A BILL FOR AN ACT

To amend title 23 of the Code of the Federated States of Micronesia by amending sections 301, 302, 303, 304, 305, 307, 308, 310, 311, 313, 314, 315 and 316 which contain obsolete references to the Trust Territory and a Trust Territory official, and for other purposes.

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

Section 1. Section 301 of title 23 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 301. Short title. This chapter is known and may be cited as the 'Ttët Ttët Ttët Ttët Ttët Ttët Ttët Ttët Ttët Federated States of Micronesia Endangered Species Act of 1978.'"

Section 2. Section 302 of title 23 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 302. Findings. The Congress of Micronesia has determined that certain species of plants and animals are threatened with or in danger of becoming extinct in the Ttët Ttët Ttët Ttët Federated States of Micronesia."

Section 3. Section 303 of title 23 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 303. Policy. The indigenous plants and animals of the Ttët Ttët Ttët Ttët Federated States of Micronesia are of esthetic, ecological, historical, recreational, scientific, and economic value and it is the policy of the Government of the Ttët Ttët Ttët Ttët Federated States of Micronesia to foster the well-being of these plants and animals by whatever means necessary to prevent the extinction of any species or subspecies from our islands or the water surrounding them."

Section 4. Section 304 of title 23 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 304. Administration of chapter. The provisions
of the chapter will be administered by the **Secretary of the Department** of Resources and Development
through the office of the chief conservationist within his department. This administration of the chapter will include
the authority to set up conservation programs aimed at conserving endangered and threatened species, including re-
search programs to adequately define which species are in fact endangered or threatened, and including, when neces-
sary, the acquisition of land or aquatic habitat or interest therein for the conservation of resident endangered or
threatened species."

Section 5. Section 305 of title 23 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 305. **Definitions.** As used in this chapter, unless
the context otherwise requires:

(1) 'Animal' means any species of organism in the
animal kingdom including, but not restricted to, mammals,
birds, reptiles, amphibians, fish, clams, crustaceans, and
corals.

(2) 'Commercial activity' means all activities of
industry and trade including, but not limited to, buying or
selling of commodities, and activities conducted for the
purpose of facilitating such buying or selling.

(3) '**Secretary,**' when used alone, means
the **Secretary of the Department** of Resources and
Development of the *Ttttt Tttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttttt
shrubs, flowers, grasses, algae, and fungi.

(10) 'Possession' means the personal holding of any
endangered or threatened species of plant or animal or parts
thereof by any person, or possession of that species on his
or her property, land, vehicle, home, place of business, or
place of work.

(11) 'Species' means any species or subspecies of
scientifically described plant or animal.

(12) 'Take' means to harass, harm, pursue, hunt,
shoot, wound, kill, trap, capture, or collect, or to attempt
to engage in any such activity.

(13) 'Threatened species' means any species which is
likely to become an endangered species within the fore-
seeable future throughout all or a significant portion of
its range.

Section 6. Section 307 of title 23 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 307. Exception - Scientific uses. This chapter
shall not apply to the taking, possession of, or export of
species of endangered or threatened plants and animals or
parts thereof for scientific purposes, providing
the person or persons involved apply for and are issued a
permit for such activity by the Secretary of the
Department of Resources and Development in accordance with
regulations governing the issuance of such permits."

Section 7. Section 308 of title 23 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 308. Exception - Public nuisances; Public safety.
This chapter shall not apply to any species of endangered
or threatened plant or animal if that plant or animal
becomes a public nuisance or public safety factor,
providing that any remedial action be taken only by the
Government of the Federated States of Micronesia and in accordance with regulations issued in
accordance with this chapter for this purpose."

Section 8. Section 310 of title 23 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 310. Exception - Subsistence uses. This chapter
shall not apply in those cases where the Secretary
has determined that the taking from certain islands of
certain species of endangered or threatened plants or
animals for subsistence food or for old traditional uses
does not further endanger the species involved; provided,
that the species or parts thereof involved are not sub-
ject to commercial activity nor exported; and further
provided, that this exception will only apply to the bona
fide indigenous inhabitants of the islands excepted by the
Secretary."
Section 9. Section 311 of title 23 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 311. Exception—Innocent possession. This chapter shall not apply to any person in innocent possession of any species of endangered or threatened plant or animal or parts thereof, except that such plants or animals or parts thereof will be confiscated by the Federated States of Micronesia and disposed of in accordance with regulations issued under this chapter."

Section 10. Section 313 of title 23 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 313. Regulations. The Director of Natural and Development Secretary shall issue regulations, subject to the approval of the President of the Federated States of Micronesia, applying to this chapter and including a listing of the species of endangered and threatened plants and animals of the Federated States of Micronesia. These regulations shall have the force and effect of law."

Section 11. Section 314 of title 23 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 314. Importation of endangered species. In anticipation of international cooperation and reciprocation, it is prohibited to import into the Federated States of Micronesia any species of endangered or
threatened plant or animal or parts thereof which is listed
by the convention on international trade in endangered
species of wild fauna and flora. This list may be a part of
the regulations applying to this chapter."

Section 12. Section 315 of title 23 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 315. Importation of exotic plants and animals.
Since exotic plants and animals not already established in
the Federated States of Micronesia can cause
ecological upsets, compete with, prey upon, and introduce
serious or devastating diseases which could further endanger
our indigenous plants and animals or drive them to extinc-
tion, it is prohibited to import such exotic plants and
animals or parts thereof into the Federated
States of Micronesia except under permit by the Secretary as defined in the regulations authorized by this
chapter, except that beneficial insects and biological
control microorganisms may be imported in accordance with
the Federated States of Micronesia plant and
animal quarantine laws."

Section 13. Section 316 of title 23 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 316. Confiscation of plants, equipment, etc., for
violations. Any endangered species of plant or animal or
parts thereof, held by any person in contravention of any of
the other sections of this chapter, may be confiscated by
the Tttttt Tttttt Government of the Federated States of
Micronesia and disposed of in accordance with the regula-
tions applying to this chapter, and further, any gun,
weapon, spear, knife, trap, net, fishing gear, boat, engine,
or vehicle used for the purpose of violating any of the pro-
visions or regulations of this chapter may be confiscated
and disposed of by the Tttttt Tttttt Government of the
Federated States of Micronesia in accordance with the regu-
lations applying to this chapter."

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

Date: 1/25/90  Introduced by: Redley Killion