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, for the purpose of requiring that all foreign fishing agreements include a provision prohibiting any commercial fishing within twenty-four miles of the territory of the Federated States of Micronesia, 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.

3 All foreign fishing agreements shall have the following minimum terms:

4 (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;

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

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

7 (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;

8 (c) permit such officer to examine and make negotiations on any permit issued pursuant to sections 109
through lll 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 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) agree to refrain from, and refrain from, any commercial fishing within twelve (12) miles of the
outermost limits of the territorial waters of the Federated States of Micronesia, such that the waters within twenty-four (24) miles of any territory of the Federated States of Micronesia shall be deemed an area closed to fishing according to the terms of any foreign fishing agreement entered into under the provisions of this chapter.

(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: 11/06/96

Introduced by: Peter M. Christian