

Public Law No. 6 - 11

AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-20, 5-37 and 5-72, by amending sections 101, 102, 301, 302, 303, 305, 306, 402, 403, 404, 406, 501, 503, 504, 505, 506, 507, 509, 511, 512, and 513, by renumbering sections 104 and 416, by repealing sections 103, 401, 405 and 407 through 415, by adding new sections 103 through 119, 201, 202, 402, 406, 407, 515 and 516, to revise the fisheries laws 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 101 of title 24 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 101. Statement of purpose. The resources of
4 the sea around the Federated States of Micronesia are a
5 finite but renewable part of the physical heritage of our
6 people. As the Federated States of Micronesia has only
7 limited land-based resources, the sea provides the primary
8 means for the development of economic viability which is
9 necessary to provide the foundation for political
10 stability. The resources of the sea must be managed,
11 conserved, and developed for the benefit of the people
12 living today and for the generations of citizens to come.
13 For this reason the harvesting of this resource, both
14 domestic and foreign, must be monitored, and when necessary,
15 controlled. The purpose of this title is to promote
16 conservation, management, and development of the marine
17 resources of the Federated States of Micronesia, generate
18 the maximum benefit for the Nation from foreign fishing,
19 and to promote the development of a domestic fishing
20 industry."

21 Section 2. Section 102 of title 24 of the Code of the Federated
22 States of Micronesia, as amended by Public Law No. 5-37, is hereby



Public Law No. 6 - 1 1

1 further amended to read as follows:

2 "Section 102. Definitions. As used in this title the
3 term:

4 (1) 'Administrator' means the director of a regional
5 fisheries agency or any other organization or person
6 authorized, pursuant to section 106 of this title, to
7 administer a regional fisheries treaty.

8 (1) 'Applicable laws' means those laws affecting
9 marine resources from time to time identified by the
10 Authority by regulation.

11 (2) 'Atoll' means a naturally formed coral reef
12 system which has one or more islands situated on the reef
13 system, including Ngulu, Ulithi, Sorol, Eauripik, Woleai,
14 Faraulep, Ifalik, Olaimarao, Elato, Lamotrek, West Fayu,
15 Puluwat, Pulap, Pulusuk, Namonuito, Kuop, Nomowin, Murilo,
16 Losap, Namoluk, Satawan, Etal, Lukunor, Minto Reef, Oroluk,
17 Nukuoro, Kapingamarangi, Pakin, Ant, Sapwuahfik, Mwoakiloa,
18 and Pingelap.

19 (3) 'Authority' means the Micronesian Maritime
20 Authority established by section 301 of this title.

21 (4) 'Authorized observer' means any person authorized
22 in writing by the Authority to act as an observer on foreign
23 fishing vessels, including any observer authorized pursuant
24 to a regional fisheries treaty to be an authorized observer
25 for purposes of this title.

Public Law No. 6 - 1 1

1 (5) 'Authorized officer' means any officer of the
2 Division of Security and Investigation of the Government of
3 the Federated States of Micronesia or any other person
4 authorized in writing by the Attorney General to be an
5 authorized officer for the purposes of this title.

6 (6) 'Based in the Federated States of Micronesia'
7 means using land-based facilities in the Federated States
8 of Micronesia to support fishing, including location of the
9 home port of a vessel in the Federated States of Micronesia,
10 selling all fish for processing within the Federated States
11 of Micronesia, transshipping all fish harvested within the
12 exclusive economic zone, and basing operations in the
13 Federated States of Micronesia while operating in the
14 exclusive economic zone.

15 (7) 'Commercial Pilot Fishing' means any fishing for
16 the purpose of testing the commercial viability of:

- 17 (a) New fishing methods;
18 (b) Developing new stocks of fish; or
19 (c) Fishing in previously unexploited areas.

20 (8) 'Court' means the Supreme Court of the Federated
21 States of Micronesia.

22 (9) 'Domestic-based fishing' means any fishing by
23 foreign fishing vessels based in the Federated States of
24 Micronesia, but not including commercial pilot fishing.

25 (10) 'Domestic-based fishing agreements' means an

Public Law No. 6 - 1 1

1 agreement between the Government of the Federated States of
2 Micronesia and one or more persons to permit domestic-based
3 fishing within the exclusive economic zone.

4 (11) 'Domestic-based party' means a party to a
5 domestic-based fishing agreement other than the Government
6 of the Federated States of Micronesia or a State.

7 (12) 'Domestic fishing' means any fishing by local
8 fishing vessels longer than twenty-seven feet in overall
9 length, but not including commercial pilot fishing.

10 (13) 'Exclusive economic zone' means the exclusive
11 economic zone defined in title 18 of the Code of the
12 Federated States of Micronesia.

13 (14) 'Executive director' means the executive director
14 of the Micronesian Maritime Authority.

15 (15) 'Fish' means any living marine resource.

16 (16) 'Fish aggregating device' means any manmade or
17 partly manmade floating device, whether anchored or not,
18 intended for the purpose of aggregating fish, and includes
19 any floating object on a device which has been placed to
20 facilitate its location.

21 (17) 'Fishery' means any fishing for stocks of fish.

22 (18) 'Fishery waters' means the exclusive economic
23 zone, the Territorial Sea, and internal waters as described
24 in title 18 of the Code of the Federated States of
25 Micronesia, and any other waters within the jurisdiction

Public Law No. 6 - 1 1

1 of the Federated States of Micronesia.

2 (19) 'Fishing' means:

3 (a) the actual or attempted searching for,
4 catching, taking, or harvesting of fish;

5 (b) any other activity which can reasonably be
6 expected to result in the locating, catching, taking, or
7 harvesting of fish;

8 (c) the placing, searching for, or recovery of
9 fish aggregating devices or associated electronic equipment
10 such as radio beacons;

11 (d) aircraft use relating to the activities
12 described in this subsection, except for flights in
13 emergencies involving the health or safety of crew members
14 or the safety of a vessel;

15 (e) transshipping fish to or from any vessel;

16 (f) storing, processing or transporting fish
17 harvested within the fishery waters;

18 (g) refueling or supplying fishing vessels; or

19 (h) any operations at sea in support of or in
20 preparation for any activity described in this subsection.

21 (20) 'Fishing gear' means any equipment, implement or
22 other thing that can be used in the act of fishing,
23 including any fishing net, rope, line, float, trap, hook,
24 winch, boat carried on board a fishing vessel, aircraft or
25 helicopter.

Public Law No. 6 - 11

1 (21) 'Fishing vessel' means any vessel, boat, ship,
2 or other craft which is used for, equipped to be used for,
3 or of a type that is normally used for:

4 (a) fishing;

5 (b) aiding or assisting one or more vessels at
6 sea in the performance of any activity related to fishing,
7 including, but not limited to preparation, supply, storage,
8 refrigeration, transportation, or processing.

