A BILL FOR AN ACT


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

Section 1. Section 101 of title 24 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 101. Statement of purpose. The living resources of the sea around the Federated States of Micronesia are a finite but renewable part of the physical heritage of the people of Micronesia. As the Federated States of Micronesia is densely settled it has only limited land-based resources, the sea provides the only feasible primary means for the development of economic viability which is necessary to provide the foundation for political stability. The resources of the sea must be managed, conserved, and developed for the benefit of the people living today and for the generations of citizens to come.

For this reason the harvesting of this resource, both domestic and foreign, must be monitored, and when necessary, controlled. The resources of the sea around Micronesia are being heavily exploited by the citizens of other nations without benefit to the people of Micronesia; hence unreasonable fisheries that enter into and highly violate stocks of fish may be suppressed with irresistible destruction by reckless and excessive exploitation thus threatening the material government and ultimately the political viability and stability of Micronesia. The purpose of this title is to promote conservation, management, and development of the marine resources of the
Federated States of Micronesia, generate the maximum
benefit for the Nation from foreign fishing, and to promote
the development of a domestic fishing industry and
to manage and conserve Micronesia vital and precious
resources by means of the extension of the Federal jurisdiction of
Micronesia and thealanded titles from the States.

Section 2. Section 102 of title 24 of the Code of the Federated
States of Micronesia, as amended by Public Law No. 5-37, is hereby
further amended to read as follows:

"Section 102. Definitions. As used in this title, unless
the context otherwise requires, the term:
(1) 'Administrator' means the director of a regional
fisheries agency or any other organization or person
authorized, pursuant to section 407 of this title, to
administer a regional fisheries treaty.

(1) 'Applicable laws' means those laws affecting
marine resources from time to time identified by the
Authority by regulation.

(2) 'Atoll' means a naturally formed elliptical or oval
coral reef forming a geophysical and geologic entity defined
by at least one tidal system which has one or more islands
situated on the reef system, including Ngulu, Ulithi,
Sorol, Eauripik, Woleai, Parsulep, Ifalik, Olai-marac,
Elato, Lamotrek, West Puyu, Puluwat, Pulap, Pulusuk,
Namunuito, Kuop, Nomowin, Murilo, Losap, Namoluk, Satawan,

(3) 'Authority' means the Micronesian Maritime Authority established by section 301 of this title.

(4) 'Authorized observer' means any person authorized in writing by the Authority to act as an observer on foreign fishing vessels, including any observer authorized pursuant to a regional fisheries treaty to be an authorized observer for purposes of this title.

(5) 'Authorized officer' means any officer of the Division of Security and Investigation of the Government of the Federated States of Micronesia or any other person authorized in writing by the Attorney General to be an authorized officer for the purposes of this title.

(6) 'Based in the Federated States of Micronesia' means using land-based facilities in the Federated States of Micronesia to support fishing, including location of the home port of a vessel in the Federated States of Micronesia, selling all fish for processing within the Federated States of Micronesia, transshipping all fish harvested within the exclusive economic zone, and basing operations in the Federated States of Micronesia while operating in the exclusive economic zone.

(6) 'Territory based on the Territory of the Federated States of Micronesia'
(7) 'Commercial Pilot Fishing' means any fishing for
the purpose of testing the commercial viability of:
(a) New fishing methods;
(b) Developing new stocks of fish; or
(c) Fishing in previously unexploited areas.

(8) 'Court' means the Supreme Court of the Federated
States of Micronesia.

(9) 'Domestic-based fishing' means any fishing by
foreign fishing vessels based in the Federated States of
Micronesia, but not including commercial pilot fishing.

(10) 'Domestic-based fishing agreements' means an
agreement between the Government of the Federated States of
Micronesia and one or more persons to permit domestic-based
fishing within the exclusive economic zone.

(11) 'Domestic-based party' means a party to a
domestic-based fishing agreement other than the Government
of the Federated States of Micronesia or a State.

(12) 'Domestic fishing' means any fishing by local
fishing vessels longer than twenty-seven feet in overall
length, but not including commercial pilot fishing.

(13) 'Exclusive economic zone' means the exclusive
economic zone defined in title 18 of the Code of the
Federated States of Micronesia.

(14) 'Executive director' means the executive director
of the Micronesian Maritime Authority.
(§15) 'Fish' means any living marine resource.

(16) 'Fish aggregating device' means any manmade or partly manmade floating device, whether anchored or not, intended for the purpose of aggregating fish, and includes any floating object on a device which has been placed to facilitate its location.

(717) 'Fishery' means:

(a) A unit of whole stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, commercial and economic characteristics; and

(b) Any fishing for whole stocks of fish.

(18) 'Fishery waters' means the exclusive economic zone, the Territorial Sea, and internal waters as described in title 18 of the Code of the Federated States of Micronesia, and any other waters within the jurisdiction of the Federated States of Micronesia.

(§19) 'Fishing' means:

(a) The actual or attempted searching for, catching, taking, or harvesting of fish;

(b) Any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish;
(c) the placing, searching for, or recovery of fish aggregating devices or associated electronic equipment such as radio beacons;
(d) aircraft use relating to the activities described in this subsection, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel; if
(e) transshipping fish to or from any vessel;
(f) storing, processing or transporting fish harvested within the fishery waters;
(g) refueling or supplying fishing vessels; or
(h) any operations at sea in support of or in preparation for any activity described in this subsection.

(20) 'Fishing gear' means any equipment, implement or other thing that can be used in the act of fishing, including any fishing net, rope, line, float, trap, hook, winch, boat carried on board a fishing vessel, aircraft or helicopter.

(21) 'Fishing vessel' means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type that is normally used for:
(a) fishing;
(b) aiding or assisting one or more vessels at sea in the performance of any activity related to fishing, including, but not limited to preparation, supply, storage,
refrigeration, transportation, or processing.

