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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 Law No. 6-11, to correct a typographical error therein, 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
2 States of Micronesia, as amended by Public Law No. 6-11, is hereby
3 further amended to read as follow:

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

7 (1) The foreign party and the owner or operator of
8 any fishing vessel shall acknowledge the exclusive fishery
9 management authority of the Federated States of Micronesia
10 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 other
16 applicable laws and regulations;

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

24 (c) permit such officer to examine and make
25 ~~negotiations~~ notations on any permit issued

1 pursuant to sections 109 through 111 of this title, or
2 other documentation required under any applicable foreign
3 fishing agreement;

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

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

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

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

1 duties;

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

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

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

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

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

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

25 (3) Foreign parties will:

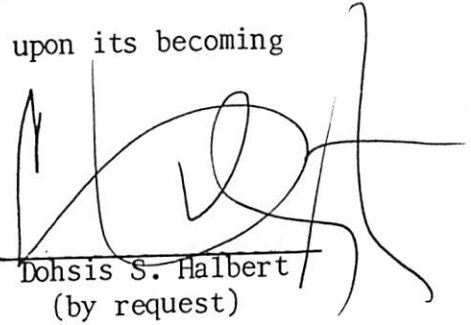
1 (a) apply, pursuant to section 109 of this
2 title, for any required permits;

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

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

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

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17 Date: 1-29-90

Introduced by: 
Dohsis S. Halbert
(by request)

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