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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 require foreign fishing boats to refuel at FSM ports, 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
2 Micronesia, as amended by Public Law No. 6-11, is hereby further amended to
3 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (l) appoint and maintain an agent within the Federated States
5 of Micronesia who is authorized to receive and respond to any legal
6 process issued in the Federated States of Micronesia with respect to such
7 owner or operator of such vessel; ~~add~~

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

11 (n) not refuel or take on fuel, within 72 hours of entering or
12 leaving the exclusive economic zone, except from an on-shore fuel
13 distributor at a port within the Federated States of Micronesia.

14 (3) Foreign parties will:

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

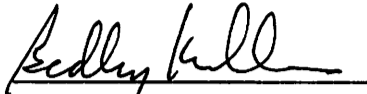
17 (b) deliver promptly to the owner or operator of the
18 appropriate fishing vessel any permit which is issued under that section
19 for such vessel; and

20 (c) abide by the requirement that no foreign fishing will be
21 permitted in the exclusive economic zone without a valid and applicable
22 permit, except as provided by foreign fishing agreements concluded
23 pursuant to this chapter, and that all conditions and restrictions of the
24 permit, or any applicable foreign fishing agreement, are complied with."
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1 Section 2. This act shall become law upon approval by the President of the
2 Federated States of Micronesia or upon its becoming law without such approval.

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Date: March 02, 1994

Introduced by: 
Redley Killion