

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 seven members with four members from  
6 the Congress of the Federated States of Micronesia appointed  
7 by the Speaker of the Congress of the Federated States of  
8 Micronesia; one at-large member appointed by the President of  
9 the Federated States of Micronesia in consultation with the  
10 Speaker, and the remaining two members being the Secretary of  
11 External Affairs, or his designee, and the Secretary of  
12 Resources and Development, or his designee; provided, however,  
13 that present members of the Authority shall serve until their  
14 terms of appointment expire.

15 (2) All appointments shall be for a term of two years.  
16 The term of office of each original member shall commence  
17 effective the date of the first meeting of the Authority.  
18 Vacancies shall be filled in the same manner as the original  
19 appointment for the remainder of the term of office of the  
20 vacancy.

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

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

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

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

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

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

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

23 (1) to provide technical assistance in the delimitation  
24 of the extended fishery zone in accordance with section 107  
25 of title 18;

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

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

13                   "Section 305. Compensation.

14                   (1) Members of the Authority, other than the at-large  
15 member, shall be compensated at the rate of thirty-five  
16 dollars per day when actually on the business of the Authority.

17                   (2) The at-large appointee shall be compensated at a  
18 rate established by the Authority, but shall not participate  
19 in the decision of the Authority determining his compensation.

20                   (3) 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 except for those  
24 benefits provided for in subsection 4 of this section.

25                   (4) All members of the Authority, including members

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1 described in subsections (2) and (3) of this section, shall  
2 receive per diem and travel expenses at established  
3 Federated States of Micronesia rates while on the business  
4 of the Authority."

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

7 "Section 306. Annual report. The chairman of the Authority  
8 shall report on its activities to the President of the  
9 Federated States of Micronesia, to the Presiding Officer of  
10 the Congress of the Federated States of Micronesia, and to  
11 each State Governor on an annual basis, which report shall  
12 contain a detailed accounting of the expenditure of funds of  
13 the Authority."

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

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

20 (1) The foreign party and the owner or operator of  
21 any fishing vessel fishing pursuant to such agreement will  
22 abide by all regulations issued under authority of chapter  
23 3 of this title.

24 (2) The foreign party and the owner or operator of any  
25 fishing vessel fishing pursuant to such foreign fishing

1 agreements will abide by the agreement that:

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

9 (b) such officer shall also be permitted to examine  
10 and make negotiations on any permit issued pursuant to  
11 sections 410 through 412 of this chapter, or other documenta-  
12 tion required under any applicable foreign fishing agreement;

13 (c) any permit issued for any such vessel pursuant  
14 to sections 410 through 412 of this chapter or any documenta-  
15 tion required to be displayed under foreign fishing agreements  
16 shall be prominently displayed in the wheelhouse of such vessel;

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

20 (e) duly authorized Micronesian observers shall be  
21 permitted on board any such vessel and that the National  
22 Government of the Federated States of Micronesia shall be  
23 reimbursed for the cost of such observers; and

24 (f) agents shall be appointed and maintained within  
25 the Federated States of Micronesia who are authorized to

1 receive and respond to any legal process issued in the  
2 Federated States of Micronesia with respect to such owner or  
3 operator.

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

9 (4) Foreign parties will:

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

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

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

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

25 Section 7. Section 406 of title 24 of the Code of the Federated

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1 States of Micronesia is hereby amended to read as follows:

2 "Section 406. Approval of foreign fishing agreements.

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

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

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

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

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

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

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

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

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

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

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

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July 11, 1983

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Tosiwo Nakayama  
President  
Federated States of Micronesia

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