

A BILL FOR AN ACT

To amend Section 2 of 52 TTC (Public Law No. 7-71), Fisheries Zone Jurisdiction, as amended by Public Law No. IC-3 and Public Law No. 1-34, to require approval by resolution of the Congress of the Federated States of Micronesia on all foreign fishing agreements, and for other purposes.

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

1 Section 1. Section 2 of 52 TTC (Public Law No. 7-71), as amended by Public  
2 Law No. IC-3 and Public Law No. 1-34, is further amended to read as follows:

3 "Section 2. Definitions. As used in this Title, unless the context  
4 otherwise requires, the term:

5 (1) "Atoll" means a circular or oval coral reef forming a  
6 geographic and ecologic unity crowned by at least one island.

7 (2) "Authority" means the Micronesian Maritime Authority  
8 established by Section 101 of this Title.

9 (3) "Congress" means the Congress of the Federated States of  
10 Micronesia.

11 (4) "Executive Director" means the Executive Director of  
12 the Micronesian Maritime Authority.

13 (5) "State" means any of the states of the Federated States of  
14 Micronesia.

15 (6) "Fish" means any living resource.

16 (7) "Fishery" means:

17 (a) One or more stocks of fish which can be treated as  
18 a unit for purposes of conservation and management and which are  
19 identified on the basis of geographical, scientific, technical, re-  
20 creational, and economic characteristics; and

21 (b) Any fishing for such stocks.

22 (8) "Fishing" means:

23 (a) The actual or attempted catching, taking or harvesting  
24 of fish;

25 (b) Any other activity which can reasonably be expected

1 to result in the catching, taking or harvesting of fish; or

2 (c) Any operations at sea in support of or in preparation  
3 for, any activity described in paragraphs (a) and (b) above.

4 (9) "Fishing Vessel" means any vessel, boat, ship, or other  
5 craft which is used for, equipped to be used for, or of a type  
6 that is normally used for:

7 (a) Fishing,

8 (b) Aiding or assisting one or more vessels at sea in  
9 the performance of any activity related to fishing, including but  
10 not limited to, preparation, supply, storage, refrigeration, trans-  
11 portation, or processing.

12 (10) "Foreign Fishing Agreement" means an agreement between the  
13 Authority on behalf of the Government of the Federated States of  
14 Micronesia and one or more foreign commercial fishing interests to permit  
15 foreign vessels to harvest fish within the Extended Fishery Zone of  
16 the Federated States of Micronesia. A 'foreign party' is a party to  
17 such an agreement other than the Authority. To take effect within the  
18 Extended Fishery Zone of the Federated States of Micronesia, such  
19 agreement shall require the approval of the Congress of the Federated  
20 States of Micronesia by resolution, *PROVIDED, THAT SUCH AN AGREEMENT*  
21 *INVOLVING FEWER THAN SIX VESSELS WILL NOT REQUIRE THE APPROVAL OF THE*  
22 *CONGRESS OF THE FEDERATED STATES OF MICRONESIA; AND PROVIDED, FURTHER,*  
23 *THAT THE COMMITTEE ON RESOURCES AND DEVELOPMENT OF THE CONGRESS OF THE*  
24 *FEDERATED STATES OF MICRONESIA SHALL APPROVE SUCH AN AGREEMENT IF THE*  
25 *CONGRESS IS NOT IN SESSION.*

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C.B. No. 2-34

- 1 (11) "Foreign fishing" means fishing by vessels:
- 2 (a) Not registered in Micronesia, or
- 3 (b) Not wholly owned by citizens of Micronesia, or
- 4 (c) Not wholly controlled by citizens of Micronesia, or
- 5 (d) Of foreign registry chartered by citizens of Micronesia.
- 6 (12) "Island" means a naturally formed area of land, surrounded
- 7 by water, which is above water at high tide.
- 8 (13) "Living resource" means finfish, mollusks, crustaceans, and
- 9 all other forms of marine animal and plant life other than marine birds.
- 10 (14) "Micronesia" or "Government of Micronesia" refers to the
- 11 appropriate State Government, or the Government of the Federated States
- 12 of Micronesia.
- 13 (15) "Person" means any individual, corporation, partnership,
- 14 association, or other entity, the Government of Micronesia or any of its
- 15 subdivisions or any entity thereof, and any foreign government, sub-
- 16 division of such government or entity thereof.
- 17 (16) "Reef fish" means any species of living resource which
- 18 predominately inhabits reef areas or internal waters.
- 19 (17) "Stock of fish" means a species, subspecies, geographical
- 20 grouping, or other category of fish capable of management as a unit.
- 21 (18) "Submerged reef" means a coral reef forming a geographic and
- 22 ecologic unity which is wholly submerged at high tide."

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

25 Date: 5/21/81

Introduced by: Jack Fritz  
Jack Fritz