9 (22) 'Foreign fishing' means any fishing not defined
10 as domestic fishing or domestic-based fishing, but not
11 including commercial pilot fishing or fishing from a local
12 fishing vessel less than or equal to twenty-seven feet in
13 overall length.

14 (23) 'Foreign fishing agreement' means an agreement
15 between the Authority on behalf of the Government of the
16 Federated States of Micronesia and one or more foreign
17 fishing interests to permit foreign vessels to harvest
18 fish within the exclusive economic zone.

19 (24) 'Foreign fishing vessel' means any fishing
20 vessel not defined as a local fishing vessel.

21 (25) 'Foreign party' means a party to a foreign
22 fishing agreement other than the Authority, the Government
23 of the Federated States of Micronesia or a State government.

24 (26) 'Foreign recreational fishing' means fishing by
25 a foreign fishing vessel for recreational or sport purposes.

1 (27) 'Island' means a naturally formed area of land
2 surrounded by water, which is above water at high tide.

3 (28) 'Living marine resource' means all forms of
4 marine animal and plant life other than marine birds and
5 includes, finfish, mollusks, and crustaceans.

6 (29) 'Local fishing vessel' means any fishing vessel
7 wholly owned and operated by one or more:

8 (a) The Government of the Federated States of
9 Micronesia, any State government or any subdivision thereof;

10 (b) Citizen of the Federated States of
11 Micronesia;

12 (c) Corporation or cooperative established under
13 the laws of the Federated States of Micronesia or of any
14 State which is wholly owned and controlled by one or more
15 of the persons described in paragraphs (a) and (b) of this
16 subsection;

17 (d) Any combination of persons described in
18 paragraphs (a) through (c) of this subsection.

19 (30) 'Operator' means any person who is in charge of,
20 directs, or controls a vessel, including the owner,
21 charterer, or the master.

22 (31) 'Pacific Island States' means the parties to the
23 South Pacific Forum Fisheries Agency Convention, 1979.

24 (32) 'Permit' means the document authorizing fishing
25 within all or part of the exclusive economic zone issued

1 pursuant to section 111 of this title or pursuant to a
2 treaty, or any agreement or arrangement entered into
3 pursuant to section 106 of this title.

4 (33) 'Person' means any individual, corporation,
5 partnership, association, or other entity, the Government
6 of the Federated States of Micronesia or any of the States,
7 or any political subdivision thereof, and any foreign
8 government, subdivision of such government, or entity
9 thereof.

10 (34) 'Regional fisheries treaty' means a treaty
11 between the governments of certain Pacific Island States
12 and governments, bodies or organizations of foreign States
13 other than Pacific Island States that relates to fishing in
14 the waters of the Pacific Island States and has entered
15 into force according to its terms, and has been ratified by
16 the Congress of the Federated States of Micronesia.

17 (35) 'Regional fishing license' means a regional
18 fishing license issued to a foreign fishing vessel
19 pursuant to a regional fisheries treaty.

20 (36) 'State' means any of the States of the Federated
21 States of Micronesia.

22 (37) 'Stock of fish' means a species, subspecies, or
23 other category of fish identified on the basis of
24 geographical, scientific, technical, recreational, and
25 economic characteristics which can be treated as a unit for

Public Law No. 6 - 1 1

1 purposes of conservation and management."

2 Section 3. Section 103 of title 24 of the Code of the Federated
3 States of Micronesia is hereby repealed.

4 Section 4. Title 24 of the Code of the Federated States of
5 Micronesia is hereby further amended by adding a new section 103 to
6 read as follows:

7 "Section 103. Fishing permits required - Commercial. No
8 domestic, domestic-based, commercial pilot, or foreign
9 fishing is permitted in the exclusive economic zone except:

10 (1) By a valid and applicable permit issued under
11 authority conferred by this title; or

12 (2) By a regional or multilateral license issued
13 pursuant to a treaty or agreement entered into under the
14 authority provided in section 106 of this chapter."

15 Section 5. Title 24 of the Code of the Federated States of
16 Micronesia is hereby further amended by adding a new section 104 to
17 read as follows:

18 "Section 104. Fishing permits required - Noncommercial.
19 No scientific research, training, or foreign recreational
20 fishing is permitted in the exclusive economic zone except
21 by a valid and applicable permit issued by the Authority on
22 such reasonable terms and conditions as it shall require."

23 Section 6. Title 24 of the Code of the Federated States of
24 Micronesia is hereby further amended by adding a new section 105 to
25 read as follows:

1 "Section 105. Stowage of fishing gear. All fishing gear
2 aboard a fishing vessel in the exclusive economic zone
3 shall be stowed in such a manner that it is not readily
4 available for use in fishing, except when such fishing
5 vessel is in an area in which it is authorized to fish in
6 accordance with this title."

7 Section 7. Title 24 of the Code of the Federated States of
8 Micronesia is hereby further amended by adding a new section 106 to
9 read as follows:

10 "Section 106. Authority to enter into regional, bilateral,
11 and multilateral fisheries agreements.

12 (1) Notwithstanding any other provisions of this title,
13 the Authority may enter into agreements or arrangements,
14 pursuant to a regional, bilateral, or multilateral fisheries
15 treaty, agreement or arrangement with other governments to
16 provide for:

17 (a) Authorization of a person, body or
18 organization to perform functions required by such a treaty,
19 agreement or arrangement, including but not limited to, the
20 issuance of regional fishing licenses; and

21 (b) An observer program.

22 (2) For the purpose of giving effect to a regional,
23 bilateral, or multilateral fisheries treaty, agreement or
24 arrangement, the Authority may adopt regulations to:

25 (a) Exempt any foreign fishing vessel holding a

1 valid regional, multilateral, or bilateral fishing license
2 issued pursuant to a regional, bilateral, or multilateral
3 fisheries treaty, agreement, or arrangement from any
4 requirements of this title which are inconsistent with the
5 terms of such treaty, agreement or arrangement;

6 (b) Prescribe the conditions to be observed by
7 operators of foreign fishing vessels exempted under
8 paragraph (a) of this subsection; and

9 (c) Authorize observers designated and pursuant
10 to an observer program entered into pursuant to subsection
11 (1)(b) of this section to:

12 (i) Enforce the provisions of this title
13 and any regional fisheries treaty, agreement or arrangement
14 on behalf of the Federated States of Micronesia; and

15 (ii) Perform such duties and
16 responsibilities as may be required by such agreement.

