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A BILL FOR AN ACT

To amend section 102 of title 24 of the Code of the Federated States of Micronesia by adding a new subsection 17 thereto to define the term "State affected," 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 Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 102. Definitions. As used in this title, unless the
4 context 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 301 of this title.

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

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

13 (5) "Fish" means any living resource.

14 (6) "Fishery" means:

15 (a) one or more stocks of fish which can be treated
16 as a unit for purposes of conservation and management and which
17 are identified on the basis of geographical, scientific,
18 technical, recreational, and economic characteristics; and

19 (b) any fishing for such stocks.

20 (7) "Fishing" means:

21 (a) the actual or attempted catching, taking, or
22 harvesting of fish;

23 (b) any other activity which can reasonably be ex-
24 pected to result in the catching, taking, or harvesting of
25 fish; or

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1 (c) any operations at sea in support of or in
2 preparation for any activity described in paragraphs (a) and
3 (b) of this subsection.

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

7 (a) fishing;

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

12 (9) "Foreign fishing" means fishing by vessels:

13 (a) not registered in Micronesia; or

14 (b) not wholly owned by citizens of Micronesia; or

15 (c) not wholly controlled by citizens of Micronesia; or

16 (d) of foreign registry chartered by citizens of Micronesia.

17 (10) "Foreign fishing agreement" means an agreement between
18 the Authority on behalf of the Government of the Federated States
19 of Micronesia and one or more foreign commercial fishing interests
20 to permit foreign vessels to harvest fish within the extended
21 fishery zone of the Federated States of Micronesia. A "foreign
22 party" is a party to such an agreement other than the
23 Authority

24 (11) "Island" means a naturally formed area of land,
25 surrounded by water, which is above water at high tide.

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1 (12) "Living resource" means a finfish, mollusks,
2 crustaceans, and all other forms of marine animal and plant
3 life other than marine birds.

4 (13) "Micronesia" or "Government of Micronesia" refers
5 to the appropriate State government or the Government of the
6 Federated States of Micronesia.

7 (14) "Person" means any individual, corporation, partner-
8 ship, association, or other entity, the Government of Micro-
9 nesia or any of its subdivisions or any entity thereof, and
10 any foreign government, subdivision of such government, or
11 entity thereof.

12 (15) "Reef fish" means any species of living resource which
13 predominately inhabits reef areas or internal waters.

14 (16) "State" means any of the States of the Federated
15 States of Micronesia.

16 (17) "State affected," as expressed in section 510 of this
17 title, as amended by Public Law No. 2-28, means any State of the
18 Federated States of Micronesia within whose 12-mile zone any illegal
19 activity or activities take place, or any State of the Federated
20 States of Micronesia that is instrumental in the capture or seizure
21 of a fishing vessel committing illegal fishing activity or activities
22 within the 200-mile extended fishery zone but beyond the 12-mile zone
23 of any of the States of the Federated States of Micronesia.

24 (1718) "Stock of fish" means a species, subspecies, geo-
25 graphical grouping, or other category of fish capable of manage-

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1 ment as a unit.

2 (1819) "Submerged reef" means a coral reef forming a
3 geographic and ecologic unity which is wholly submerged at
4 high tide."

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

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9 Date: NOV 1, 1983

Introduced by: *J. Gouland*
Sasao H. Gouland

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