A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by further amending sections 404 and 405, as amended by Public Law No. 6-11, and by amending section 406, as established by Public Law No. 6-11, to set limits on the duration of foreign fishing agreements and permits, to allow domestic-based fishing agreements for periods of up to two years in some circumstances, 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 of Micronesia, as amended by Public Law No. 6-11, is hereby further amended to read as follows:

2 *Section 404. Foreign fishing agreements - Terms. All foreign fishing agreements shall be for a definite duration not to exceed one year, and shall specify the number of vessels that may be issued permits pursuant to the agreement, and the size, tonnage capacity, and manner of fishing of such vessels. Permits authorized by any foreign fishing agreement shall not be for a period of time extending beyond the term of the agreement. In addition, all foreign fishing agreements shall have the following minimum terms:

3 (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;

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

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

6 (b) permit any officer authorized to enforce the provisions of this title 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;

7 (c) permit such officer to examine and make

8 notations on any permit issued pursuant to sections 109 through 111 of this title, 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;

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

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

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

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

(l) appoint and maintain an agent 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

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

(3) Foreign parties will:

(a) apply, pursuant to section 109 of this 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 exclusive economic zone without a valid and applicable permit,
except as provided by foreign fishing agreements concluded pursuant to this
chapter, and that all conditions and restrictions of the permit, or any applicable
foreign fishing agreement, are complied with."

Section 2. Section 405 of title 24 of the Code of the Federated States of Micronesia, as
amended by Public Law No. 6-11, is hereby further amended to read as follows:

"Section 405. Approval of foreign and domestic-based fishing agreements.

(1) To take effect within the 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 does not require the approval of the Congress of the Federated States of Micronesia.

(4) When submitting a domestic-based fishing agreement to the Congress or to the Committee on Resources and Development the Authority shall also submit:

(a) verifiable evidence of any investment in land-based facilities made by the domestic-based party; and

(b) verifiable evidence that the domestic-based party has obtained all foreign investment permits, licenses and other permits and authorization necessary for such party to conduct business in the Federated States of Micronesia or any of the States thereof."

Section 3. Section 406 of title 24 of the Code of the Federated States of Micronesia, as established by Public Law No. 6-11, is hereby amended 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 except that such agreements and the permits authorized by such agreements may be for a period of time not to exceed two years where the domestic-based party has invested more than $1,000,000 in the preceding two years in land-based facilities in the Federated States of Micronesia."
Section 4. 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: 5-28-93

Introduced by: [Signature]

Jack Fritz