(1822) 'Foreign fishing' means any fishing not defined as domestic fishing or domestic-based fishing, but not including commercial pilot fishing or fishing from a local fishing vessel less than or equal to twenty-seven feet in overall length. fishing by vessels not registered or domiciled in the Federated States of Micronesia or vessels not wholly controlled by citizens of the Federated States of Micronesia

(1123) 'Foreign fishing agreement' means an agreement between the Authority on behalf of the Government of the Federated States of Micronesia and one or more foreign economic fishing interests to permit foreign vessels to harvest fish within the exclusive economic zone of the Federated States of Micronesia.

(24) 'Foreign fishing vessel' means any fishing vessel not defined as a local fishing vessel.

(25) 'Foreign party' means a party to a foreign fishing agreement other than the Authority, the Government
of the Federated States of Micronesia or a State government.

(26) 'Foreign recreational fishing' means fishing by
a foreign fishing vessel for recreational or sport purposes.

(1227) 'Island' means a naturally formed area of land
surrounded by water, which is above water at high tide.

(1228) 'Living marine resource' means all forms of
marine animal and plant life other than marine birds and
includes, as finfish, mollusks, and crustaceans, and all
other forms of aquatic animal and plant life that inhabit
the ocean.

(29) 'Local fishing vessel' means any fishing vessel
wholly owned and operated by one or more:

(a) The Government of the Federated States of
Micronesia, any State government or any subdivision thereof;

(b) Citizen of the Federated States of
Micronesia;

(c) Corporation or cooperative established under
the laws of the Federated States of Micronesia or of any
State which is wholly owned and controlled by one or more
of the persons described in paragraphs (a) and (b) of this
subsection;

(d) Any combination of persons described in
paragraphs (a) through (c) of this subsection.

(1227) RELEVANCE OF ABDICATION OF MICRONESIA
related to the appropriate State government of the
"Operator" means any person who is in charge of, directs, or controls a vessel, including the owner, charterer, or the master.

"Pacific Island States" means the parties to the South Pacific Forum Fisheries Agency Convention, 1979.

"Permit" means the document authorizing fishing within all or part of the exclusive economic zone issued pursuant to section 111 of this title or pursuant to a treaty, or any agreement or arrangement entered into pursuant to section 106 of this title.

"Person" means any individual, corporation, partnership, association, or other entity, the Government of the Federated States of Micronesia or any of its subdivisions or any entity thereof, the States, or any political subdivision thereof, and any foreign government, subdivision of such government, or entity thereof.

"Regional fisheries treaty" means any treaty between the governments of certain Pacific Island States and governments, bodies or organizations of foreign States other than Pacific Island States that relates to fishing in the waters of the Pacific Island States and has entered into force according to its terms following ratification.
and has been ratified by the Congress of the Federated
States of Micronesia.

(2935) 'Regional fishing license' means a regional
fishing license issued to a foreign fishing vessel by ad
pursuant to a regional fisheries treaty.

(2136) 'State' means any of the States of the
Federated States of Micronesia.

(2137) 'Stock of fish' means a species, subspecies, or
other category of fish identified on the basis of
geographical, scientific, technical, recreational, and
economic characteristics which can be treated as a unit for
purposes of conservation and management of fish resources of management as a unit.

(2131) "Fishing vessel" means a vessel incorporeal or
geographical and economic entity which is wholly stationed at
high tide."

Section 3. Section 103 of title 24 of the Code of the Federated
States of Micronesia is hereby repealed.

Section 4. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 103 to
read as follows:

"Section 103. Fishing permits required - Commercial. No
domestic, domestic-based, commercial pilot, or foreign
fishing is permitted in the exclusive economic zone except:

(1) By a valid and applicable permit issued under
authority conferred by this title; or

(2) By a regional or multilateral license issued
pursuant to a treaty or agreement entered into under the
authority provided in section 105 of this chapter."

Section 5. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 104 to
read as follows:

"Section 104. Fishing permits required — Noncommercial.
No scientific research, training, or foreign recreational
fishing is permitted in the exclusive economic zone except
by a valid and applicable permit issued by the Authority on
such reasonable terms and conditions as it shall require."

Section 6. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 105 to
read as follows:

"Section 105. Stowage of fishing gear. All fishing gear
aboard a fishing vessel in the exclusive economic zone
shall be stowed in such a manner that it is not readily
available for use in fishing, except when such fishing
vessel is in an area in which it is authorized to fish in
accordance with this title."

Section 7. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 106 to
read as follows:

"Section 106. Authority to enter into regional, bilateral,
and multilateral fisheries agreements.

(1) Notwithstanding any other provisions of this title, the Authority may enter into agreements or arrangements, pursuant to a regional, bilateral, or multilateral fisheries treaty, agreement or arrangement with other governments to provide for:

(a) Authorization of a person, body or organization to perform functions required by such a treaty, agreement or arrangement, including but not limited to, the issuance of regional fishing licenses; and

(b) An observer program.

(2) For the purpose of giving effect to a regional, bilateral, or multilateral fisheries treaty, agreement or arrangement, the Authority may adopt regulations to:

(a) Exempt any foreign fishing vessel holding a valid regional, multilateral, or bilateral fishing license issued pursuant to a regional, bilateral, or multilateral fisheries treaty, agreement, or arrangement from any requirements of this title which are inconsistent with the terms of such treaty, agreement or arrangement;

(b) Prescribe the conditions to be observed by operators of foreign fishing vessels exempted under paragraph (a) of this subsection; and

(c) Authorize observers designated and pursuant to an observer program entered into pursuant to subsection
(1)(b) of this section to:

(1) Enforce the provisions of this title

and any regional fisheries treaty, agreement or arrangement

on behalf of the Federated States of Micronesia; and

(ii) Perform such duties and

responsibilities as may be required by such agreement.