17 (3) With respect to any observer program entered into
18 pursuant to subsection (1)(b) of this section, standing in
19 the Supreme Court of the Federated States of Micronesia
20 shall be afforded to any authorized observer or the
21 Federated States of Micronesia to bring action against any
22 person or fishing vessel for any act or offense that is
23 actionable under the law of the Federated States of
24 Micronesia or is a violation of the treaty, agreement or
25 arrangement pursuant to which the observer was authorized,

1 which has occurred on the high seas, notwithstanding the
2 nationality of the observer."

3 Section 8. Title 24 of the Code of the Federated States of
4 Micronesia is hereby further amended by adding a new section 107 to
5 read as follows:

6 "Section 107. Authority to enter into domestic-based and
7 foreign fishing agreements. The Authority is authorized to
8 negotiate and enter into such domestic-based and foreign
9 fishing agreements as may be required to implement this
10 title. Such agreements may, at the Authority's discretion,
11 include a provision to rebate fees under such circumstances
12 as are consistent with this title and the Authority deems
13 appropriate."

14 Section 9. Title 24 of the Code of the Federated States of
15 Micronesia is hereby further amended by adding a new section 108 to
16 read as follows:

17 "Section 108. Allowable levels of fishing.

18 (1) The Authority may determine the total allowable
19 level of fishing with respect to any stock of fish subject
20 to the provisions of this title, and shall set such level
21 in accordance with requirements of optimum sustainable
22 yield as determined by:

23 (a) The scientific evidence available, including
24 statistical and other information concerning such stocks of
25 fish; and

Public Law No. 6 - 1 1

1 (b) Conservation, management and development
2 measures contained in management plans relating to such
3 stocks of fish.

4 (2) Allocations of the total allowable level of
5 fishing with respect to any stock of fish shall be made
6 first to domestic fishing vessels seeking permits, then to
7 domestic-based fishing vessels, with any remaining
8 allowable level of fishing allocated to foreign fishing
9 vessels.

10 (3) Allocations issued pursuant to this title may
11 include restrictions as to vessel type, gear type, seasons
12 of operations, areas in which the fishing can take place,
13 or any other restriction relevant to conservation,
14 management, and development."

15 Section 10. Title 24 of the Code of the Federated States of
16 Micronesia is hereby further amended by adding a new section 109 to
17 read as follows:

18 "Section 109. Application for permit - Contents.

19 (1) Each party entitled to apply for a permit under
20 this title shall make application on prescribed forms
21 specifying:

22 (a) The name, official number, and other
23 identification of each fishing vessel for which a permit is
24 sought, together with the name and address of the owner and
25 operator thereof;

Public Law No. 6 - 1 1

1 (b) The tonnage, capacity, processing equipment,
2 and such other pertinent information with respect to
3 characteristics of each such vessel as the Authority may
4 require;

5 (c) The country of registration of the vessel;
6 and

7 (d) If applicable, the foreign fishing agreement
8 or domestic-based fishing agreement under which such permit
9 is sought.

10 (2) The Authority may require, by regulation, such
11 additional information for permit applications by foreign
12 parties or domestic-based parties as is necessary to
13 implement and enforce the provisions of this title."

14 Section 11. Title 24 of the Code of the Federated States of
15 Micronesia is hereby further amended by adding a new section 110 to
16 read as follows:

17 "Section 110. Application for permit - Review. The
18 Authority, or such person as it may designate by
19 regulation, shall review each application submitted
20 pursuant to section 109, and may, in its discretion solicit
21 views from appropriate persons in the States and hold
22 public hearings where necessary."

23 Section 12. Title 24 of the Code of the Federated States of
24 Micronesia is hereby further amended by adding a new section 111 to
25 read as follows:

1 "Section 111. Application for permit -- Issuance and
2 denial.

3 (1) The Authority shall notify the applicant of the
4 decision to issue or deny a permit within 30 days of the
5 date of receipt of the application. If no such
6 notification is given within 30 days, the request for a
7 permit is deemed granted.

8 (2) The Authority may approve the application on such
9 terms and conditions and with such restrictions as it deems
10 appropriate.

11 (3) A permit may be denied:

12 (a) Where the application is not in accordance
13 with the requirements of this title;

14 (b) Where the application is made in respect of
15 a foreign fishing vessel, and such vessel does not have
16 good standing on the Regional Register of Foreign Fishing
17 Vessels maintained by the South Pacific Forum Fisheries
18 Agency;

19 (c) Where the owner or charterer is the subject
20 of proceedings under the bankruptcy laws of any
21 jurisdiction and reasonable financial assurances have not
22 been provided;

23 (d) Where there has been a failure to satisfy a
24 judgment or other determination for breach of this title or
25 an agreement entered into pursuant to this title by the

Public Law No. 6 - 1 1

1 operator of the vessel in respect to which application for
2 a permit has been made, until such time as the judgment or
3 other determination is satisfied;

4 (e) Where an operator of the vessel has
5 contravened, or the vessel has been used for contravention
6 of a fishing agreement, or has committed an offense against
7 the laws of the Federated States of Micronesia; or

8 (f) Where the Authority determines that the
9 issuance of a permit would not be in the best interests of
10 the Federated States of Micronesia.

11 (4) A permit shall be denied:

12 (a) Where the Authority determines that the
13 permit would authorize foreign fishing or domestic-based
14 fishing on, over, or within one nautical mile of the edge
15 of a coral reef that is wholly submerged at mean high tide
16 within the exclusive economic zone; or

17 (b) Where the Authority determines that the
18 permit would authorize fishing on, over, or within one
19 nautical mile of the edge of a coral reef that is wholly
20 submerged at mean high tide within the exclusive economic
21 zone, and that subsection (a) of this section does not
22 apply to the permit application; and

23 (i) The Authority has submitted a copy of
24 the application to the State, to the customary inhabitants
25 of which, the authority to control the fishing over such

Public Law No. 0 - 1 1

1 reef has been traditionally ascribed. The Authority shall
2 have the power to prescribe by regulation the ascription of
3 such reefs to each of the States. For the purposes of this
4 subsection (b), the State shall mean the Governor thereof,
5 and the councils of traditional leaders established by law
6 having the constitutional authority to affect the enactment
7 of State legislation; and

8 (ii) Within 30 days of such submission, the
9 State, or any constituent part thereof, has communicated in
10 writing to the Authority its objection to the issuance of
11 the permit with respect to the reef or reefs
12 traditionally ascribed to its customary inhabitants.

13 (5) If the Authority denies an application submitted
14 by an applicant, the Authority shall notify such applicant
15 of the disapproval and the reasons therefore. The
16 applicant may then submit a revised application taking into
17 consideration the reasons for disapproval."

