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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 102, as amended by Public Laws Nos. 5-37, 6-11 and 9-047, and by further amending section 301, as enacted by Public Law No. 6-11 and amended by Public Law No. 11-24, for the purpose of changing the name of the authority from Micronesian Maritime Authority to Micronesian Fisheries Authority, and for other purposes.

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

1 Section 1. Section 102 of title 24 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos.
3 5-37, 6-11 and 9-047, is hereby further amended to read, as
4 follows:

5 "Section 102. Definitions. As used in this title the
6 term:

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

11 (2) 'Applicable laws' means those laws affecting marine
12 resources from time to time identified by the Authority
13 by regulation.

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

22 (4) 'Authority' means the Micronesian [Maritime]
23 Fisheries Authority established by section 301 of this
24 title.

25 (5) 'Authorized observer' means any person authorized

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1 in writing by the Authority to act as an observer on
2 foreign fishing vessels, including any observer
3 authorized pursuant to a regional fisheries treaty to be
4 an authorized observer for purposes of this title.

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

10 (7) 'Based in the Federated States of Micronesia' means
11 using land-based facilities in the Federated States of
12 Micronesia to support fishing, including location of the
13 home port of a vessel in the Federated States of
14 Micronesia, selling all fish for processing within the
15 Federated States of Micronesia, transshipping all fish
16 harvested within the Exclusive Economic Zone, and basing
17 operations in the Federated States of Micronesia while
18 operating in the Exclusive Economic Zone.

19 (8) 'Commercial pilot fishing' means any fishing for
20 the purpose of testing the commercial viability of:

- 21 (a) new fishing methods;
- 22 (b) developing new stocks of fish; or
- 23 (c) fishing in previously unexploited areas.

24 (9) 'Court' means the Supreme Court of the Federated
25 States of Micronesia.

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1 (10) 'Driftnet' means a gillnet or other net or a
2 combination of nets which is more than 2.5 kilometers in
3 length the purpose of which is to enmesh, entrap or
4 entangle fish by drifting on the surface of or in the
5 water.

6 (11) 'Driftnet fishing activities' means:

7 (a) catching, taking or harvesting fish with the
8 use of a driftnet;

9 (b) attempting to catch, take or harvest fish with
10 the use of a driftnet;

11 (c) engaging in any other activity which can
12 reasonably be expected to result in the catching, taking
13 or harvesting of fish with the use of a driftnet,
14 including searching for and locating fish to be taken by
15 that method;

16 (d) any operations at sea in support of, or in
17 preparation for any activity described in this paragraph,
18 including operations of placing, searching for or
19 recovering fish aggregating devices or associated
20 electronic equipment such as radio beacons;

21 (e) aircraft use, relating to the activities
22 described in this paragraph, except for flights in
23 emergencies involving the health or safety of crew
24 members or the safety of a vessel; or

25 (f) transporting, transshipping and processing any

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1 driftnet catch, and cooperation in the provision of food,
2 fuel and other supplies for vessels equipped for or
3 engaged in driftnet fishing.

4 (12) 'Domestic-based fishing' means any fishing by
5 foreign fishing vessels based in the Federated States of
6 Micronesia, but not including commercial pilot fishing.

7 (13) 'Domestic-based fishing agreements' means an
8 agreement between the Government of the Federated States
9 of Micronesia and one or more persons to permit domestic-
10 based fishing within the Exclusive Economic Zone.

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

14 (15) 'Domestic fishing' means any fishing by local
15 fishing vessels longer than twenty-seven feet in overall
16 length, but not including commercial pilot fishing.

17 (16) 'Exclusive Economic Zone' means the exclusive
18 economic zone defined in title 18 of the Code of the
19 Federated States of Micronesia.

20 (17) 'Executive director' means the executive director
21 of the Micronesian [~~Maritime~~] Fisheries Authority.

22 (18) 'Fish' means any living marine resource.