(3) With respect to any observer program entered into

pursuant to subsection (1)(b) of this section, standing in

the Supreme Court of the Federated States of Micronesia

shall be afforded to any authorized observer or the

Federated States of Micronesia to bring action against any

person or fishing vessel for any act or offense that is

actionable under the law of the Federated States of

Micronesia or is a violation of the treaty, agreement or

arrangement pursuant to which the observer was authorized,

which has occurred on the high seas, notwithstanding the

nationality of the observer."

Section 8. Title 24 of the Code of the Federated States of

Micronesia is hereby further amended by adding a new section 107 to

read as follows:

"Section 107. Authority to enter into domestic-based and

foreign fishing agreements. The Authority is authorized to

negotiate and enter into such domestic-based and foreign

fishing agreements as may be required to implement this

title. Such agreements may, at the Authority’s discretion,
include a provision to rebate fees under such circumstances
as are consistent with this title and the Authority deems
appropriate."
Section 9. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 108 to
read as follows:
"Section 108. Allowable levels of fishing.
(1) The Authority may determine the total allowable
level of fishing with respect to any stock of fish subject
to the provisions of this title, and shall set such level
in accordance with requirements of optimum sustainable
yield as determined by:
(a) The scientific evidence available, including
statistical and other information concerning such stocks of
fish; and
(b) Conservation, management and development
measures contained in management plans relating to such
stocks of fish.
(2) Allocations of the total allowable level of
fishing with respect to any stock of fish shall be made
first to domestic fishing vessels seeking permits, then to
domestic-based fishing vessels, with any remaining
allowable level of fishing allocated to foreign fishing
vessels.
(3) Allocations issued pursuant to this title may
include restrictions as to vessel type, gear type, seasons
of operations, areas in which the fishing can take place,
or any other restriction relevant to conservation,
management, and development."

Section 10. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 109 to
read as follows:

"Section 109. Application for permit - Contents.

(1) Each party entitled to apply for a permit under
this title shall make application on prescribed forms
specifying:

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

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

(c) The country of registration of the vessel;

and

(d) If applicable, the foreign fishing agreement
or domestic-based fishing agreement under which such permit
is sought.

(2) The Authority may require, by regulation, such
additional information for permit applications by foreign parties or domestic-based parties as is necessary to implement and enforce the provisions of this title."

Section 11. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 110 to read as follows:

"Section 110. Application for permit - Review. The Authority, or such person as it may designate by regulation, shall review each application submitted pursuant to section 109, and may, in its discretion solicit views from appropriate persons in the States and hold public hearings where necessary."

Section 12. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 111 to read as follows:

"Section 111. Application for permit -- Issuance and denial. (1) The Authority shall notify the applicant of the decision to issue or deny a permit within 30 days of the date of receipt of the application. If no such notification is given within 30 days, the request for a permit is deemed granted. (2) The Authority may approve the application on such terms and conditions and with such restrictions as it deems appropriate."
(3) A permit may be denied:

(a) Where the application is not in accordance with the requirements of this title;

(b) Where the application is made in respect of a foreign fishing vessel, and such vessel does not have good standing on the Regional Register of Foreign Fishing Vessels maintained by the South Pacific Forum Fisheries Agency;

(c) Where the owner or charterer is the subject of proceedings under the bankruptcy laws of any jurisdiction and reasonable financial assurances have not been provided;

(d) Where there has been a failure to satisfy a judgment or other determination for breach of this title or an agreement entered into pursuant to this title by the operator of the vessel in respect to which application for a permit has been made, until such time as the judgment or other determination is satisfied;

(e) Where an operator of the vessel has contravened, or the vessel has been used for contravention of a fishing agreement, or has committed an offense against the laws of the Federated States of Micronesia; or

(f) Where the Authority determines that the issuance of a permit would not be in the best interests of the Federated States of Micronesia.
(4) A permit shall be denied:

(a) Where the Authority determines that the permit would authorize foreign fishing or domestic-based fishing on, over, or within one nautical mile of the edge of a coral reef that is wholly submerged at mean high tide within the exclusive economic zone; or

(b) Where the Authority determines that the permit would authorize fishing on, over, or within one nautical mile of the edge of a coral reef that is wholly submerged at mean high tide within the exclusive economic zone, and that subsection (a) of this section does not apply to the permit application; and

(1) The Authority has submitted a copy of the application to the State, to the customary inhabitants of which, the authority to control the fishing over such reef has been traditionally ascribed. The Authority shall have the power to prescribe by regulation the ascription of such reefs to each of the the States. For the purposes of this subsection (b), the State shall mean the Governor thereof, and the councils of traditional leaders established by law having the constitutional authority to affect the enactment of State legislation; and

(ii) Within 30 days of such submission, the State, or any constituent part thereof, has communicated in writing to the Authority its objection to the issuance of
the permit with respect to the reef or reefs
traditionally ascribed to its customary inhabitants.

(5) If the Authority denies an application submitted
by an applicant, the Authority shall notify such applicant
of the disapproval and the reasons therefore. The
applicant may then submit a revised application taking into
consideration the reasons for disapproval."

Section 13. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 112 to
read as follows:

"Section 112. Suspension, revocation, or imposition of
restrictions on a permit. If any fishing vessel for which
a permit has been issued pursuant to section 111 has been
used in the commission of any act prohibited by this title
or other applicable law, an applicable domestic-based or
foreign fisheries agreement or any permit issued in
accordance with this title, or if any civil penalty or
criminal fine imposed under this title has not been paid
within 30 days, the Authority shall:

(1) Revoke such permit with or without prejudice to
the right of any party involved to be issued a permit for
such vessel in any subsequent year;

(2) Suspend such permit for the period of time deemed
appropriate; or

(3) Impose additional conditions and restrictions on
any permit issued pursuant to this title."

