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 States of Micronesia is hereby amended to read as follows:

301. Micronesian Maritime Authority—Established.

(1) There is hereby established a Micronesian Maritime Authority composed of seven members with four members from the Congress of the Federated States of Micronesia appointed by the Speaker of the Congress of the Federated States of Micronesia, one at-large member appointed by the President of the Federated States of Micronesia in consultation with the Speaker, and the remaining two members being the Secretary of External Affairs, or his designee, and the Secretary of Resources and Development, or his designee; provided, however, that present members of the Authority shall serve until their terms of appointment expire.

(2) All appointments shall be for a term of two years. The term of office of each original member shall commence effective the date of the first meeting of the Authority.

Vacancies shall be filled in the same manner as the original appointment for the remainder of the term of office of the vacancy.

(3) The chairman shall be chosen by the majority vote of the members of the Authority. The Authority shall meet at

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fishery zone in which any agency of the Micronesian
Government has a proprietary interest, direct or indirect,
by way of stock ownership, partnership, joint venture, or
otherwise.

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

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

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

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

"Section 303. Duties and functions. In addition to the
authority granted in the preceding section, the Authority
shall have the following duties and functions:

(1) to provide technical assistance in the delimitation
of the extended fishery zone in accordance with section 107
of title 18;
(2) to negotiate foreign fishing agreements in accordance with sections 402 through 404 of this title;
(3) to require all foreign fishing vessels to possess a permit issued by a State before fishing in the Territorial Sea or exclusive fishery zone of a State;
(4) to submit its budget and a report regarding the expenditure of its funds to the Congress each regular session for approval; and
(5) to perform such other duties and functions as may be necessary to carry out the purposes of this title."

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

"Section 305. Compensation.

(1) Members of the Authority, other than the at-large member, shall be compensated at the rate of thirty-five dollars per day when actually on the business of the Authority.
(2) The at-large appointee shall be compensated at a rate established by the Authority, but shall not participate in the decision of the Authority determining his compensation.
(3) Members of the Authority who are employees of State governments or the Government of the Federated States of Micronesia or the Trust Territory of the Pacific Islands shall not be entitled to receive any compensation except for those benefits provided for in subsection 4 of this section.
(4) All members of the Authority, including members
described in subsections (2) and (3) of this section, shall
receive per diem and travel expenses at established
Federated States of Micronesia rates while on the business
of the Authority."

Section 5. Section 306 of title 24 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:
"Section 306. Annual report. The chairman of the Authority
shall report on its activities to the President of the
Federated States of Micronesia, to the Presiding Officer of
the Congress of the Federated States of Micronesia, and to
each State Governor on an annual basis, which report shall
contain a detailed accounting of the expenditure of funds of
the Authority."

Section 6. Section 403 of title 24 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:
"Section 403. Foreign fishing agreements - Terms. In
negotiating foreign fishing agreements, the Authority shall
seek substantial agreement by the foreign parties to the
following terms and conditions:

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

(2) The foreign party and the owner or operator of any
fishing vessel fishing pursuant to such foreign fishing
agreements will abide by the agreement that:

(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 any permit issued pursuant to sections 410 through 412 of this chapter, or other documentation required under any applicable foreign fishing agreement;

(c) 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 National Government of the Federated States of Micronesia shall be reimbursed for the cost of such observers; and

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

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

(4) Foreign parties will:

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

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

(c) abide by the requirement that no foreign fishing will be permitted in the extended fishery zone of the Federated States of Micronesia without a valid and applicable permit, except as provided by foreign fishing agreements concluded pursuant to chapter 3 of this title, and that all conditions and restrictions of the permit, or any applicable foreign fishing agreement, are complied with.

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

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

"Section 406. Approval of foreign fishing agreements.

(1) To take effect within the extended fishery zone of the Federated States of Micronesia, a foreign fishing agreement shall require the approval of the Congress of the Federated States of Micronesia by resolution.

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

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

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

"Section 408. Fishing permits required. No foreign fishing vessel shall engage in fishing regulated pursuant to the provisions of this title in the extended fishery zone of the Federated States of Micronesia unless such vessel has on board a valid permit issued under this section and sections 409 through 414 for such vessel, except as may be provided in any applicable foreign fishing agreement. No foreign fishing vessel shall engage in fishing in the Territorial Sea or the exclusive fishery zone of a State unless such vessel has on board a valid permit issued by the State for such vessel, except as may be provided in any applicable foreign fishing agreement."
Section 9. Section 410 of title 24 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 410. Application for permit - Contents. Each foreign party entitled to permits in accordance with its foreign fishing agreement shall make application on forms prescribed by the Micronesian Maritime Authority specifying inter alia:

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

(2) the tonnage, capacity, processing equipment, and such other pertinent information with respect to characteristics of each such vessel as the Authority may require; and

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

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

July 11, 1983

Tosiwo Nukayama
President
Federated States of Micronesia