Republic of Palau
Office of the President

Tommy E. Remengesau, Jr.
President

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April 8, 2020
Serial No. 20-1665

The Honorable Hokkons Baules
President of the Senate
10th Olbiil Era Kelulau
Ngerulmud, Palau National Capitol
Republic of Palau 96939

Signing Statement Re: SB 10-63, HD3, CD1, banning the export of reef fish and creating additional opportunities for Palauans earning post-graduate degrees abroad

Dear Senate President Baules:

Thank you for your work on Senate Bill No. 10-63, HD3, CD1, to ban the export of any living resource that primarily inhabits the reef areas, territorial sea, and internal waters of the Republic, and to create additional opportunities for Palauans earning post-graduate degrees abroad. Both issues addressed in this bill are of great importance to our Republic.

To begin, let me say I am sure almost every Palauan has mixed feelings about banning the export of reef fish. I, like most people I know, have grown to love and appreciate the practice of bringing reef fish to my family abroad, giving them a taste of Palau while they are living far away. Unfortunately, this practice has grown year by year, and we must now face up to a harsh reality. That reality is that last year alone we exported almost 230,000 lbs. of reef fish from Palau. Of that total, only 17,000 lbs. were declared as "commercial export." More than 200,000 lbs. of parrotfish, rabbitfish, snapper, and um were exported for "personal consumption."

Even the layman can realize that this level of export strains on our reefs and near-shore ecosystems. The science is clear that we are over-taxing these fragile populations, and we must all change our behavior – even those of us living abroad.

Here at home we are also relying too heavily on reef fish – one study by SPC put our annual per capita consumption at more than twice the regional average. So we must continue to push "Choose Pelagics" in our schools, workplaces, government functions, and dinner tables. Changing our behavior now, and relying on more sustainable pelagic fisheries for our day-to-day meals, will ensure the availability of our favorite reef fish for special personal and traditional events, for generations to come. It will also ensure the survival of our spectacular near-shore ecosystems, which cannot persist without these critical species. Palau will only remain a Pristine Paradise for as long as we safeguard it carefully.

With that said, the practice of sharing fish with friends and family outside Palau does not have to come to an end, as long as our local people can step up to the plate with aquaculture. This bill's exemptions for farmed fish leave the door open, and local programs have had great success with local species including both parrotfish and rabbitfish. Hopefully, this change in the law will be the incentive we need to spur greater investment in these operations.

Overall, this important protection for our near-shore areas is a fitting complement to the Exclusive Economic Zone protections implemented through the Palau National Marine Sanctuary Act. I thank you and your colleagues for making science-based decisions, and for always putting the health of our Republic first.

The second major provision in this bill encourages the Palau National Scholarship Board to create student loan repayment programs for Palauans with post-graduate degrees in priority fields. Admittedly, this provision has a narrow focus, and will not affect large numbers of Palauans in the near future. However, over time I am confident that this will be a very important tool in our toolbox. As we work to keep our best and brightest here at home, we must ensure that our assistance programs are well-tailored to the realities of today's higher education. For the graduates of many post-graduate programs, including for example medical doctors, this type of loan-repayment program could be the one thing that makes moving home financially feasible.

Overall, this bill shows that the Olbiil Era Kelulau is paying close attention to the state of our Republic, and to important trends that will affect its future health and prosperity. I thank you for this thoughtful and timely piece of legislation.

Sincerely,

Tommy E. Remengesau, Jr.
President of the Republic of Palau

CC: Speaker of the House of Delegates Sabino Anastacio

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Office of the President

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April 8, 2020
Serial No. 20-1665

The Honorable Sabino Anastacio
Speaker of the House of Delegates
10th Olbiil Era Kelulau
Ngerulmud, Palau National Capitol
Republic of Palau 96939

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Sincerely,

Tommy E. Remengesau, Jr.
President of the Republic of Palau

CC: Senate President Hokkons Baules

RPPL NO. 10-54

The Senate

TENTH OLBIIL ERA KELULAU

P.O. Box 8, Ngerulmud
Republic of Palau 96939

Fourteenth Special Session

March 2020

INTRODUCED AS SENATE BILL NO. 10-63, HD3, CD1

AN ACT

SEE TITLE INSIDE

INTRODUCED BY SENATOR (S) Senate President Hokkons Baules

ET, AL.,

DATE INTRODUCED May 31, 2017

SENATE ACTION

FIRST READING:	May 31, 2017
REFERRED TO:	Resources, Commerce, Trade & Development
STANDING COMMITTEE REPORT NO.:	10-113
DATE ADOPTED:	April 24, 2018
SECOND READING:	April 24, 2018
LEGAL FORMAT:	Proper
REVIEW:	April 24, 2018
THIRD READING:	April 25, 2018
FINAL READING:	March 26, 2020