Section 14. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 113 to read as follows:

"Section 113. Fees for scientific research, training, commercial pilot, and foreign recreational fishing permits. Fees for scientific research, training, commercial pilot, and foreign recreational fishing shall be established pursuant to regulations issued by the Authority."

Section 15. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 114 to read as follows:

"Section 114. Rebate of fees. The Authority may accept all or a portion of the fee paid under a domestic-based or foreign fishing agreement pending rebate pursuant to the agreement. That portion of a fee that is subject to rebate shall be held in a separate trust account maintained by the Secretary of Finance until rebated to the foreign or domestic-based fishing venture or paid into the General Fund, or its successor, pursuant to the terms of the agreement."

Section 16. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 115 to read as follows:

"Section 115. Division of fees received as goods and
services. In the case of fees paid as goods or services rather than money, the Authority shall submit a proposed division of such goods or services to the Congress of the Federated States of Micronesia for its approval by resolution while in session, and by the Committee on Ways and Means of the Congress of the Federated States of Micronesia between sessions. If the Congress does not approve a division of such goods and services within 60 days of the submission of a proposed division of such fees by the Authority, the proposed division shall be deemed approved."

Section 17. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 116 to read as follows:

"Section 116. Reporting requirements.
(1) The master of each foreign fishing vessel issued a permit or which is permitted to fish pursuant to a treaty or any agreement or arrangement referred to in section 106 shall at all times while the vessel is in the fishery waters, cause to be maintained in the English language a fishing log in a form supplied or approved by the Authority, and shall enter the following information relating to the activities of the vessel on a daily basis:
(a) The gear type used;
(b) The noon position of the vessel and, where
applicable, the set location and time;

(c) The species of fish taken and the quantity of each species by weight or number as may be specified in the form;

(d) The species of fish returned from the vessel to the sea, the quantity of each species by weight or number as may be specified in the form, and the reasons for discard; and

(e) Such other information as the Authority may prescribe by regulation or as may be required by an applicable treaty, agreement, or arrangement.

(2) The original log form described in subsection (1) shall be sent to the Authority by registered airmail within 30 days of entry of the vessel into port at the completion of the relevant trip, or as provided in the applicable treaty, agreement, or arrangement.

(3) The owner or operator of a local fishing vessel longer than twenty-seven feet in overall length shall maintain a fishing log in a prescribed form issued by the Authority, in which he shall enter the following information relating to the activities of the vessel on each fishing day:

(a) The type of gear used;

(b) Time and location where such fishing activities have taken place;
(c) Species of fish taken and quantity of each
species by weight and number as may be specified in a form
issued by the Authority; and

(d) Such other information as the Authority may
require in a specified form.

(3) The owner or operator referred to in subsection
shall send by registered mail or deliver such fishing
logs to the Authority within 7 days of the end of each
calendar month's activities, or within 7 days of entry of
the vessel into port at the completion of a trip lasting
longer than 14 days.

(5) The Authority, by regulation, may prescribe such
other reporting requirements as may be required for the
conservation and management of marine resources and to
enforce the provisions of this title."

Section 18. Title 24 of the Code of the Federated States of
Micronesia is hereby further amended by adding a new section 117 to
read as follows:

"Section 117. Authority to issue State permits. If
authorized by appropriate State law, the Authority may
issue permits for fishing in the Territorial Sea or
internal waters in accordance with State law. Any fees
collected for fishing within the Territorial Sea or
internal waters shall be transferred to the State for which
the permit was granted."
Section 19. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 118 to read as follows:

"Section 118. Authority to appoint observers. Pursuant to regulations issued by the Authority, the executive director may appoint, in writing, any person to be an authorized observer."

Section 20. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 119 to read as follows:

"Section 119. Application of other laws. No permit issued under this title shall relieve any fishing vessel or its operator or crew of any obligation or requirements imposed by other laws, including those concerning navigation, customs, immigration, or health, unless so indicated in those laws."

Section 21. Section 104 of title 24 of the Code of the Federated States of Micronesia is hereby renumbered as section 120.

Section 22. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 201 of chapter 2 to read as follows:

"Section 201. Registration fee for domestic fishing permits. A registration fee of up to $25 may be charged for a domestic fishing permit."

Section 23. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 119 to read as follows:
Micronesia is hereby further amended by adding a new section 202 of chapter 2 to read as follows:

"Section 202. Allocation of allowable fishing between domestic fishing vessels. The Authority may allocate that portion of the optimum sustainable yield allocated to domestic fishing vessels among domestic fishing vessels, if unrestricted fishing by domestic fishing vessels would otherwise result in a catch level exceeding the optimum sustainable yield. In determining the allocation, the Authority shall take into consideration:

1. The extent to which each vessel or operator of such vessel has historically fished in a particular area;
2. The extent to which each vessel or operator of such vessel is advancing the development of a fishing industry in the Federated States of Micronesia;
3. The extent to which each vessel or operator of such vessel has historically fished for a particular regulated species;
4. The extent to which each vessel or operator of such vessel submits information for the conservation, management, and development of stocks of fish;
5. The extent to which each vessel or operator of such vessel has traditional rights to fishing in an area; and
6. Such other factors as the Authority deems appropriate."
Section 24. 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 established a Micronesian Maritime
Authority composed of seven (7) members with five (5) members
appointed by the Speaker of the Congress of the
Federated States of Micronesia and two (2) members
appointed by the President of the Federated States of
Micronesia in consultation with the Speaker and the
Secretary of State, being the Secretary of External
Affairs, or his designee, and the Secretary of Resources
and Development, or his designee, provided neither shall
be a representative of the affected State as of the effective date of the
law cited which the designee referred shall serve until their
term of appointment expires appointed as follows:

(a) One representative of each State appointed by
the President of the Federated States of Micronesia, in
consultation with the Governor and Congressional Delegation
of the affected State; PROVIDED, however, that no such
representative shall also serve as a member of the Board of
Directors of the National Fisheries Corporation of the
Federated States of Micronesia, or any subsidiary or
affiliate thereof, during the term of his membership on the
Authority; and
(b) One at-large member appointed by the President of the Federated States of Micronesia.

