A BILL FOR AN ACT

To further amend section 404 (formerly section 403) of title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 6-11, for the purpose of requiring that foreign fishing boats install and use vessel monitoring systems, and for other purposes.

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

Section 404 (formerly section 403) 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 404. Foreign fishing agreements - Terms. 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 or the owner or operator of any fishing vessel fishing, as appropriate, pursuant to such agreement shall:

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

(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 inspections, that any such vessel or any person has committed an act prohibited by this title;"
(c) permit such officer to examine and make negotiations 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; and
(n) acquire, install, maintain, and continuously operate on each vessel, all at no expense to the Federated States Micronesia, such vessel monitoring systems or components thereof as may be directed by the Attorney General of the Federated States of Micronesia.

(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. 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: 11/16/93

Introduced by: Joseph J. Urusemal (by request)