23 (19) 'Fish aggregating device' means any manmade or
24 partly manmade floating device, whether anchored or not,
25 intended for the purpose of aggregating fish, and

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1 includes any floating object on a device which has been
2 placed to facilitate its location.

3 (20) 'Fishery' means any fishing for stocks of fish.

4 (21) 'Fishery waters' means the Exclusive Economic Zone,
5 the Territorial Sea, and internal waters as described in
6 title 18 of the Code of the Federated States of
7 Micronesia, and any other waters within the jurisdiction
8 of the Federated States of Micronesia.

9 (22) 'Fishing' means:

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

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

15 (c) the placing, searching for, or recovery of
16 fish aggregating devices or associated electronic
17 equipment such as radio beacons;

18 (d) aircraft use relating to the activities
19 described in this subsection, except for flights in
20 emergencies involving the health or safety of crew
21 members or the safety of a vessel;

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

23 (f) storing, processing or transporting fish
24 harvested within the fishery waters;

25 (g) refueling or supplying fishing vessels; or

1 (h) any operations at sea in support of or in
2 preparation for any activity described in this
3 subsection.

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

9 (24) 'Fishing vessel' means any vessel, boat, ship, or
10 other craft which is used for, equipped to be used for,
11 or of a type that is normally used for:

12 (a) fishing;

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

17 (25) 'Foreign fishing' means any fishing not defined as
18 domestic fishing or domestic-based fishing, but not
19 including commercial pilot fishing or fishing from a
20 local fishing vessel less than or equal to twenty-seven
21 feet in overall length.

22 (26) 'Foreign fishing agreement' means an agreement
23 between the Authority on behalf of the Government of the
24 Federated States of Micronesia and one or more foreign
25 fishing interests to permit foreign vessels to harvest

1 fish within the exclusive economic zone.

2 (27) 'Foreign fishing vessel' means any fishing vessel
3 not defined as a local fishing vessel.

4 (28) 'Foreign party' means a party to a foreign fishing
5 agreement other than the Authority, the Government of the
6 Federated States of Micronesia or a State government.

7 (29) 'Foreign recreational fishing' means fishing by a
8 foreign fishing vessel for recreational or sport
9 purposes.

10 (30) 'Island' means a naturally formed area of land
11 surrounded by water, which is above water at high tide.

12 (31) 'Living marine resource' means all forms of marine
13 animal and plant life other than marine birds and
14 includes, finfish, mollusks, and crustaceans.

15 (32) 'Local fishing vessel' means any fishing vessel
16 wholly owned and operated by one or more of the
17 following:

18 (a) the Government of the Federated States of
19 Micronesia, any State government or any subdivision
20 thereof;

21 (b) any citizen of the Federated States of
22 Micronesia;

23 (c) any corporation or cooperative established
24 under the laws of the Federated States of Micronesia or
25 of any State which is wholly owned and controlled by one

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1 or more of the persons described in paragraphs (a) and
2 (b) of this subsection;

3 (d) any combination of persons described in
4 paragraphs (a) through (c) of this subsection.

5 (33) 'Operator' means any person who is in charge of,
6 directs, or controls a vessel, including the owner,
7 charterer, or the master.

8 (34) 'Pacific Island States' means the parties to the
9 South Pacific Forum Fisheries Agency Convention, 1979.

10 (35) 'Permit' means the document authorizing fishing
11 within all or part of the Exclusive Economic Zone issued
12 pursuant to section 111 of this title or pursuant to a
13 treaty, or any agreement or arrangement entered into
14 pursuant to section 106 of this title.

15 (36) 'Person' means any individual, corporation,
16 partnership, association, or other entity, the Government
17 of the Federated States of Micronesia or any of the
18 States, or any political subdivision thereof, and any
19 foreign government, subdivision of such government, or
20 entity thereof.