18 Section 13. Title 24 of the Code of the Federated States of
19 Micronesia is hereby further amended by adding a new section 112 to
20 read as follows:

21 "Section 112. Suspension, revocation, or imposition of
22 restrictions on a permit. If any fishing vessel for which
23 a permit has been issued pursuant to section 111 has been
24 used in the commission of any act prohibited by this title
25 or other applicable law, an applicable domestic-based or

Public Law No. 6 - 1 1

1 foreign fisheries agreement or any permit issued in
2 accordance with this title, or if any civil penalty or
3 criminal fine imposed under this title has not been paid
4 within 30 days, the Authority shall:

5 (1) Revoke such permit with or without prejudice to
6 the right of any party involved to be issued a permit for
7 such vessel in any subsequent year;

8 (2) Suspend such permit for the period of time deemed
9 appropriate; or

10 (3) Impose additional conditions and restrictions on
11 any permit issued pursuant to this title."

12 Section 14. Title 24 of the Code of the Federated States of
13 Micronesia is hereby further amended by adding a new section 113 to
14 read as follows:

15 "Section 113. Fees for scientific research, training,
16 commercial pilot, and foreign recreational fishing permits.
17 Fees for scientific research, training, commercial pilot,
18 and foreign recreational fishing shall be established
19 pursuant to regulations issued by the Authority."

20 Section 15. Title 24 of the Code of the Federated States of
21 Micronesia is hereby further amended by adding a new section 114 to
22 read as follows:

23 "Section 114. Rebate of fees. The Authority may accept
24 all or a portion of the fee paid under a domestic-based or
25 foreign fishing agreement pending rebate pursuant to the

Public Law No. 6 - 1 1

1 agreement. That portion of a fee that is subject to rebate
2 shall be held in a separate trust account maintained by the
3 Secretary of Finance until rebated to the foreign or
4 domestic-based fishing venture or paid into the General
5 Fund, or its successor, pursuant to the terms of the
6 agreement."

7 Section 16. Title 24 of the Code of the Federated States of
8 Micronesia is hereby further amended by adding a new section 115 to
9 read as follows:

10 "Section 115. Division of fees received as goods and
11 services. In the case of fees paid as goods or services
12 rather than money, the Authority shall submit a proposed
13 division of such goods or services to the Congress of the
14 Federated States of Micronesia for its approval by
15 resolution while in session, and by the Committee on Ways
16 and Means of the Congress of the Federated States of
17 Micronesia between sessions. If the Congress does not
18 approve a division of such goods and services within 60
19 days of the submission of a proposed division of such fees
20 by the Authority, the proposed division shall be deemed
21 approved."

22 Section 17. Title 24 of the Code of the Federated States of
23 Micronesia is hereby further amended by adding a new section 116 to
24 read as follows:

25 "Section 116. Reporting requirements.

Public Law No. 6 - 1 1

1 (1) The master of each foreign fishing vessel issued
2 a permit or which is permitted to fish pursuant to a treaty
3 or any agreement or arrangement referred to in section 106
4 shall at all times while the vessel is in the fishery
5 waters, cause to be maintained in the English language a
6 fishing log in a form supplied or approved by the
7 Authority, and shall enter the following information
8 relating to the activities of the vessel on a daily basis:

9 (a) The gear type used;

10 (b) The noon position of the vessel and, where
11 applicable, the set location and time;

12 (c) The species of fish taken and the quantity
13 of each species by weight or number as may be specified in
14 the form;

15 (d) The species of fish returned from the vessel
16 to the sea, the quantity of each species by weight or
17 number as may be specified in the form, and the reasons for
18 discard; and

19 (e) Such other information as the Authority may
20 prescribe by regulation or as may be required by an
21 applicable treaty, agreement, or arrangement.

22 (2) The original log form described in subsection (1)
23 shall be sent to the Authority by registered airmail
24 within 30 days of entry of the vessel into port at the
25 completion of the relevant trip, or as provided in the

Public Law No. 6 - 1 1

1 applicable treaty, agreement, or arrangement.

2 (3) The owner or operator of a local fishing vessel
3 longer than twenty-seven feet in overall length shall
4 maintain a fishing log in a prescribed form issued by the
5 Authority, in which he shall enter the following
6 information relating to the activities of the vessel on
7 each fishing day:

8 (a) The type of gear used;

9 (b) Time and location where such fishing
10 activities have taken place;

11 (c) Species of fish taken and quantity of each
12 species by weight and number as may be specified in a form
13 issued by the Authority; and

14 (d) Such other information as the Authority may
15 require in a specified form.

16 (4) The owner or operator referred to in subsection
17 (3) shall send by registered mail or deliver such fishing
18 logs to the Authority within 7 days of the end of each
19 calendar month's activities, or within 7 days of entry of
20 the vessel into port at the completion of a trip lasting
21 longer than 14 days.

22 (5) The Authority, by regulation, may prescribe such
23 other reporting requirements as may be required for the
24 conservation and management of marine resources and to
25 enforce the provisions of this title."

Public Law No. 6 - 1 1

1 Section 18. Title 24 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 117 to
3 read as follows:

4 "Section 117. Authority to issue State permits. If
5 authorized by appropriate State law, the Authority may
6 issue permits for fishing in the Territorial Sea or
7 internal waters in accordance with State law. Any fees
8 collected for fishing within the Territorial Sea or
9 internal waters shall be transferred to the State for which
10 the permit was granted."

11 Section 19. Title 24 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 118 to
13 read as follows:

14 "Section 118. Authority to appoint observers. Pursuant to
15 regulations issued by the Authority, the executive director
16 may appoint, in writing, any person to be an authorized
17 observer."

18 Section 20. Title 24 of the Code of the Federated States of
19 Micronesia is hereby further amended by adding a new section 119 to
20 read as follows:

21 "Section 119. Application of other laws. No permit issued
22 under this title shall relieve any fishing vessel or its
23 operator or crew of any obligation or requirements imposed
24 by other laws, including those concerning navigation,
25 customs, immigration, or health, unless so indicated in

Public Law No. 6 - 1 1

1 those laws."

2 Section 21. Section 104 of title 24 of the Code of the
3 Federated States of Micronesia is hereby renumbered as section 120.

4 Section 22. Title 24 of the Code of the Federated States of
5 Micronesia is hereby further amended by adding a new section 201 of
6 chapter 2 to read as follows:

7 "Section 201. Registration fee for domestic fishing
8 permits. A registration fee of up to \$25 may be charged
9 for a domestic fishing permit."

