

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  
3 Nos. 5-37, 6-11 and 9-047, is hereby further amended to read  
4 as 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  
12 marine resources from time to time identified by the  
13 Authority 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,  
17 Woleai, Faraulep, Ifalik, Olaimarao, Elato, Lamotrek,  
18 West Fayu, Polowat, Pulap, Houk, Namonuito, Kuop,  
19 Nomowin, Murilo, Losap, Namoluk, Satawan, Etal, Lukunor,  
20 Minto Reef, Oroluk, Nukuoro, Kapingamarangi, Pakin, Ant,  
21 Sapwuahfik, Mwoakiloa, and Pingelap.

1           (4) 'Authority' means the Micronesian Fisheries  
2 Authority established by section 301 of this title.

3           (5) 'Authorized observer' means any person authorized  
4 in writing by the Authority to act as an observer on  
5 foreign fishing vessels, including any observer  
6 authorized pursuant to a regional fisheries treaty to be  
7 an authorized observer for purposes of this title.

8           (6) 'Authorized officer' means any officer of the  
9 Division of Security and Investigation of the Government  
10 of the Federated States of Micronesia or any other  
11 person authorized in writing by the Secretary of Justice  
12 to be an authorized officer for the purposes of this  
13 title.

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

24           (8) 'Commercial pilot fishing' means any fishing for

1 the purpose of testing the commercial viability of:

2 (a) new fishing methods;

3 (b) developing new stocks of fish; or

4 (c) fishing in previously unexploited areas.

5 (9) 'Court' means the Supreme Court of the Federated  
6 States of Micronesia.

7 (10) 'Drift net' means a gillnet or other net or a  
8 combination of nets which is more than 2.5 kilometers in  
9 length the purpose of which is to enmesh, entrap or  
10 entangle fish by drifting on the surface of or in the  
11 water.

12 (11) 'Drift net fishing activities' means:

13 (a) catching, taking or harvesting fish with the  
14 use of a drift net;

15 (b) attempting to catch, take or harvest fish  
16 with the use of a drift net;

17 (c) engaging in any other activity which can  
18 reasonably be expected to result in the catching, taking  
19 or harvesting of fish with the use of a drift net,  
20 including searching for and locating fish to be taken by  
21 that method;

22 (d) any operations at sea in support of, or in  
23 preparation for any activity described in this  
24 paragraph, including operations of placing, searching

1 for or recovering fish aggregating devices or associated  
2 electronic equipment such as radio beacons;

3 (e) aircraft use, relating to the activities  
4 described in this paragraph, except for flights in  
5 emergencies involving the health or safety of crew  
6 members or the safety of a vessel; or

7 (f) transporting, transshipping and processing any  
8 drift net catch, and cooperation in the provision of  
9 food, fuel and other supplies for vessels equipped for  
10 or engaged in drift net fishing.

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

14 (13) 'Domestic-based fishing agreements' means an  
15 agreement between the Government of the Federated States  
16 of Micronesia and one or more persons to permit  
17 domestic-based fishing within the Exclusive Economic  
18 Zone.

19 (14) 'Domestic-based party' means a party to a  
20 domestic-based fishing agreement other than the  
21 Government of the Federated States of Micronesia or a  
22 State.

23 (15) 'Domestic fishing' means any fishing by local  
24 fishing vessels longer than twenty-seven feet in overall

1 length, but not including commercial pilot fishing.

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

5 (17) 'Executive director' means the executive director  
6 of the Micronesian Fisheries Authority.

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

8 (19) 'Fish aggregating device' means any manmade or  
9 partly manmade floating device, whether anchored or not,  
10 intended for the purpose of aggregating fish, and  
11 includes any floating object on a device which has been  
12 placed to facilitate its location.

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

14 (21) 'Fishery waters' means the Exclusive Economic  
15 Zone, the Territorial Sea, and internal waters as  
16 described in title 18 of the Code of the Federated  
17 States of Micronesia, and any other waters within the  
18 jurisdiction of the Federated States of Micronesia.

19 (22) 'Fishing' means:

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

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

1                   (c) the placing, searching for, or recovery of  
2 fish aggregating devices or associated electronic  
3 equipment such as radio beacons;

4                   (d) aircraft use relating to the activities  
5 described in this subsection, except for flights in  
6 emergencies involving the health or safety of crew  
7 members or the safety of a vessel;

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

9                   (f) storing, processing or transporting fish  
10 harvested within the fishery waters;

11                   (g) refueling or supplying fishing vessels; or

12                   (h) any operations at sea in support of or in  
13 preparation for any activity described in this  
14 subsection.

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

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

23                   (a) fishing;

24                   (b) aiding or assisting one or more vessels at

1 sea in the performance of any activity related to  
2 fishing, including, but not limited to preparation,  
3 supply, storage, refrigeration, transportation, or  
4 processing.

