A BILL FOR 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:

Section 1. Section 301 of title 24 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 301. Micronesian Maritime Authority—Established.

(1) There is hereby established a Micronesian Maritime Authority composed of seven members appointed by the High Chief and four members from the Congress of the Federated States of Micronesia appointed by the Speaker of the Congress of the Federated States of Micronesia; and one at-large member appointed jointly by the Speaker and the High Chief by the President of the Federated States of Micronesia in consultation with the Speaker, and the remaining two members being the Secretary of External Affairs, or his designee, and the Secretary of Resources and Development, or his designee; provided, however, that present members of the Authority who were appointed jointly by the President of the former Congress of the Federated States of Micronesia as well as the appointee of the High Commissioner and the President of the former Congress of the Federated States of Micronesia shall serve until their terms of appointment expire.

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

(3) The chairman shall be chosen by majority vote of
the members of the Authority. The Authority shall meet at
such times and places as may be designated by the chairman
or by the Authority. The Authority shall adopt its own rules
of procedure and regulation by majority vote."

Section 2. Section 302 of title 24 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 302. Authority; Regulations.

(1) The Authority shall have the following authority:

(a) to adopt regulations for the conservation,
management, and exploitation of all living resources in
the extended fishery zone of the Federated States of Micron-
nesia pursuant to sections 52, 53, and 54 of this title;

(b) to conclude foreign fishing agreements in
accordance with section 152 of this title;

(c) to issue foreign fishing permits in accordance
with procedures established by the Authority or regula-
tions promulgated pursuant to subsection 1 and paragraph
2(a) of this section;

(d) to rebate according to regulation approved by
the Authority all or a portion of a fee collected pursuant
to section 154(7) of this title from a joint fishing ven-
ture duly organized by law, if the rebate will promote
fishery development; and

(e) to participate in the planning and execution
of programs relating to fisheries, or fishing in the
extended fishery zone in which any agency of the Micronesian Government has a proprietary interest, direct or
indirect, by way of stock ownership, partnership, joint
venture, or otherwise.

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

(1a) The process for the adoption of regulations
by the Authority is expressly exempt from the requirements
of the Administrative Procedure Act set forth in title 17
of this code, but the Authority nevertheless shall publish
its proposed regulations and afford the public a reasonable
opportunity to present its views prior to the adoption of
any regulation.

(1b) The chairman may promulgate interim
regulations on his own authority which shall be effective
for a period no longer than six months unless the Authority
by majority vote revokes the interim regulations."

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

"Section 303. Duties, and functions, and authority. In addi-
tion to the authority granted in the preceding section, the
Authority shall have the following duties, and functions and
(21) to provide technical assistance in the delimitation of the extended fishery zone in accordance with section 107 of title 18;

(22) to negotiate and conclude foreign fishing agreements in accordance with sections 402 through 404 of this title;

(23) to require all foreign fishing vessels to possess a permit issued by a State before fishing in the Territorial Sea or exclusive fishery zone of a State;

(24) to the agency shall submit its budget and a report regarding the expenditure of its funds to the Congress
each regular session for approval; and

(§5) to perform such other duties and functions
as may be necessary to carry out the purposes of this
title."

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

"Section 305. Compensation.

(1) Members of the Authority, other than the at-large
member appointed jointly by the President Director of the
Joint Congress of Micronesia and the High Commissioner of
appointed jointly by the Speaker of the Congress of the
Federated States of Micronesia and the High Commissioner,
shall be compensated at the rate of thirty-five dollars per
day when actually on the business of the Authority.

(2) The joint at-large appointee shall be compensated
at a rate established by the Authority, but shall not partici-
pate in the decision of the Authority determining his compen-
sation.

(3) Despite anything to the contrary contained in this
section, members of the Authority who are employees of State
governments or the Government of the Federated States of
Micronesia or the Trust Territory of the Pacific Islands shall
not be entitled to receive any compensation.

(4) All members of the Authority, including members des-
cribed in subsections (2) and (3) of this section, shall receive
per diem and travel expenses at established Territory Federated States of Micronesia rates while on the business of the Authority."

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

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

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

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

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

2. The foreign party and the owner or operator of any fishing vessel fishing pursuant to such foreign fishing agreements will abide by the agreement that:
(a) any officer authorized to enforce the provisions of this title shall be permitted to board and search or inspect any vessel at any time and make arrests and seizures provided for in section 508 of this title whenever such officer has reasonable cause to believe, as a result of such a search or inspection, that any such vessel or any person has committed an act prohibited by this title;

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

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

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

(e) duly authorized Micronesian observers shall be permitted on board any such vessel and that the Government of Micronesia shall be reimbursed for the cost of such observers; and

(f) agents shall be appointed and maintained within Micronesia who are authorized to receive and respond to any legal process issued in Micronesia with respect to such owner or operator.
(3) The foreign party and the owners or operators of all of the fishing vessels of such party shall not, in any year, exceed such party's allocation of the total allowable level of foreign fishing, in the event allocations are established by the Authority.

(4) Foreign parties will:

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

(b) deliver promptly to the owner or operator of the appropriate fishing vessel and 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 extended fishery zone of Micronesia after June 30, 1979, without a valid and applicable permit, except as provided by foreign fishing agreements concluded pursuant to chapter 3 of this title, and that all conditions and restrictions of the permit, or any applicable foreign fishing agreement, are complied with.

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

Section 7. Section 406 of title 24 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 406. Approval of foreign fishing agreements.

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

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

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

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

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

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

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

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

(2) the tonnage, capacity, speed, processing equipment,
net and quantity of fishing gear, and such other pertinent
information with respect to characteristics of each such
vessel as the Authority may require; and

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

the ocean area in which and the season or period
during which each fishing will be conducted as required by
the foreign fishing agreement

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

Date: May 13, 1983

Introduced by: Susao H. Goulard