

24 "Section 406. Approval of foreign fishing agreements.

25 (1) To take effect within the extended fishery zone of the

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1 Federated States of Micronesia, a foreign fishing agree-
2 ment shall require the approval of the Congress of the
3 Federated States of Micronesia by resolution.

4 (2) The Committee on Resources and Development of the
5 Congress of the Federated States of Micronesia shall approve
6 such an agreement if the Congress is not in session.

7 (3) An agreement involving fewer than ~~six~~ ten vessels
8 will not require the approval of the Congress of the
9 Federated States of Micronesia."

10 Section 8. Section 408 of title 24 of the Code of the Federated
11 States of Micronesia is hereby amended to read as follows:

12 "Section 408. Fishing permits required. No foreign fishing
13 vessel shall engage in fishing regulated pursuant to the
14 provisions of this title in the extended fishery zone of
15 Micronesia unless such vessel has on board a valid permit
16 issued under this section and sections 409 through 414 for
17 such vessel, except as may be provided in any applicable
18 foreign fishing agreement. No foreign fishing vessel shall
19 engage in fishing in the Territorial Sea or the exclusive
20 fishery zone of a State unless such vessel has on board a
21 valid permit issued by the State for such vessel, except
22 as may be provided in any applicable foreign fishing agreement."

23 Section 9. Section 410 of title 24 of the Code of the Federated
24 States of Micronesia is hereby amended to read as follows:

25 "Section 410. Application for permit - Contents. Each foreign

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1 party entitled to permits in accordance with its foreign
2 fishing agreement shall make application on forms prescribed
3 by Micronesian Maritime Authority specifying inter alia:

4 (1) the name and official number or other identification
5 of each fishing vessel for which a permit is sought, together
6 with the name and address of the owner thereof;

7 (2) the tonnage, capacity, ~~speed~~, processing equipment,
8 ~~type, and quantity of fishing gear~~, and such other pertinent
9 information with respect to characteristics of each such
10 vessel as the Authority may require; and

11 (3) the amount of fish or tonnage of catch contemplated
12 for each such vessel during the time such permit is in force
13 and as required by the foreign fishing agreement, and

14 (4) ~~the ocean area in which, and the season or period~~
15 ~~during which, such fishing will be conducted as required by~~
16 ~~the foreign fishing agreement."~~

17 Section 10. This act shall become law upon approval by the
18 President of the Federated States of Micronesia or upon its becoming law
19 without such approval.

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21 Date: May 13, 1983

Introduced by: 
Sasao H. Gouland

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