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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 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  
2 amended by Public Law No. 6-11, is hereby further amended to read as follows:

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

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

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

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

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

22 (c) permit such officer to examine and make ~~negotiations~~  
23 notations on any permit issued pursuant to sections 109 through 111 of this  
24 title, or other documentation required under any applicable foreign fishing  
25 agreement;

- 1 (d) allow and assist any authorized officer to enforce the  
2 provisions of this title, regulations made thereunder and any other applicable  
3 laws or regulations;
- 4 (e) immediately comply with every instruction given by an  
5 authorized officer, facilitate safe boarding, and facilitate the inspection of the  
6 vessel, gear, equipment, records, fish and fish products;
- 7 (f) allow and assist authorized observers to board the vessel for  
8 scientific, monitoring, compliance and other functions, and have full access to,  
9 and the use of, facilities and equipment on board the vessel which the authorized  
10 observer may determine is necessary to carry out his duties; have full access to  
11 the bridge, fish on board and areas which may be used to hold, process, weigh and  
12 store fish; remove samples; have full access to the vessel's records, including its  
13 logs and documentation for the purpose of inspection and copying; and gather any  
14 other information relating to fisheries in the exclusive economic zone;
- 15 (g) not assault, obstruct, resist, delay, refuse boarding to,  
16 intimidate, or interfere with an authorized officer or authorized observer in the  
17 performance of his duties;
- 18 (h) display any permit or permit number issued for any such  
19 vessel pursuant to sections 109 through 111 of this title or any documentation  
20 required to be displayed under foreign fishing agreements in the wheelhouse of  
21 such vessel;
- 22 (i) ensure that appropriate position-fixing and identification  
23 equipment shall be installed and maintained in working order on each such  
24 vessel;
- 25 (j) ensure that the vessel is marked in accordance with

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1 regulations issued by the Authority while within the exclusive economic zone;

2 (k) require that the National Government of the Federated States

3 of Micronesia shall be reimbursed for the cost of authorized observers;

4 (l) appoint and maintain an agent within the Federated States of

5 Micronesia who is authorized to receive and respond to any legal process issued

6 in the Federated States of Micronesia with respect to such owner or operator of

7 such vessel; and

8 (m) not, in any year, exceed such party's allocation of the total

9 allowable level of foreign fishing, in the event allocations are established in

10 accordance with this title.

11 (3) Foreign parties will:

12 (a) apply, pursuant to section 109 of this title, for any required

13 permits;

14 (b) deliver promptly to the owner or operator of the appropriate

15 fishing vessel any permit which is issued under that section for such vessel; and

16 (c) abide by the requirement that no foreign fishing will be

17 permitted in the exclusive economic zone without a valid and applicable permit,

18 except as provided by foreign fishing agreements concluded pursuant to this

19 chapter, and that all conditions and restrictions of the permit, or any applicable

20 foreign fishing agreement, are complied with."

21 Section 2. Section 405 of title 24 of the Code of the Federated States of Micronesia, as

22 amended by Public Law No. 6-11, is hereby further amended to read as follows:

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

24 (1) To take effect within the exclusive economic zone, a foreign fishing

25 agreement or domestic-based fishing agreement shall require the approval of the

1 Congress of the Federated States of Micronesia by resolution.

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

5 (3) An agreement involving fewer than ten vessels does not require the ✓  
6 approval of the Congress of the Federated States of Micronesia.

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

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

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

16 Section 3. Section 406 of title 24 of the Code of the Federated States of Micronesia, as  
17 established by Public Law No. 6-11, is hereby amended to read as follows:

18 "Section 406. Domestic-based fishing agreements. No domestic-based fishing  
19 vessels shall be issued a permit to fish in the exclusive economic zone without  
20 having entered into a domestic-based fishing agreement. Such fishing agreement  
21 shall have the same minimum terms required of foreign fishing agreements by  
22 section 404 of this title except that such agreements and the permits authorized  
23 by such agreements may be for a period of time not to exceed two years where  
24 the domestic-based party has invested more than \$1,000,000 in the preceding  
25 two years in land-based facilities in the Federated States of Micronesia."

1 Section 4. This act shall become law upon approval by the President of the Federated  
2 States of Micronesia or upon its becoming law without such approval.

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4 Date: 5-28-93

Introduced by: Jack Fritz  
Jack Fritz

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