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A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by further amending section 404, as amended by Public Law No. 6-11, for the purpose of requiring that all foreign fishing agreements include a provision prohibiting any commercial fishing within twenty-four miles of the territory of the Federated States of Micronesia, 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 Federated
2 States of Micronesia, as amended by Public Law No. 6-11, is hereby
3 further amended to read as follows:

4 "Section 404. Foreign fishing agreements -- Terms.

5 All foreign fishing agreements shall have the following
6 minimum terms:

7 (1) The foreign party and the owner or operator of
8 any fishing vessel shall acknowledge the exclusive fishery
9 management authority of the Federated States of Micronesia
10 within the ~~E~~xclusive ~~E~~conomic ~~Z~~one;

11 (2) The foreign party or the owner or operator of any
12 fishing vessel fishing, as appropriate, pursuant to such
13 agreement shall:

14 (a) comply with the requirements of this title,
15 all regulations issued pursuant to this title and all other
16 applicable laws and regulations;

17 (b) permit any officer authorized to enforce the
18 provisions of this title to board and search or inspect any
19 vessel at any time and make arrests and seizures provided
20 for in section 508 of this title whenever such officer has
21 reasonable cause to believe, as a result of such a search
22 or inspection, that any such vessel or any person has
23 committed an act prohibited by this title;

24 (c) permit such officer to examine and make
25 negotiations on any permit issued pursuant to sections 109

1 through 111 of this title, or other documentation required
2 under any applicable foreign fishing agreement;

3 (d) allow and assist any authorized officer to
4 enforce the provisions of this title, regulations made
5 thereunder and any other applicable laws or regulations;

6 (e) immediately comply with every instruction
7 given by an authorized officer, facilitate safe boarding,
8 and facilitate the inspection of the vessel, gear,
9 equipment, records, fish and fish products;

10 (f) allow and assist authorized observers to
11 board the vessel for scientific, monitoring, compliance and
12 other functions, and have full access to, and the use of,
13 facilities and equipment on board the vessel which the
14 authorized observer may determine is necessary to carry out
15 his duties; have full access to the bridge, fish on board
16 and areas which may be used to hold, process, weigh and
17 store fish; remove samples; have full access to the
18 vessel's records, including its logs and documentation for
19 the purpose of inspection and copying; and gather any other
20 information relating to fisheries in the ~~E~~exclusive
21 ~~E~~conomic ~~z~~zone;

22 (g) not assault, obstruct, resist, delay, refuse
23 boarding to, intimidate, or interfere with an authorized
24 officer or authorized observer in the performance of his
25 duties;

1 (h) display any permit or permit number issued
2 for any such vessel pursuant to sections 109 through 111 of
3 this title or any documentation required to be displayed
4 under foreign fishing agreements in the wheelhouse of such
5 vessel;

6 (i) ensure that appropriate position-fixing and
7 identification equipment shall be installed and maintained
8 in working order on each such vessel;

9 (j) ensure that the vessel is marked in
10 accordance with regulations issued by the Authority while
11 within the ~~E~~exclusive ~~E~~conomic ~~Z~~one;

12 (k) require that the National Government of the
13 Federated States of Micronesia shall be reimbursed for the
14 cost of authorized observers;

15 (l) appoint and maintain an agent within the
16 Federated States of Micronesia who is authorized to receive
17 and respond to any legal process issued in the Federated
18 States of Micronesia with respect to such owner or operator
19 of such vessel; ~~and~~

20 (m) not, in any year, exceed such party's
21 allocation of the total allowable level of foreign fishing,
22 in the event allocations are established in accordance with
23 this title; and

24 (n) agree to refrain from, and refrain from, any
25 commercial fishing within twelve (12) miles of the

outermost limits of the territorial waters of the Federated States of Micronesia, such that the waters within twenty-four (24) miles of any territory of the Federated States of Micronesia shall be deemed an area closed to fishing according to the terms of any foreign fishing agreement entered into under the provisions of this chapter.

(3) Foreign parties will:

(a) apply, pursuant to section 109 of this title, 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

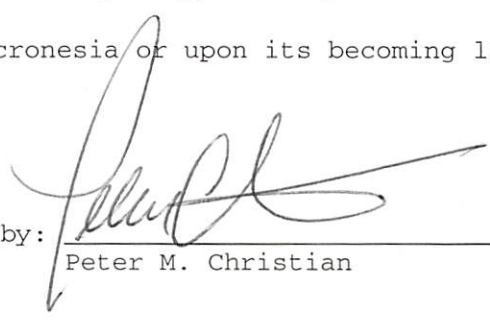
(c) abide by the requirement that no foreign fishing will be permitted in the ~~E~~xclusive ~~E~~conomic ~~Z~~one without a valid and applicable permit, except as provided by foreign fishing agreements concluded pursuant to this chapter, and that all conditions and restrictions of the permit, or any applicable foreign fishing agreement, are complied with."

RAD

C.B. No. 9-97

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

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5 Date: 11/06/95

Introduced by: 

Peter M. Christian

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