5 (25) 'Foreign fishing' means any fishing not defined as  
6 domestic fishing or domestic-based fishing, but not  
7 including commercial pilot fishing or fishing from a  
8 local fishing vessel less than or equal to twenty-seven  
9 feet in overall length.

10 (26) 'Foreign fishing agreement' means an agreement  
11 between the Authority on behalf of the Government of the  
12 Federated States of Micronesia and one or more foreign  
13 fishing interests to permit foreign vessels to harvest  
14 fish within the Exclusive Economic Zone.

15 (27) 'Foreign fishing vessel' means any fishing vessel  
16 not defined as a local fishing vessel.

17 (28) 'Foreign party' means a party to a foreign fishing  
18 agreement other than the Authority, the Government of  
19 the Federated States of Micronesia or a State  
20 government.

21 (29) 'Foreign recreational fishing' means fishing by a  
22 foreign fishing vessel for recreational or sport  
23 purposes.

24 (30) 'Island' means a naturally formed area of land

1           surrounded by water, which is above water at high tide.

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

5           (32) 'Local fishing vessel' means any fishing vessel  
6           wholly owned and operated by one or more of the  
7           following:

8                   (a) the Government of the Federated States of  
9           Micronesia, any State government or any subdivision  
10          thereof;

11                   (b) any citizen of the Federated States of  
12          Micronesia;

13                   (c) any corporation or cooperative established  
14          under the laws of the Federated States of Micronesia or  
15          of any State which is wholly owned and controlled by one  
16          or more of the persons described in paragraphs (a) and  
17          (b) of this subsection;

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

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

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

1           (35) 'Permit' means the document authorizing fishing  
2           within all or part of the Exclusive Economic Zone issued  
3           pursuant to section 111 of this title or pursuant to a  
4           treaty, or any agreement or arrangement entered into  
5           pursuant to section 106 of this title.

6           (36) 'Person' means any individual, corporation,  
7           partnership, association, or other entity, the  
8           Government of the Federated States of Micronesia or any  
9           of the States, or any political subdivision thereof, and  
10          any foreign government, subdivision of such government,  
11          or entity thereof.

12          (37) 'Regional fisheries treaty' means a treaty between  
13          the governments of certain Pacific Island States and  
14          governments, bodies or organizations of foreign States  
15          other than Pacific Island States that relates to fishing  
16          in the waters of the Pacific Island States and has  
17          entered into force according to its terms, and has been  
18          ratified by the Congress of the Federated States of  
19          Micronesia.

20          (38) 'Regional fishing license' means a regional  
21          fishing license issued to a foreign fishing vessel  
22          pursuant to a regional fisheries treaty.

23          (39) 'State' means any of the States of the Federated  
24          States of Micronesia.

1           (40) 'Stock of fish' means a species, subspecies, or  
2           other category of fish identified on the basis of  
3           geographical, scientific, technical, recreational, and  
4           economic characteristics which can be treated as a unit  
5           for purposes of conservation and management."

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

10           "Section 301. Micronesian Fisheries Authority  
11           Established.

12           (1) There is established a Micronesian Fisheries  
13           Authority composed of five members appointed as follows:

14           (a) one representative of each State appointed by  
15           the President of the Federated States of Micronesia, in  
16           consultation with the Governor and with the advice and  
17           consent of the Congress as provided in article X,  
18           section 2(d) of the Constitution; PROVIDED, however,  
19           that no such representative shall also serve as a member  
20           of the Board of Directors of the National Fisheries  
21           Corporation of the Federated States of Micronesia, or  
22           any subsidiary or affiliate thereof, during the term of  
23           his membership on the Authority; and

24           (b) one at-large member appointed by the

1 President of the Federated States of Micronesia, with  
2 the advice and consent of the Congress, as provided in  
3 article X, section 2(d) of the Constitution.

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

16 (3) The chairman shall be chosen by the majority vote  
17 of the members of the Authority. The Authority shall  
18 meet at such times and places as may be designated by  
19 the chairman or by the Authority. The Authority shall  
20 adopt its own rules of procedure and regulations by  
21 majority vote."

22 Section 3. Nothing in this act shall be deemed to do away  
23 with, abrogate, or invalidate any act or transaction of the  
24 Authority made in reference to its previous name, after the

**Public Law No. 11-57**

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1 effective date of this act. Any reference to the prior name of  
2 Micronesian Maritime Authority in any other law, communication,  
3 document, record, agreement, and so forth, shall mean, or be  
4 construed as referring to, the Micronesian Fisheries Authority.  
5 To this end, such acts, transactions, documents, or references  
6 shall be valid as acts, transactions, or documents of, or  
7 references to, the Micronesian Fisheries Authority.

8 Section 4. This act shall become law upon approval by the  
9 President of the Federated States of Micronesia or upon its  
10 becoming law without such approval.

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\_\_\_\_\_ Oct. 27<sup>th</sup>, 2000

\_\_\_\_\_/s/\_\_\_\_\_  
Leo A. Falcam  
President  
Federated States of Micronesia