10 Section 23. Title 24 of the Code of the Federated States of
11 Micronesia is hereby further amended by adding a new section 202 of
12 chapter 2 to read as follows:

13 "Section 202. Allocation of allowable fishing between
14 domestic fishing vessels. The Authority may allocate that
15 portion of the optimum sustainable yield allocated to
16 domestic fishing vessels among domestic fishing vessels, if
17 unrestricted fishing by domestic fishing vessels would
18 otherwise result in a catch level exceeding the optimum
19 sustainable yield. In determining the allocation, the
20 Authority shall take into consideration:

21 (1) The extent to which each vessel or operator of
22 such vessel has historically fished in a particular area;

23 (2) The extent to which each vessel or operator of
24 such vessel is advancing the development of a fishing
25 industry in the Federated States of Micronesia;

Public Law No. 6 - 1 1

1 (3) The extent to which each vessel or operator of
2 such vessel has historically fished for a particular
3 regulated species;

4 (4) The extent to which each vessel or operator of
5 such vessel submits information for the conservation,
6 management, and development of stocks of fish;

7 (5) The extent to which each vessel or operator of
8 such vessel has traditional rights to fishing in an area;
9 and

10 (6) Such other factors as the Authority deems
11 appropriate."

12 Section 24. Section 301 of title 24 of the Code of the
13 Federated States of Micronesia is hereby amended to read as follows:

14 "Section 301. Micronesian Maritime Authority - Established.

15 (1) There is established a Micronesian Maritime
16 Authority composed of five members appointed as follows:

17 (a) One representative of each State appointed by
18 the President of the Federated States of Micronesia, in
19 consultation with the Governor and Congressional Delegation
20 of the affected State; PROVIDED, however, that no such
21 representative shall also serve as a member of the Board of
22 Directors of the National Fisheries Corporation of the
23 Federated States of Micronesia, or any subsidiary or
24 affiliate thereof, during the term of his membership on the
25 Authority; and

Public Law No. 6 - 1 1

1 (b) One at-large member appointed by the
2 President of the Federated States of Micronesia.

3 (2) All appointments shall be for a term of two
4 years. The term of office of each original member shall
5 commence effective the date of the first meeting of the
6 Authority after the effective date of this act. Upon the
7 expiration of the term of an appointed member, his rights
8 and powers of membership shall lapse and the executive
9 director shall declare the vacancy and notify the President
10 of the Federated States of Micronesia in writing of such
11 vacancy. Vacancies occurring before the expiration of a
12 member's term shall be filled in the same manner as the
13 original appointment for the remainder of the term of
14 office of the vacancy.

15 (3) The chairman shall be chosen by the majority vote
16 of the members of the Authority. The Authority shall meet
17 at such times and places as may be designated by the
18 chairman or by the Authority. The Authority shall adopt
19 its own rules of procedure and regulations by majority
20 vote."

21 Section 25. Section 302 of title 24 of the Code of the
22 Federated States of Micronesia is hereby amended to read as follows:

23 "Section 302. Authority; Regulations.

24 (1) The Authority shall have the following authority:
25 (a) to adopt regulations for the conservation,

Public Law No. 6 - 1 1

1 management, and exploitation of fish in the exclusive
2 economic zone;

3 (b) to conclude foreign and domestic-based
4 fishing agreements in accordance with sections 401 and
5 406 of this title;

6 (c) to issue domestic, domestic-based, and
7 foreign fishing permits in accordance with procedures
8 prescribed by the Authority or regulations promulgated
9 pursuant to subsections (1)(a) and (2) of this section;
10 and

11 (d) to participate in the planning and execution
12 of programs relating to fisheries, or fishing in the
13 exclusive economic zone in which a State government or the
14 Government of the Federated States of Micronesia, or any
15 agency or subdivision thereof, has a proprietary interest,
16 direct or indirect, by way of stock ownership, partnership,
17 joint venture, or otherwise.

18 (2) Regulations adopted by the Authority shall have
19 the full force and effect of law."

20 Section 26. Section 303 of title 24 of the Code of the
21 Federated States of Micronesia is hereby amended to read as follows:

22 "Section 303. Duties and functions. In addition to the
23 authority granted in the preceding section, the Authority
24 shall have the following duties and functions:

25 (1) to provide technical assistance in the

Public Law No. 6 - 1 1

1 delimitation of the exclusive economic zone in accordance
2 with section 107 of title 18;

3 (2) to negotiate domestic-based and foreign fishing
4 agreements in accordance with sections 404 and 406 of
5 this title;

6 (3) to issue permits for fishing in the Territorial
7 Sea or internal waters of a State as authorized pursuant to
8 section 117;

9 (4) to submit its budget and a report regarding the
10 expenditure of its funds to the Congress each regular
11 session for review; and

12 (5) to perform such other duties and functions as may
13 be necessary to carry out the purposes of this title."

14 Section 27. Section 305 of title 24 of the Code of the
15 Federated States of Micronesia is hereby amended to read as follows:

16 "Section 305. Compensation.

17 (1) Members of the Authority who are neither
18 employees nor officials of the Government of the Federated
19 States of Micronesia or any State government shall be
20 compensated at the rate of thirty-five dollars per day
21 when actually on the business of the Authority.

22 (2) All members of the Authority, including members
23 who are employees or officials of the Government of the
24 Federated States of Micronesia or of any State government,
25 shall receive per diem and travel expenses at established

Public Law No. 6 - 1 1

1 Federated States of Micronesia rates while on the business
2 of the Authority.

3 (3) The executive director shall receive a
4 remuneration for his services, the amount of which shall be
5 fixed by the Authority in consonance with the pertinent
6 provisions of the current annual budget of the Government
7 of the Federated States of Micronesia. The executive
8 director shall serve at the pleasure of the Authority and
9 shall be exempt from the provisions of the National Public
10 Service System Act, section 111 et seq. of title 52 of this
11 Code."

12 Section 28. Section 306 of title 24 of the Code of the
13 Federated States of Micronesia is hereby amended to read as follows:
14 "Section 306. Annual report. The chairman of the
15 Authority shall report on its activities to the President
16 of the Federated States of Micronesia, the Speaker of
17 the Congress of the Federated States of Micronesia, and
18 each State Governor by December 1 of each year, which
19 report shall contain a detailed accounting of the
20 expenditure of funds of the Authority, the number of permits
21 and licenses issued, the fees, forfeitures, and fines
22 collected, estimates of the effect of the current level of
23 fishing on the stock of fish in the exclusive economic zone,
24 and such other information regarding the implementation of
25 this title in the preceding fiscal year as the Authority

Public Law No. 6 - 1 1

1 may determine."

2 Section 29. Sections 401, 405, and 407 through 415 inclusive of
3 title 24 of the Code of the Federated States of Micronesia are hereby
4 repealed.

5 Section 30. Section 402 of title 24 of the Code of the
6 Federated States of Micronesia is hereby amended to read as follows:

7 "Section 401. Foreign fishing agreements - Required.

8 No foreign fishing vessel shall be issued a permit to
9 fish in the exclusive economic zone without having entered
10 into a foreign fishing agreement."

