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 Laws Nos. 6-11 and 9-057, for the purpose of adding a minimum term to all foreign fishing agreements prohibiting the use or possession of fishing nets of a certain mesh size, and for other purposes.

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

Section 1. Section 404 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-11 and 9-057, 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 inspection, that any such vessel or any person has committed an act prohibited by this title;

(c) permit such officer to examine and make 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;

(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) use components of vessel monitoring systems as directed by the President of the Federated States of Micronesia; and

(o) not use or possess on any fishing boat in the Federated States of Micronesia's Exclusive Economic Zone a fishing net with a mesh size smaller than six inches on or after July 1, 1999.

(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: 5/28/94

Introduced by: Isaac V. Figir