(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 after the effective date of this act. Upon the expiration of the term of an appointed member, his rights and powers of membership shall lapse and the executive director shall declare the vacancy and notify the President of the Federated States of Micronesia in writing of such vacancy. Vacancies occurring before the expiration of a member's term 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 the 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 regulations by majority vote."

Section 25. 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 listed threatened fish
in the exclusive economic zone of the
Federated States of Micronesia pursuant to sections 1021,
1031 and 104 of title 19 of this Code;
(b) to conclude foreign and domestic-based fishing
agreements in accordance with sections 402 401 and 403 406
of this title;
(c) to issue domestic, domestic-based, and
foreign fishing permits in accordance with procedures
established prescribed by the Authority or regulations
promulgated pursuant to paragraph (a) of this subsection
and subsection 1(a) subsections (1)(a) and 2(a) of this
section; and
(1) to relate according to regulation adopted
by the Authority all of a portion of a fee collected
pursuant to section 1941 of this title to a joint
financing venture duly organized by law in the territory
established fishery development and
(1d) to participate in the planning and execution
of programs relating to fisheries, or fishing in the
extended fishery exclusive economic zone in which any
agency of the Micronesian Government a State government
or the Government of the Federated States of Micronesia, or
any agency or subdivision thereof, has a proprietary
interest, direct or indirect, by way of stock ownership,
partnership, joint venture, or otherwise.

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

(a) The process for the adoption of regulations by the Authority to effectuate Title I of this Act and the Authority's regulations shall follow the procedures and afford the public a reasonable opportunity to present its views with regard to the adoption of any regulation.

(b) The Authority may promulgate interim regulations of its own authority which shall be effective for a period no longer than six months unless the Authority by resolution has extended the interim regulations.

Section 26. 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. In addition to the authority granted in the preceding section, the Authority shall have the following duties and functions:

(1) to provide technical assistance in the delineation of the extended fishing exclusive economic zone in accordance with section 107 of title 18;

(2) to negotiate domestic-based and foreign fishing agreements in accordance with sections 402 through 404 of this title;
(3) To require all foreign fishing vessels to possess a permit issued by a State where fishing in the Territorial Sea or exclusive fishing area of a State.

(3) To issue permits for fishing in the Territorial Sea or internal waters of a State as authorized pursuant to section 117;

(4) to 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 27. 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 attorneys who are neither employees nor officials of the Government of the Federated States of Micronesia or any State government shall be compensated at the rate of thirty-five dollars per day when actually on the business of the Authority.

(2) The attorneys appointed shall be compensated at a rate established by the Authority, but shall not participate in the decision of the Authority determining the compensation."
(31) Members of the Authority who are employees of State government of the Government of the Federated States of Micronesia or of any State government shall not be entitled to receive any compensation except for those expenses provided for in subsection (2) of this section.

(32) All members of the Authority, including members described in subsections (2) and (3) of this section, who are employees or officials of the Government of the Federated States of Micronesia or of any State government, shall receive per diem and travel expenses at established Federated States of Micronesia rates while on the business of the Authority.

(3) The executive director shall receive a remuneration for his services, the amount of which shall be fixed by the Authority in consonance with the pertinent provisions of the current annual budget of the Government of the Federated States of Micronesia. The executive director shall serve at the pleasure of the Authority and shall be exempt from the provisions of the National Public Service System Act, section 111 et seq. of title 52 of this Code."

Section 28. 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, to the Speaker
of the Congress of the Federated States of Micronesia, and to each State Governor by December 1 of each year, which report shall contain a
detailed accounting of the expenditure of funds of the
Authority, the number of permits and licenses issued, the
fees, forfeitures, and fines collected, estimates of the
effect of the current level of fishing on the stock of fish
in the exclusive economic zone, and such other information
regarding the implementation of this title in the preceding
fiscal year as the Authority may determine."

Section 29. Sections 401, 405, and 407 through 415 inclusive of
title 24 of the Code of the Federated States of Micronesia are hereby
repealed.

Section 30. Section 402 of title 24 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 402. Foreign fishing agreements -

..."

Acknowledgment of management authority Required. Any fishing agreement shall acknowledge the executive
management authority of the Government of
Micronesia as set forth in this title. No foreign fishing
vessel shall be issued a permit to fish in the exclusive
economic zone without having entered into a foreign fishing
agreement."
Section 31. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 402 to read as follows:

"Section 402. Fees for foreign fishing permits. Fees and other forms of compensation for the right to exploit marine resources within the exclusive economic zone by foreign fishing vessels shall be established in foreign fishing agreements entered into pursuant to sections 404 and 405 of this title."

Section 32. Section 404 of title 24 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 402A. Allocable levels of foreign fishing vessels. The allocable levels of foreign fishing vessels shall be that portion of the harvest of each fishery which will not be harvested by vessels of Micronesia.

(1) The Micronesia Authority may determine the allocation among foreign parties of the total allocable level of foreign fishing which is permitted with respect to any fishery stock of fish subject to the provisions of this title.