11 Section 31. Title 24 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 402 to
13 read as follows:

14 "Section 402. Fees for foreign fishing permits. Fees and
15 other forms of compensation for the right to exploit marine
16 resources within the exclusive economic zone by foreign
17 fishing vessels shall be established in foreign fishing
18 agreements entered into pursuant to sections 401, 404 and
19 405 of this title."

20 Section 32. Section 404 of title 24 of the Code of the
21 Federated States of Micronesia is hereby amended to read as follows:

22 "Section 403. Allocation of allowable fishing among
23 foreign fishing vessels.

24 (1) The Authority may determine the allocation among
25 foreign parties of the total allowable level of foreign

Public Law No. 6 - 1 1

1 fishing which is permitted with respect to any stock of
2 fish subject to the provisions of this title.

3 (2) In determining the allocation among parties, the
4 Authority shall take into consideration:

5 (a) the extent to which vessels of such parties
6 have historically fished the particular regulated species;

7 (b) the extent to which vessels of such parties
8 have complied with the laws of the Federated States of
9 Micronesia and any relevant treaties, agreements, or
10 arrangements;

11 (c) whether such parties or their national
12 governments have cooperated with the Federated States of
13 Micronesia in, and made substantial contributions to, the
14 conservation, management and development of fisheries,
15 fishery research and the identification of marine resources;

16 (d) whether such parties or their national
17 governments have cooperated with the Federated States of
18 Micronesia in enforcement of the provisions of this title
19 and the regulations issued under its authority, including
20 flag state enforcement and provision of information required
21 for the conservation and management of stocks of fish; and

22 (e) such other matters as it may deem
23 appropriate."

24 Section 33. Section 403 of title 24 of the Code of the
25 Federated States of Micronesia is hereby amended to read as follows:

Public Law No. 6 - 1 1

1 "Section 404. Foreign fishing agreements - Terms.

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

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

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

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

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

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

25 (d) allow and assist any authorized officer to

Public Law No. 6 - 1 1

1 enforce the provisions of this title, regulations made
2 thereunder and any other applicable laws or regulations;

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

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

19 (g) not assault, obstruct, resist, delay, refuse
20 boarding to, intimidate, or interfere with an authorized
21 officer or authorized observer in the performance of his
22 duties;

23 (h) display any permit or permit number issued
24 for any such vessel pursuant to sections 109 through 111 of
25 this title or any documentation required to be displayed

Public Law No. 6 - 1 1

1 under foreign fishing agreements in the wheelhouse of such
2 vessel;

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

6 (j) ensure that the vessel is marked in
7 accordance with regulations issued by the Authority while
8 within the exclusive economic zone;

9 (k) require that the National Government of the
10 Federated States of Micronesia shall be reimbursed for the
11 cost of authorized observers;

12 (l) appoint and maintain an agent within the
13 Federated States of Micronesia who is authorized to receive
14 and respond to any legal process issued in the Federated
15 States of Micronesia with respect to such owner or operator
16 of such vessel; and

17 (m) not, in any year, exceed such party's
18 allocation of the total allowable level of foreign fishing,
19 in the event allocations are established in accordance with
20 this title.

21 (3) Foreign parties will:

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

24 (b) deliver promptly to the owner or operator of
25 the appropriate fishing vessel any permit which is issued

Public Law No. 6 - 1 1

1 under that section for such vessel; and

2 (c) abide by the requirement that no foreign
3 fishing will be permitted in the exclusive economic zone
4 without a valid and applicable permit, except as provided
5 by foreign fishing agreements concluded pursuant to this
6 chapter, and that all conditions and restrictions of the
7 permit, or any applicable foreign fishing agreement, are
8 complied with."

9 Section 34. Section 406 of title 24 of the Code of the
10 Federated States of Micronesia is hereby amended to read as follows:

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

13 (1) To take effect within the exclusive economic
14 zone, a foreign fishing agreement or domestic-based fishing
15 agreement shall require the approval of the Congress of the
16 Federated States of Micronesia by resolution.

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

20 (3) An agreement involving fewer than ten vessels
21 does not require the approval of the Congress of the
22 Federated States of Micronesia."

23 Section 35. Title 24 of the Code of the Federated States of
24 Micronesia is hereby further amended by adding a new section 406 to
25 read as follows:

Public Law No. 6 - 1 1

1 "Section 406. Domestic-based fishing agreements. No
2 domestic-based fishing vessels shall be issued a permit to
3 fish in the exclusive economic zone without having entered
4 into a domestic-based fishing agreement. Such fishing
5 agreement shall have the same minimum terms required of
6 foreign fishing agreements by section 404 of this title."

7 Section 36. Title 24 of the Code of the Federated States of
8 Micronesia is hereby further amended by adding a new section 407 to
9 read as follows:

10 "Section 407. Allocation of allowable fishing between
11 domestic-based fishing vessels. The portion of the optimum
12 sustainable yield allocated to domestic-based fishing
13 vessels shall be divided by the Authority among domestic-
14 based fishing vessels, if necessary. In determining the
15 allocation among domestic-based fishing vessels, the
16 Authority shall take into consideration:

17 (1) The extent to which each vessel or operator of
18 such vessel has historically fished for a particular
19 regulated species;

20 (2) The extent to which each vessel or operator
21 contributes to the economic growth of the Nation;

22 (3) The extent to which each vessel or operator of
23 such vessel has provided information necessary for the
24 conservation and management of stocks of fish; and

25 (4) Such other provisions as the Authority deems

Public Law No. 6 - 1 1

1 appropriate."

2 Section 37. Section 416 of title 24 of the Code of the
3 Federated States of Micronesia is hereby renumbered as section 408.

4 Section 38. Section 501 of title 24 of the Code of the
5 Federated States of Micronesia, as amended by Public Law No. 5-37,
6 is hereby further amended to read as follows:

7 "Section 501. Prohibited acts.