HOUSE ACTION

FIRST READING:	April 26, 2018
REFERRED TO:	Maritime, Climate Change & Protected Areas
STANDING COMMITTEE REPORT NO.:	10-99
DATE ADOPTED:	January 29, 2020
SECOND READING:	January 29, 2020
LEGAL FORMAT:	Proper
REVIEW:	January 29, 2020
THIRD READING:	February 5, 2020
FINAL READING:	March 26, 2020

CONFERENCE COMMITTEE ACTION

DATE:	March 26, 2020
COMMITTEE REPORT NO.:	10-12
DATE PASSED:	March 26, 2020
FINAL READING:	March 26, 2020

Ann L. Pedro
CLERK OF THE SENATE

Marcello Ngirkelau
CLERK, HOUSE OF DELEGATES

TENTH OLBIIL ERA KELULAU

Third Special Session, May 2017 RPPL NO. 10-54

(Passed as Senate Bill No. 10-63, HD3, CD1)

AN ACT

To ban the export of any living resource that primarily inhabits the reef areas, territorial sea, and internal waters of the Republic, to amend Subchapter II, Chapter 2 of Title 22 of the Palau National Code to create additional opportunities for Palauan students earning post-graduate degrees abroad, and for other related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Legislative Findings. The Olbiil Era Kelulau finds that the living resources which inhabit the Republic's reef areas, territorial sea, and internal waters are rapidly being depleted. Accounts from local fishermen with a deep understanding of the Republic's fisheries indicate that reef fish and other aquatic life have become increasingly scarce, particularly over the past decade. Although this decline in fishery stock likely has numerous causes, the continued practice of allowing the exportation of the Republic's reef fish has contributed greatly to our depleted supply of living marine resources. The long standing practice of allowing Palauans to carry up to fifty (50) pounds of fish out of the Republic to share with friends and family overseas is a wonderful tradition of sharing the Republic's bounty; however, this practice may be abused and used to export fish for commercial purposes rather than for personal consumption and other permitted uses. Therefore, the Olbiil Era Kelulau finds that in order to help prevent the depletion of this natural resource, the export of all living resources that primarily inhabit the reef areas, territorial sea, and internal waters of the Republic must be prohibited.

Also, the Olbiil Era Kelulau finds that many Palauans who venture abroad to complete post-secondary education and professional degrees encounter financial obstacles when they attempt to return home. Student loan debt leaves many graduates feeling trapped in high-wage jurisdictions, particularly in the United States. The Olbiil Era Kelulau further finds that student loan debt should never prevent a graduate from returning home. The Republic is always in need of talented workers, and increasing the education level of our domestic workforce is a priority. The Palau National Scholarship Board has been empowered to establish student loan

repayment programs for Palauan students who return to the Republic after receiving a post-graduate degree abroad. While the Scholarship Board continues to do great work for Palauan students in many areas, the Olbiil Era Kelulau finds it appropriate to set a clearer policy for such programs and to further encourage their establishment. The Olbiil Era Kelulau finds that the internship programs available for Palauan students should include opportunities with the Republic's diplomatic missions. Such internships would serve as important opportunities for our students, through which they could contribute directly to the Republic even while studying abroad.

Section 2. Amendment. Section 1204 of Title 27, as amended by RPPL 9-50, is hereby amended to read as follows:

"§ 1204. Prohibited acts.