(2) In determining the allocation among parties, the
Authority shall take into consideration:

(a) the extent to which vessels of such parties have historically fished the particular regulated species;

(b) the extent to which vessels of such parties have complied with the laws of the Federated States of Micronesia and any relevant treaties, agreements, or arrangements;

(c) whether such parties or their national governments have cooperated with the government Federated States of Micronesia in, and made substantial contributions to, the conservation, management and development of fisheries, fishery research and the identification of marine resources;

(d) whether such parties or their national governments have cooperated with the government of the Federated States of Micronesia in enforcement of the provisions of this title and the regulations issued under its authority, including flag state enforcement and provision of information required for the conservation and management of stocks of fish; and

(e) such other matters as it may deem appropriate."

Section 33. 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. It
negotiating foreign fishing agreements; the authority shall
seek substantial agreement by the foreign parties to the
following terms and conditions: All foreign fishing
agreements shall have the following minimum terms:

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

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

(a) abide by comply with the requirements of
this title, all regulations issued pursuant to this
authority of chapter 3 of this title and all other
applicable laws and regulations;

(b) permit any officer authorized to enforce the
provisions of this title to 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;
permit such officer shall also be permitted to examine and make negotiations on any permit issued pursuant to sections 810 through 812 of this chapter or other documentation required under any applicable foreign fishing agreement;

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

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

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

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

(a) display any permit or permit number issued
for any such vessel pursuant to sections 10009 through
112111 of this chapter title or any documentation required
to be displayed under foreign fishing agreements shall be
displayed in the wheelhouse of such vessel;

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

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

(f) all authorized Micronesian observers shall
be permitted on board any such vessel and require that the
National Government of the Federated States of Micronesia
shall be reimbursed for the cost of such authorized
observers; and

(g) appoint and maintain an agent who is
appointed and maintained within the Federated States of
Micronesia who is authorized to receive and respond to
any legal process issued in the Federated States of
Micronesia with respect to such owner or operator of such
vessel.; and
(3) The foreign party and the owner or operator of

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 in accordance
with this title.

(4) Foreign parties will:

(a) apply, pursuant to sections 610109 through

612111 of this chapter title, for any required permits;

(b) deliver promptly to the owner or operator of
the appropriate fishing vessel any 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 fishing exclusive
economic zone of the Federated States of Micronesia
without a valid and applicable permit, except as provided
by foreign fishing agreements concluded pursuant to this
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
day fishing vessels fishing pursuant to such agreement will
abide by all other terms and conditions of the agreement.

Section 34. Section 406 of title 24 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:
"Section 495 405. Approval of foreign and domestic-based fishing agreements.

(1) To take effect within the extended fishery zone of the Federated States of Micronesia exclusive economic zone, a foreign fishing agreement or domestic-based 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 ten vessels will not require the approval of the Congress of the Federated States of Micronesia."

Section 35. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 406 to read as follows:

"Section 406. Domestic-based fishing agreements. No domestic-based fishing vessels shall be issued a permit to fish in the exclusive economic zone without having entered into a domestic-based fishing agreement. Such fishing agreement shall have the same minimum terms required of foreign fishing agreements by section 404 of this title."

Section 36. Title 24 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 407 to read as follows:
"Section 407. Allocation of allowable fishing between domestic-based fishing vessels. The portion of the optimum sustainable yield allocated to domestic-based fishing vessels shall be divided by the Authority among domestic-based fishing vessels, if necessary. In determining the allocation among domestic-based fishing vessels, the Authority shall take into consideration:

(1) The extent to which each vessel or operator of such vessel has historically fished for a particular regulated species;

(2) The extent to which each vessel or operator contributes to the economic growth of the Nation;

(3) The extent to which each vessel or operator of such vessel has provided information necessary for the conservation and management of stocks of fish; and

(4) Such other provisions as the Authority deems appropriate."

Section 37. Section 416 of title 24 of the Code of the Federated States of Micronesia is hereby renumbered as section 408.

Section 38. Section 501 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-37, is hereby further amended to read as follows:

"Section 501. Prohibited acts.

(1) It is unlawful for any person:

(a) to violate any provision of this title or of
any regulation or permit issued pursuant to this title;

(b) to use any fishing vessel to engage in fishing after revocation, or during the period of suspension, of an applicable permit issued pursuant to this title;

(c) to violate any provision of, or regulation under, an applicable domestic-based or foreign fishing agreement entered into pursuant to sections 401, 403, and 404 through 406 of this title or any term or condition of any permit issued in accordance with this title and any regulations made under this title;

(d) to violate any provision of any applicable foreign fishing treaty, agreement or arrangement or the terms of any regional fishing license recognized in accordance with this title;

(dg) to refuse to permit any authorized officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation, permit, or foreign or domestic-based fishing agreement or any applicable fishing treaty, agreement or arrangement referred to in paragraphs (a) (d) and (f) of this subsection;

(dh) to forcibly assault, obstruct, resist, delay, refuse boarding to, appeal unlawful intimidating, or
interfere with any authorized officer or observer in performance of his duties, including in the conduct of any search or inspection described in paragraph (d) of this subsection; and for the purposes of this subparagraph, any person who refuses to allow any authorized officer or observer, or any person acting under his order or in his aid, to exercise any of the powers conferred on an authorized officer or observer by this title or any regulations made under this title shall be deemed to be obstructing that officer, observer, or person;

(g) to fail to comply with the lawful requirements of any authorized officer or observer;

(h) to furnish to any authorized officer any particulars which, to his knowledge, are false or misleading in any respect;

(i) being on board any vessel being pursued or about to be boarded by any authorized officer, to throw overboard or destroy any fish, fishing gear, explosive, poison, or other noxious substance to avoid seizure of such fish, fishing gear, explosive, poison, or other noxious substance or thing or to avoid the detection of any offense under this title or the regulations made under this title;

