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A BILL FOR AN ACT

To amend 52 TTC 2, as set forth by Public Law No. 7-71, and as amended by Public Law No. 1-34, Public Law No. 1-91, and Public Law No. 1-104, relating to approval of foreign fishing agreements by committees of Congress if the Congress is not in session, 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
2 amended by Public Law No. IC-3 and Public Law No. 1-34, is hereby
3 further amended to read as follows:

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

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

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

11 (3) "Congress" means the Congress of the Federated
12 States of Micronesia.

13 (4) "Executive Director" means the Executive
14 Director of the Micronesian Maritime Authority.

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

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

18 (7) "Fishery" means:

19 (a) One or more stocks of fish which can be
20 treated as a unit for purposes of conservation and
21 management and which are identified on the basis of
22 geographical, scientific, technical, recreational, and
23 economic characteristics; and

24 (b) Any fishing for such stock.

25 (8) "Fishing" means:

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1 (a) The actual or attempted catching, taking or
2 harvesting of fish;

3 (b) Any other activity which can reasonably be
4 expected to result in the catching, taking or harvesting
5 of fish; or

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

9 - (9) "Fishing Vessel" means any vessel, boat, ship,
10 or 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, storage,
16 refrigeration, transportation, or processing.

17 (10) "Foreign Fishing Agreement" means an agreement
18 between the Authority on behalf of the Government of the
19 Federated States of Micronesia and one or more foreign
20 commercial fishing interests to permit foreign vessels to
21 harvest fish within the Extended Fishery Zone of the
22 Federated States of Micronesia. A 'foreign party' is a
23 party to such an agreement other than the Authority. To
24 take effect within the Extended Fishery Zone of the Federated
25 States of Micronesia, such agreement shall require the

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1 approval of the Congress of the Federated States of
2 Micronesia by resolution; PROVIDED, that such an agree-
3 ment involving fewer than six vessels will not require the
4 approval of the Congress of the Federated States of
5 Micronesia; and PROVIDED, FURTHER, that the Committee on
6 Resources and Development and the Committee on External
7 Affairs of the Congress of the Federated States of
8 Micronesia shall jointly approve such an agreement if the
9 Congress is not in session.

10 (11) "Foreign fishing" means fishing by vessels:

11 (a) Not registered in Micronesia, or

12 (b) Not wholly owned by citizens of Micronesia, or

13 (c) Not wholly controlled by citizens of

14 Micronesia, or

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

17 (12) "Island" means a naturally formed area of land,
18 surrounded by water, which is above water at high tide.

19 (13) "Living resource" means finfish, mollusks,
20 crustaceans, and all other forms of marine animal and plant
21 life other than marine birds.

22 (14) "Micronesia" or "Government of Micronesia" refers
23 to the appropriate State Government, or the Government of
24 the Federated States of Micronesia.

25 (15) "Person" means any individual, corporation,

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1 partnership, association, or other entity, the Government
2 of Micronesia or any of its subdivisions or any entity
3 thereof, and any foreign government, subdivision of such
4 government or entity thereof.

5 (16) "Reef fish" means any species of living
6 resource which predominately inhabits reef areas or
7 internal waters.

8 (17) "Stock of fish" means a species, subspecies,
9 geographical grouping, or other category of fish capable
10 of management as a unit.

11 (18) "Submerged reef" means a coral reef forming a
12 geographic and ecologic unity which is wholly submerged at
13 high tide."

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

Date: May 18, 1982Introduced by: Jack Fritz

Jack Fritz