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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 Laws Nos. 6-11 and 9-057, 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  
2 Federated States of Micronesia, as amended by Public Laws Nos. 6-11  
3 and 9-057, is hereby 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 any  
8 fishing vessel shall acknowledge the exclusive fishery  
9 management authority of the Federated States of  
10 Micronesia within the Exclusive Economic Zone;

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  
16 other applicable laws and regulations;

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

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1 109 through 111 of this title, or other documentation  
2 required 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 board  
11 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  
15 out his duties; have full access to the bridge, fish on  
16 board and areas which may be used to hold, process, weigh  
17 and store fish; remove samples; have full access to the  
18 vessel's records, including its logs and documentation  
19 for the purpose of inspection and copying and gather any  
20 other information relating to fisheries in the Exclusive  
21 Economic 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;

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1 (h) display any permit or permit number issued for  
2 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  
5 such vessel;

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

9 (j) ensure that the vessel is marked in accordance  
10 with regulations leased by the authority while within the  
11 Exclusive Economic Zone;

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

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

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

24 (n) use components of vessels monitoring systems  
25 as directed by the President of the Federated States of

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1           Micronesia; and

2                       (o) agree to refrain from, and refrain from, any  
3                       commercial fishing within twelve (12) miles of the  
4                       outermost limits of the territorial waters of the  
5                       Federated States of Micronesia.

6           (3) Foreign parties will:

7                       (a) apply, pursuant to section 109 of this title,  
8                       for any required permits;

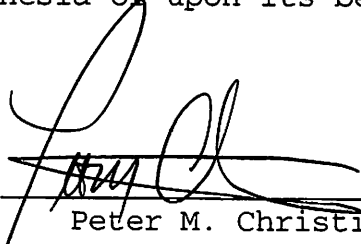
9                       (b) deliver promptly to the owner or operator of  
10                      the appropriate fishing vessel any permit which is issued  
11                      under that section for such vessel; and

12                      (c) abide by the requirement that no foreign  
13                      fishing will be permitted in the Exclusive Economic Zone  
14                      without a valid and applicable permit, except as provided  
15                      by foreign fishing agreements concluded pursuant to this  
16                      chapter, and that all conditions and restrictions of the  
17                      permit, or any applicable foreign fishing agreement, are  
18                      complied with."

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

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23   Date: 7/14/99

Introduced by:

  
Peter M. Christian

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