(j) to resist a lawful arrest for any act prohibited by this section;

(k) to provide information required to be
recorded, notified or communicated pursuant to any
requirement of the provisions of this title or the
regulations, knowing or having reasonable cause to believe
that it is false, incomplete or misleading;
(\(g\)) to knowingly ship, transport, offer for
sale, sell, purchase, import, export, or have custody,
control, or possession of any fish taken or retained in
violation of this title or any regional fishing treaty,
regulation, permit, or foreign or domestic-based fishing
agreement or any applicable law referred to in paragraphs
(\(a\)) and (\(d\)) of this subsection;
(\(h\)) to interfere with, delay, or prevent, by
any means, the apprehension or arrest of another person,
knowing that such person has committed any act prohibited
by this section; or
(\(i\)) to violate any provision of, or regulation
under, any applicable agreement to implement a regional
fisheries treaty, or any other treaty, agreement or arrangement
having effect in the Federated States of Micronesia, entered
into pursuant to section \(\S\) 106 of this title; or
(\(o\)) to use any foreign fishing vessel for
fishing within a two-mile radius of any fish aggregating
device of the Government, a citizen, or any other body
established under the laws of the Federated States of
Micronesia.
taken or retained, in any manner, in connection with or as
furniture, apparatus, stores, cargo used, and any

20 of the chapter shall, along with the finding before
involved in the commission of any act prohibited by section
section 704, forfeiture - forfeiture - forfeiture - forfeiture.
Any finding referred

20 to

section 40, section 706, in the case of the code of the
shall be considered a separate offense.

not more than $400,000. Each day of contravention violation

subsection (2) of section 501 is punishable by a fine of


where a registered firearm, treaty, or forbidden person

not more than $400,000, or imprisonment for

by a fine of not more than $5,000, or imprisonment for

such officer with bodily injury, the offense is punishable

to enforce the provisions of the title, or interfere with

conduct that causes bodily injury to any officer authorized

offense the person uses a dangerous weapon, or engages in

both! PROVIDED that if in the commission of any such

$400,000, or imprisonment for not more than two years, or

section 501 is punishable by a fine of not more than

subsection (1), (e), (f)(1), (f)(2), (g)(1), or (g)(2)

(3) Any offense described as a prohibited act by
(2) It is unlawful for any foreign fishing vessel, and for the crew, owner, or operator of any foreign fishing vessel, to engage in fishing in the extended exclusive economic zone of Micronesia unless such fishing is authorized by and conducted in accordance with or without a valid and applicable fishing permit issued pursuant to this title, where such permit is required by sections 103 and 104 of this title, and unless such fishing is permitted pursuant to section 106. It is unlawful for any foreign fishing vessel and for the crew, owner, or operator of any foreign fishing vessel to engage in fishing in the extended exclusive economic zone of a state unless such fishing is authorized by and conducted in accordance with a valid and applicable fishing permit issued by the state."

Section 39. Section 503 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-37, is hereby further amended to read as follows:

"Section 503. Criminal penalties.

(1) A person is guilty of an offense if he commits any act prohibited by section 501 of this chapter.

(2) Any offense described as a prohibited act by subsections (1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 501 is punishable by a fine of not more than $250,000.
a result of such act, be subject to forfeiture to the
Government Federated States of Micronesia. All or part of
such vessel shall, and all such fish shall, be forfeited to
the Government Federated States of Micronesia pursuant to a
civil proceeding under this section."

Section 41. Section 505 of title 24 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 505. Forfeitures — Jurisdiction. The National
Supreme Court of the Government Federated States of
Micronesia shall have jurisdiction, upon application by the
Attorney General or the executive director on behalf of
the Government Federated States of Micronesia, to order any
forfeiture authorized under section 504 of this chapter."

Section 42. Section 506 of title 24 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 506. Forfeitures — Seizures. If a judgment is
entered for the Government Federated States of Micronesia
in a civil forfeiture proceeding under sections 504 through
509 of this chapter, the Attorney General shall seize any
property or other interest declared forfeited to the
Government Federated States of Micronesia, which has not
previously been seized pursuant to this title."

Section 43. Section 507 of title 24 of the Code of the
Federated States of Micronesia is hereby amended to read as
follows:
"Section 507. Forfeitures — Disposition of property. The forfeited vessel, gear, furniture, appurtenances, stores, cargo, and fish may be sold and the proceeds deposited with the authority to be used in accordance with section 510 of this chapter or may be retained for use by or at the direction of the government of Micronesia into the General Fund of the Federated States of Micronesia and distributed in accordance with section 510 of this title."

Section 44. Section 509 of title 24 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 509. Forfeitures — Disposition of perishable articles.

(1) Any fish, fish products, or other perishable articles seized or taken pursuant to this title may be sold, subject to the approval and direction of the Court. The proceeds of any such sale shall be deposited with such Court pending the disposition of the civil forfeiture proceeding.

(2) For purposes of this title, it shall be a rebuttable presumption that:

(a) All fish found on board a fishing vessel which is seized or taken in connection with an act prohibited by section 501 of this chapter were taken or retained in violation of this title; and

(b) All fish found on board a transiting fishing
vessel which vessel has been used in the commission of an
offense in the exclusive economic zone, shall be deemed to
have been caught in the exclusive economic zone."

Section 45. Section 511 of title 24 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 511. Jurisdiction of Courts.

(1) The High Court of the Trust Territory of the
Pacific Islands shall have exclusive jurisdiction over any
case or controversy arising under this title until the
establishment of the Supreme Court of the Federated States
of Micronesia, when the Supreme Court of the Federated
States of Micronesia shall have exclusive jurisdiction over
any case or controversy arising under this title.

