

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 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:

1 Section 1. Section 404 (formerly section 403) of title 24 of the Code of the
2 Federated States of Micronesia, as amended by Public Law No. 6-11, is hereby further
3 amended to read as follows:

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

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

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

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

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

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1 (c) permit such officer to examine and make
2 notations on any permit issued pursuant to sections 109 through 111 of
3 this title, or other documentation required under any applicable foreign
4 fishing agreement;

5 (d) allow and assist any authorized officer to
6 enforce the provisions of this title, regulations made thereunder and any
7 other applicable laws or regulations;

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

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

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

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

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

8 (j) ensure that the vessel is marked in accordance
9 with regulations issued by the Authority while within the Exclusive
10 Economic Zone;

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

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

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

21 (n) use components of vessel monitoring systems as
22 directed by the President of the Federated States of Micronesia.

23 (3) Foreign parties will:

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

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

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

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

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April 17, 1996

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/s/ Bailey Olter
Bailey Olter
President
Federated States of Micronesia

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