21 (37) 'Regional fisheries treaty' means a treaty between
22 the governments of certain Pacific Island States and
23 governments, bodies or organizations of foreign States
24 other than Pacific Island States that relates to fishing
25 in the waters of the Pacific Island States and has

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1 entered into force according to its terms, and has been
2 ratified by the Congress of the Federated States of
3 Micronesia.

4 (38) 'Regional fishing license' means a regional fishing
5 license issued to a foreign fishing vessel pursuant to a
6 regional fisheries treaty.

7 (39) 'State' means any of the States of the Federated
8 States of Micronesia.

9 (40) 'Stock of fish' means a species, subspecies, or
10 other category of fish identified on the basis of
11 geographical, scientific, technical, recreational, and
12 economic characteristics which can be treated as a unit
13 for purposes of conservation and management."

14 Section 2. Section 301 of title 24 of the Code of the
15 Federated States of Micronesia, as enacted by Public Law No. 6-11
16 and amended by Public Law No. 11-24, is hereby further amended to
17 read as follows:

18 "Section 301. Micronesian [Maritime] Fisheries
19 Authority Established.

20 (1) There is established a Micronesian [Maritime]
21 Fisheries Authority composed of five members appointed as
22 follows:

23 (a) one representative of each State appointed by
24 the President of the Federated States of Micronesia, in
25 consultation with the Governor and with the advice and

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1 consent of the Congress as provided in article X, section
2 2(d) of the Constitution; PROVIDED, however, that no such
3 representative shall also serve as a member of the Board
4 of Directors of the National Fisheries Corporation of the
5 Federated States of Micronesia, or any subsidiary or
6 affiliate thereof, during the term of his membership on
7 the Authority; and

8 (b) one at-large member appointed by the President
9 of the Federated States of Micronesia, with the advice
10 and consent of the Congress, as provided in article X,
11 section 2(d) of the Constitution.

12 (2) All appointments shall be for a term of two years.
13 The term of office of each original member shall commence
14 effective the date of the first meeting of the Authority
15 after the effective date of this act. Upon the
16 expiration of the term of an appointed member, his rights
17 and powers of membership shall lapse and the executive
18 director shall declare the vacancy and notify the
19 President of the Federated States of Micronesia in
20 writing of such vacancy. Vacancies occurring before the
21 expiration of a member's term shall be filled in the same
22 manner as the original appointment for the remainder of
23 the term of office of the vacancy.

24 (3) The chairman shall be chosen by the majority vote
25 of the members of the Authority. The Authority shall

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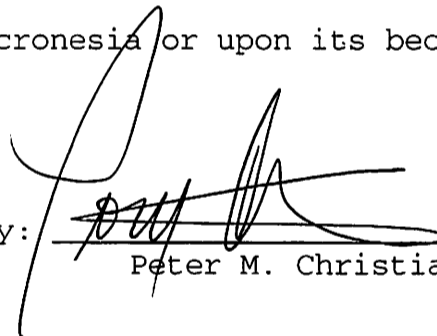
1 meet at such times and places as may be designated by the
2 chairman or by the Authority. The Authority shall adopt
3 its own rules of procedure and regulations by majority
4 vote."

5 Section 3. Nothing in this act shall be deemed to do away
6 with, abrogate, or invalidate any act or transaction of the
7 Authority made in reference to its previous name, after the
8 effective date of this act. Any reference to the prior name of
9 Micronesian Maritime Authority in any other law, communication,
10 document, record, agreement, and so forth, shall mean, or be
11 construed as referring to, the Micronesian Fisheries Authority. To
12 this end, such acts, transactions, documents, or references shall be
13 valid as acts, transactions, or documents of, or references to, the
14 Micronesian Fisheries Authority.

15 Section 4. This act shall become law upon approval by the
16 President of the Federated States of Micronesia or upon its becoming
17 law without such approval.

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19 Date: 11/24/2000

Introduced by:


Peter M. Christian

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