Within the Republic of Palau, including the internal waters, territorial sea, and exclusive economic zone as defined in this chapter, all other waters over which the Republic has jurisdiction in accordance with international laws, and all land over which the Republic has jurisdiction, it shall be unlawful for any person to:

(a) fish for, sell, receive, possess, or buy from April l to October 31, inclusive, any of the following species of groupers (temakai, tiau):

(1) *Plectropomus areolatus* (tiau);

(2) *P. laevis* (tiau, katuu'tiau, mokas);

(3) *P. leopardus* (tiau);

(4) *Epinepheluspolyphekadion* (ksau'temekai);

(5) *E. fuscoguttatus* (meteungerel'temekai);

(b) fish for, sell, receive, possess, or buy any of the fish set forth in subsections (a)(1)-(5) during the open fishing season unless the fish is at least twelve inches (12") in length from the tip of the head to the tip of the tail;

(c) fish for, sell, buy, receive, or possess the following species:

(1) bumphead parrot fish – *Bolbometoponmuricatum* (kemedukl, berdebed, and any other known Palauan name); and

(2) napoleon wrasse – *Cheilinus undulatus* (maml, ngimer, and any other known Palauan name);

(d) fish for, sell, receive, possess, or buy rabbitfish (meyas, *siganus canaliculatus, siganus fuscescens*) from February 1 to March 31, inclusive;

(e) fish for, sell, receive, possess, or buy the following species of rock lobsters (cheraprukl): raiklus, bleached, or melech smaller than three and one-half (3 1/2) inches in total length of the carapace, as measured from the tip of the rostrum to the end of the carapace, or a berried female of any size whatsoever;

(f) export or cause to be exported all of the species listed in subsections (a) through (e) above year-round;

...

(r) export, or cause to be exported, any species of living resource that predominantly inhabit reef areas, the territorial sea, or internal waters of the Republic of Palau. However, notwithstanding this section, any species collected for research purposes, or collected as gametes, or bred in captivity at an aquaculture or mariculture farm by a person licensed by the Minister, may be possessed, sold, exported no matter the amount, taken, or reintroduced to the wild in accordance with section 1205."

Section 3. Amendment. Section 1206 of Title 27, as amended by RPPL 9-50, is hereby amended to read as follows:

"§ 1206. Regulations.

The Minister may promulgate such rules and regulations, in accordance with 6 PNC Chapter 1, as he or she deems necessary to protect the species identified in Section 1204 of this Chapter from over harvesting, or to otherwise carry out the purposes of this Chapter."

Section 4. Amendment. Sections 227, 229, and 232 of Subchapter II, Chapter 2 of Title 22 of the Palau National Code are hereby amended as follows:

"§ 227. Powers and duties.

It shall be the duty and responsibility of the Board to:

(a) ...

...

(d) enforce the recipient duties under Section 233 and, as applicable, recipient obligations under any grant, loan, scholarship, and student loan repayment program.

(e) ...

...

(j) promulgate regulations for student loan repayment programs for Palauans who return to work in the Republic after receiving a post-graduate degree abroad pursuant to Section 234.

§ 228. Accounts and records.

...

§ 229. Authorization; Scholarship Fund.

(a) ...

...

(g) In addition to the other powers granted in this section, and subject to the restrictions established in this section or otherwise provided by law, the Board may use the Fund to issue regulations to establish, develop, enact, expand, and promote any program that furthers the purposes of the Scholarship Fund and this chapter, including:

(1) internship programs in Palau and with Palau's diplomatic missions for Palauan students studying abroad;

(2) the Cohort Program at Palau Community College;

(3) student loan repayment programs for Palauans who return to work in Palau after receiving a post-graduate degree abroad; and

(4) programs to assist Palauan students with obtaining foreign scholarships.

(h) ...

§ 230. Fellowship Program.

...

§ 232. Eligibility requirements.

(a) To receive a grant, loan, student loan repayment, or scholarship from the Fund a recipient must be a Palauan citizen, and must meet one of the following requirements:

(1) ...

...

(b) ..."

Section 5. Amendment. Subchapter II, Chapter 2 of Title 22 of the Palau National Code is hereby amended to add a new section as follows:

"§ 234. Student loan repayment programs for returning graduates.

The Board shall establish student loan repayment programs by regulation. Student loan repayment programs shall be for Palauans who return to work in Palau after receiving a post-graduate degree abroad. These programs shall prioritize graduates with post-graduate degrees in priority fields identified under Section 229(f), and loan repayment assistance offered under these programs may be provided for loans from the Board and public and private lenders. When calculating appropriate loan repayment assistance for an individual recipient, the Board shall consider total student debt, any existing loan repayment schedule, eligibility for assistance from other sources, and the Republic's need for the individual's expertise."

Section 6. Effective Date. This Act shall take effect upon its approval by the President of the Republic of Palau, or upon becoming law without such approval.

PASSED: March 26, 2020

Approved this 8th day of April, 2020.

HE Tommy E. Remengesau, Jr.
President
Republic of Palau