8 (1) It is unlawful for any person:

9 (a) to violate any provision of this title or of
10 any regulation or permit issued pursuant to this title;

11 (b) to engage in fishing after revocation, or
12 during the period of suspension, of an applicable permit
13 issued pursuant to this title;

14 (c) to violate any provision of, or regulation
15 under, an applicable domestic-based or foreign fishing
16 agreement entered into pursuant to sections 401 and 404
17 through 406 of this title or any term or condition of any
18 permit issued in accordance with this title and any
19 regulations made under this title;

20 (d) to violate any provision of any applicable
21 foreign fishing treaty, agreement or arrangement or the
22 terms of any regional fishing license recognized in
23 accordance with this title;

24 (e) to refuse to permit any authorized officer
25 to board a fishing vessel for purposes of conducting any

Public Law No. 6 - 1 1 ;

1 search or inspection in connection with the enforcement
2 of this title or any regulation, permit, or foreign or
3 domestic-based fishing agreement or any applicable fishing
4 treaty, agreement or arrangement;

5 (f) to assault, obstruct, resist, delay, refuse
6 boarding to, intimidate, or interfere with any authorized
7 officer or authorized observer in performance of his duties,
8 including in the conduct of any search or inspection
9 described in paragraph (e) of this subsection; and for the
10 purposes of this subparagraph, any person who refuses to
11 allow any authorized officer or observer, or any person
12 acting under his order or in his aid, to exercise any of
13 the powers conferred on an authorized officer or observer
14 by this title or any regulations made under this title
15 shall be deemed to be obstructing that officer, observer,
16 or person;

17 (g) to fail to comply with the lawful require-
18 ments of any authorized officer or observer;

19 (h) to furnish to any authorized officer any
20 particulars which, to his knowledge, are false or mis-
21 leading in any respect;

22 (i) being on board any vessel being pursued or
23 about to be boarded by any authorized officer, to throw
24 overboard or destroy any fish, fishing gear, explosive,
25 poison, or other noxious substance to avoid seizure of such

Public Law No. 6 - 1 1

1 fish, fishing gear, explosive, poison, or other noxious
2 substance or thing or to avoid the detection of any offense
3 under this title or the regulations made under this title;

4 (j) to resist a lawful arrest for any act
5 prohibited by this section;

6 (k) to provide information required to be
7 recorded, notified or communicated pursuant to any
8 requirement of the provisions of this title or the
9 regulations, knowing or having reasonable cause to believe
10 that it is false, incomplete or misleading;

11 (l) to knowingly ship, transport, offer for
12 sale, sell, purchase, import, export, or have custody,
13 control, or possession of any fish taken or retained in
14 violation of this title or any regional fishing treaty,
15 regulation, permit, foreign or domestic-based fishing
16 agreement or any applicable law;

17 (m) to interfere with, delay, or prevent, by
18 any means, the apprehension or arrest of another person,
19 knowing that such person has committed any act prohibited
20 by this section;

21 (n) to violate any provision of, or regulation
22 under, any applicable agreement to implement a regional
23 fisheries treaty, or any other treaty, agreement or
24 arrangement having effect in the Federated States of
25 Micronesia, entered into pursuant to section 106 of this

Public Law No. 6 - 1 1

1 title; or

2 (o) to use any foreign fishing vessel for
3 fishing within a two-mile radius of any fish aggregating
4 device of the Government, a citizen, or any other body
5 established under the laws of the Federated States of
6 Micronesia.

7 (2) It is unlawful for any fishing vessel, and for
8 the crew, owner, or operator of any fishing vessel, to
9 engage in fishing in the exclusive economic zone authorized
10 by and conducted in accordance with or without a valid and
11 applicable fishing permit issued pursuant to this title,
12 where such permit is required by sections 103 and 104 of
13 this title, and unless such fishing is permitted pursuant
14 to section 106."

15 Section 39. Section 503 of title 24 of the Code of the
16 Federated States of Micronesia, as amended by Public Law No. 5-37, is
17 hereby further amended to read as follows:

18 "Section 503. Criminal penalties.

19 (1) A person is guilty of an offense if he commits
20 any act prohibited by section 501 of this chapter.

21 (2) Any offense described as a prohibited act by
22 subsections (1)(a), (b), (c), (d), (h), (k), (l), (n), or
23 (o) of section 501 is punishable by a fine of not less
24 than \$500,000.

25 (3) Any offense described as a prohibited act by

Public Law No. 6 - 1 1

1 subsections (1)(e), (f), (g), (i), (j), or (m) of section
2 501 is punishable by a fine of not less than \$800,000, or
3 imprisonment for not more than two years, or both; PROVIDED
4 that if in the commission of any such offense the person
5 uses a dangerous weapon, engages in conduct that causes
6 bodily injury to any officer authorized to enforce the
7 provisions of this title, or threatens any such officer
8 with bodily injury, the offense is punishable by a fine
9 of not less than \$1 million, or imprisonment for not more
10 than ten years, or both; and PROVIDED FURTHER that where
11 a regional fisheries treaty so requires, persons arrested
12 for violating any provisions of, or regulations under, such
13 treaty shall not be subject to imprisonment.

14 (4) Any offense described as a prohibited act by
15 subsection (2) of section 501 is punishable by a fine of
16 not less than \$800,000. Each day of continuing violation
17 shall be considered a separate offense."

18 Section 40. Section 504 of title 24 of the Code of the
19 Federated States of Micronesia is hereby amended to read as follows:

20 "Section 504. Forfeitures - Liability.

21 (1) Any fishing vessel involved in the commission of
22 any act prohibited by section 501 of this chapter shall,
23 along with its fishing gear, furniture, appurtenances,
24 stores, or cargo used, be forfeited to the Federated States
25 of Micronesia.

Public Law No. 6 - 1 1

1 (2) Any fish taken or retained, in any manner, in
2 connection with or as a result of the commission of any act
3 prohibited by section 501 of this chapter shall be
4 forfeited to the Federated States of Micronesia upon the
5 commission of the act giving rise to forfeiture under this
6 section.

7 (3) Any action for forfeiture pursuant to subsections
8 (1) or (2) of this section shall be a civil proceeding."

9 Section 41. Section 505 of title 24 of the Code of the
10 Federated States of Micronesia is hereby amended to read as follows:

11 "Section 505. Forfeitures - Jurisdiction. The Supreme
12 Court of the Federated States of Micronesia shall have
13 jurisdiction, upon application by the Attorney General or
14 the executive director on behalf of the Federated States
15 of Micronesia, to order any forfeiture authorized under
16 section 504 of this chapter."

17 Section 42. Section 506 of title 24 of the Code of the
18 Federated States of Micronesia is hereby amended to read as follows:

19 "Section 506. Forfeitures - Seizures. If a judgment is
20 entered for the Federated States of Micronesia in a
21 civil forfeiture proceeding under sections 504 through
22 509 of this chapter, the Attorney General shall seize any
23 property or other interest declared forfeited to the
24 Federated States of Micronesia, which has not previously
25 been seized pursuant to this title."

Public Law No. 6 - 1 1

1 Section 43. Section 507 of title 24 of the Code of the
2 Federated States of Micronesia is hereby amended to read as follows:

3 "Section 507. Forfeitures - Disposition of property. The
4 forfeited vessel, gear, furniture, appurtenances, stores,
5 cargo, and fish may be sold and the proceeds deposited into
6 the General Fund of the Federated States of Micronesia and
7 distributed in accordance with section 510 of this title."

