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NINTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 1995

C. B. NO. 9-95

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A BILL FOR AN ACT

To further amend section 404 (formerly section 403) of title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 6-11, for the purpose of requiring that foreign fishing boats install and use vessel monitoring systems, and for other purposes.

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

1       Section 1. Section 404 (formerly section 403) of title 24  
2   of the Code of the Federated States of Micronesia, as amended by  
3   Public Law No. 6-11, is hereby further amended to read as  
4   follows:

5       "Section 404. Foreign fishing agreements - Terms. All  
6   foreign fishing agreements shall have the following  
7   minimum terms:

8           (1) The foreign party and the owner or operator of  
9   any fishing vessel shall acknowledge the exclusive  
10   fishery management authority of the Federated States of  
11   Micronesia within the exclusive economic zone;

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

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

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

1 (c) permit such officer to examine and make  
2 negotiations on any permit issued pursuant to sections  
3 109 through 111 of this title, or other documentation  
4 required under any applicable foreign fishing agreement;

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

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

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

24 (g) not assault, obstruct, resist, delay,  
25 refuse boarding to, intimidate, or interfere with an

1 authorized officer or authorized observer in the  
2 performance of his duties;

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

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

11 (j) ensure that the vessel is marked in  
12 accordance with regulations issued by the Authority  
13 while within the exclusive economic zone;

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

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

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



1                    (n) acquire, install, maintain, and  
2                    continuously operate on each vessel, all at no expense  
3                    to the Federated States Micronesia, such vessel  
4                    monitoring systems or components thereof as may be  
5                    directed by the Attorney General of the Federated States  
6                    of Micronesia.

7                    (3) Foreign parties will:

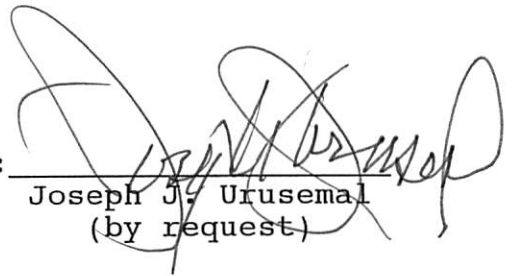
8                    (a) apply, pursuant to section 109 of this  
9                    title, for any required permits;

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

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

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

23  
24                   Date: 11/06/95

24                   Introduced by: 

24                   Joseph J. Urusemal  
25                   (by request)