(2) The Court may at any time enter restraining
orders or prohibitions; issue warrants, process in rem, or
other processes; prescribe and accept satisfactory bonds or
other security; and take such other actions as are in the
interests of justice."

Section 46. Section 512 of title 24 of the Code of the
Federated States of Micronesia is hereby amended to read as follows:

"Section 512. Enforcement responsibility.

(1) Primary responsibility for the enforcement of
this title shall be assumed by the Office of the
Attorney General of the Federated States of
Micronesia has primary responsibility for the enforcement
of this title, and may authorize other entities, officials or persons to perform enforcement functions with respect to the fisheries code of the Federated States of Micronesia.

1. The Attorney General of the Trust Territory Government will be authorized to file enforcement actions taken and the proceeds thereof in an expedited manner.

2. Communications with foreign governments in connection with enforcement actions will be in accordance with Department of Justice Order No. 209.

3. Enforcement decisions will be made in consultation with the Attorney General of the Trust Territory of the Federated States of Micronesia.

4. The Attorney General of the Federated States of Micronesia is hereby amended to read as follows:

"Section 513. Enforcement authority. Any officer who is authorized and appointed by the Attorney General to enforce the provisions of this title may

1. Issue or without a warrant or other process

2. Arrest any person if he has reasonable cause to believe that such person has committed an act prohibited by section 501 of this chapter"
(a) every and every of every fishing
vessel which is subject to the provisions of this title;
(b) every fishing vessel used or employed
at or near it necessarily appears that such vessel was used
at employed in the violation of any provision of this
title;
(c) every fishing gear, tackle,
apparatus, vessel, vessel and thing in the possession of
a vessel or vessel subject to authority granted by
paragraph (d) of this subsection and
(d) every other evidence related to any
violation of any provision of this title;

(1) For the purpose of ascertaining whether there is
or has been any contravention of the provisions of this
title or any regulations passed thereunder, any authorized
officer may:

(a) Upon the issuance of a warrant, at all
reasonable hours, enter any fish processing establishment
and any premises other than premises used exclusively as a
dwelling-house;

(b) Stop, board and search:

(i) Any foreign or domestic-based fishing
vessel within the fishery waters, or

(ii) Any domestic fishing vessel, inside or
outside the fishery waters;
(c) Stop and search any vessel or vehicle transporting, or reasonably suspected of transporting, fish or fish products;

(d) Make such examination and inquiry as may appear necessary to him concerning any premises, fish processing establishment, vessel or vehicle in relation to which any of the powers conferred by this section have been, or may be exercised and take samples of any fish, or fish products, found therein;

(e) Require any person to produce his permit or his authority if it appears to the authorized officer that such person is doing any act for which a permit or other authority is required under this title and take copies of any such license or other authority;

(f) Require any person to produce any logbook, record or other document required to be held by him under this title or any regulations made under this title and take copies of such logbook, record or other document.

(2) Where he has reasonable cause to believe that an offense against the provisions of this title or any regulations made under this title has been committed, any authorized officer may, with or without a warrant or other process:

(a) Following hot pursuit in accordance with international law and commenced within the fishery waters,
stop, board and search inside or outside the fishery waters
any fishing vessel which he believes has been used in the
commission of that offense within the fishery waters or in
relation to which he believes such offense has been
committed and bring such vessel and all persons and things
on board within the fishery waters;
(b) Within the fishery waters:
   (i) Arrest any person if he has reasonable
   cause to believe that such person has committed an offense
   prohibited by this title or any regulations issued under
   this title;
   (ii) Seize any fishing vessel used or
   employed in, or when it reasonably appears to have been
   used or employed in, the violation of any provision of this
   title or any regulations issued under this title;
   (iii) Seize any fishing gear, furniture,
   appurtenances, stores, cargo, and fish in or on a fishing
   vessel seized pursuant to this section; and
   (iv) Seize any fish which he reasonably
   believes to have been taken or fish products produced in
   violation of any provision of this title or any regulations
   issued under this title.
(23) Any authorized officer may execute any warrant or
other process issued by any court of competent
jurisdiction.
Section 3(6). Immaterial.

No action shall lie against the

24 Read as follows:

23 Micromelia as hereby further amended by adding a new section 3(6) to

22 Section 49, Title 12 of the Code of the Federated States of

21 unless the contrary is proved.

20 presumed to be the place in which the event took place.

19 as being the place in which the event took place shall be

18 other official record of an enforcement vessel or artifact

17 stated in a copy of the relevant entry in the logbook or

16 event be alleged to have taken place is in konnte, the place

15 regulations issued under this title, the place at which an

14 in such procedure the regulations issued under this title of any

13 "Section 3(5). Preparation of Instructions in Flying Where,

12 Read as follows:

11 Micromelia as hereby further amended by adding a new section 3(5) to

10 Section 49, Title 12 of the Code of the Federated States of

9 regulations issued under this title.

8 Any authorized officer may exercise any other

7 powers in accordance with International Law.

6 shall be exercisable beyond the limits of the territory

5 powers conferred on authorized officers under this section

4 the proceeds beyond the limits of the territory the

3 under this title by a prosecution filing vessel, that vessel

2 (4) Where following the commencement of an offense

1
Authority, any authorized officer or observer, or any other
person appointed pursuant to this title in respect of
anything done or omitted to be done by him in good faith in
the execution or purported execution of his powers and
duties under this title or regulations issued under this
title."

Section 50. Nothing in this act shall be construed to require
changes in foreign fishing agreements in effect on the day preceding
the effective date of this act nor shall this act impose any added
burdens on any person or vessel fishing in the exclusive economic
zone pursuant to such agreements.

Section 51. This act shall take effect 30 days after the day on
which the act shall have become law.

Section 52. 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: 6/16/89

Introduced by

Joseph Orsena