8 Section 44. Section 509 of title 24 of the Code of the
9 Federated States of Micronesia is hereby amended to read as follows:

10 "Section 509. Forfeitures - Disposition of perishable
11 articles.

12 (1) Any fish, fish products, or other perishable
13 articles seized or taken pursuant to this title may be
14 sold, subject to the approval and direction of the Court.
15 The proceeds of any such sale shall be deposited with such
16 Court pending the disposition of the civil forfeiture
17 proceeding.

18 (2) For purposes of this title, it shall be a
19 rebuttable presumption that:

20 (a) All fish found on board a fishing vessel
21 which is seized or taken in connection with an act
22 prohibited by section 501 of this chapter were taken or
23 retained in violation of this title; and

24 (b) All fish found on board a transiting fishing
25 vessel which vessel has been used in the commission of an

Public Law No. 6 - 1 1

1 offense in the exclusive economic zone, shall be deemed to
2 have been caught in the exclusive economic zone."

3 Section 45. Section 511 of title 24 of the Code of the
4 Federated States of Micronesia is hereby amended to read as follows:

5 "Section 511. Jurisdiction of Courts. The Supreme Court of
6 the Federated States of Micronesia shall have exclusive
7 jurisdiction over any case or controversy arising under
8 this title.

9 (2) The Court may at any time enter restraining
10 orders or prohibitions; issue warrants, process in rem, or
11 other processes; prescribe and accept satisfactory bonds or
12 other security; and take such other actions as are in the
13 interests of justice."

14 Section 46. Section 512 of title 24 of the Code of the
15 Federated States of Micronesia is hereby amended to read as follows:

16 "Section 512. Enforcement responsibility. The Office of
17 the Attorney General of the Federated States of Micronesia
18 has primary responsibility for the enforcement of this
19 title, and may authorize other entities, officials or
20 persons to perform enforcement functions."

21 Section 47. Section 513 of title 24 of the Code of the
22 Federated States of Micronesia is hereby amended to read as follows:

23 "Section 513. Enforcement authority.

24 (1) For the purpose of ascertaining whether there is
25 or has been any contravention of the provisions of this

Public Law No. 6 - 1 1

- 1 title or any regulations passed thereunder, any authorized
2 officer may:
- 3 (a) Upon the issuance of a warrant, at all
4 reasonable hours, enter any fish processing establishment
5 and any premises other than premises used exclusively as a
6 dwelling-house;
- 7 (b) Stop, board and search:
- 8 (i) Any foreign or domestic-based fishing
9 vessel within the fishery waters, or
10 (ii) Any domestic fishing vessel, inside or
11 outside the fishery waters;
- 12 (c) Stop and search any vessel or vehicle
13 transporting, or reasonably suspected of transporting, fish
14 or fish products;
- 15 (d) Make such examination and inquiry as may
16 appear necessary to him concerning any premises, fish
17 processing establishment, vessel or vehicle in relation to
18 which any of the powers conferred by this section have
19 been, or may be exercised and take samples of any fish, or
20 fish products, found therein;
- 21 (e) Require any person to produce his permit or
22 his authority if it appears to the authorized officer that
23 such person is doing any act for which a permit or other
24 authority is required under this title and take copies of
25 any such license or other authority;

Public Law No. 6 - 1 1

1 (f) Require any person to produce any logbook,
2 record or other document required to be held by him under
3 this title or any regulations made under this title and
4 take copies of such logbook, record or other document.

5 (2) Where he has reasonable cause to believe that an
6 offense against the provisions of this title or any
7 regulations made under this title has been committed, any
8 authorized officer may, with or without a warrant or other
9 process:

10 (a) Following hot pursuit in accordance with
11 international law and commenced within the fishery waters,
12 stop, board and search inside or outside the fishery waters
13 any fishing vessel which he believes has been used in the
14 commission of that offense within the fishery waters or in
15 relation to which he believes such offense has been
16 committed and bring such vessel and all persons and things
17 on board within the fishery waters;

18 (b) Within the fishery waters:

19 (i) Arrest any person if he has reasonable
20 cause to believe that such person has committed an offense
21 prohibited by this title or any regulations issued under
22 this title;

23 (ii) Seize any fishing vessel used or
24 employed in, or when it reasonably appears to have been
25 used or employed in, the violation of any provision of this

Public Law No. 6 - 11

1 title or any regulations issued under this title;

2 (iii) Seize any fishing gear, furniture,
3 appurtenances, stores, cargo, and fish in or on a fishing
4 vessel seized pursuant to this section; and

5 (iv) Seize any fish which he reasonably
6 believes to have been taken or fish products produced in
7 violation of any provision of this title or any regulations
8 issued under this title.

9 (3) Any authorized officer may execute any warrant or
10 other process issued by any court of competent jurisdiction.

11 (4) Where following the commission of an offense under
12 this title by a foreign fishing vessel, that vessel is
13 pursued beyond the limits of the fishery waters, the powers
14 conferred on authorized officers under this section shall
15 be exercisable beyond the limits of the fishery waters in
16 accordance with international law.

17 (5) Any authorized officer may exercise any other
18 lawful authority for the enforcement of this title and any
19 regulations issued under this title."

20 Section 48. Title 24 of the Code of the Federated States of
21 Micronesia is hereby further amended by adding a new section 515 to
22 read as follows:

23 "Section 515. Presumption of location of fishing. Where,
24 in any legal proceedings instituted under this title or any
25 regulations issued under this title, the place in which an

1 event is alleged to have taken place is in issue, the place
2 stated in a copy of the relevant entry in the logbook or
3 other official record of an enforcement vessel or aircraft
4 as being the place in which the event took place shall be
5 presumed to be the place in which the event took place,
6 unless the contrary is proved."

7 Section 49. Title 24 of the Code of the Federated States of
8 Micronesia is hereby further amended by adding a new section 516 to
9 read as follows:

10 "Section 516. Immunities. No action shall lie against the
11 Authority, any authorized officer or observer, or any other
12 person appointed pursuant to this title in respect of
13 anything done or omitted to be done by him in good faith in
14 the execution or purported execution of his powers and
15 duties under this title or regulations issued under this
16 title."

17 Section 50. Nothing in this act shall be construed to require
18 changes in foreign fishing agreements in effect on the day preceding
19 the effective date of this act nor shall this act impose any added
20 burdens on any person or vessel fishing in the exclusive economic
21 zone pursuant to such agreements.

22 Section 51. This act shall take effect 30 days after the day on
23 which the act shall have become law.

24
25

Public Law No. 6 - 1 I

1 Section 52. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

4 _____, 1989

5

6

7 Becomes Law w/out
8 Signature 7/31/89

John R. Haglelgam
President
Federated States of Micronesia

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

