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NINTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 1996

C. B. NO. 9-203

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 adding a minimum term to all foreign fishing agreements prohibiting the use or possession of fishing nets of a certain mesh size, 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 States
2 of Micronesia, as amended by Public Laws Nos. 6-11 and 9-057, is hereby
3 further amended to read as follows:

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

6 (1) The foreign party and the owner or operator of any
7 fishing vessel shall acknowledge the exclusive fishery management
8 authority of the Federated States of Micronesia within the
9 Exclusive Economic Zone,

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

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

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

23 (c) permit such officer to examine and make
24 notations on any permit issued pursuant to sections 109 through
25 111 of this title, or other documentation required under any

1 applicable foreign fishing agreement;

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

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

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

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

23 (h) display any permit or permit number issued for
24 any such vessel pursuant to sections 109 through 111 of this title
25 or any documentation required to be displayed under foreign

1 fishing agreements in the wheelhouse of such vessel;

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

5 (j) ensure that the vessel is marked in accordance
6 with regulations issued by the Authority while within the Exclusive
7 Economic Zone;

8 (k) require that the National Government of the
9 Federated States of Micronesia shall be reimbursed for the cost
10 of authorized observers;

11 (l) appoint and maintain an agent within the
12 Federated States of Micronesia who is authorized to receive and
13 respond to any legal process issued in the Federated States of
14 Micronesia with respect to such owner or operator of such vessel;

15 (m) not, in any year, exceed such party's allocation
16 of the total allowable level of foreign fishing, in the event
17 allocations are established in accordance with this title; ~~and~~

18 (n) use components of vessel monitoring systems
19 as directed by the President of the Federated States of
20 Micronesia ; and

21 (o) not use or possess on any fishing boat in the
22 Federated States of Micronesia's Exclusive Economic Zone a fishing
23 net with a mesh size smaller than six inches on or after July 1,
24 1999.

25 (3) Foreign parties will:

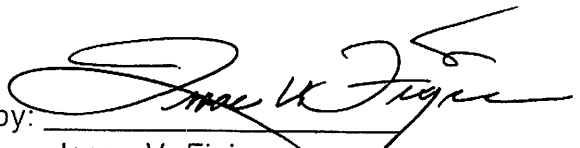
1 (a) apply, pursuant to section 109 of this title, for
2 any required permits;

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

6 (c) abide by the requirement that no foreign fishing
7 will be permitted in the Exclusive Economic Zone without a valid
8 and applicable permit, except as provided by foreign fishing
9 agreements concluded pursuant to this chapter, and that all
10 conditions and restrictions of the permit, or any applicable foreign
11 fishing agreement, are complied with."

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

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16 Date: 5/23/96

Introduced by: 
Isaac V. Figir

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