



*The President*  
*Palikir, Pohnpei*  
*Federated States of Micronesia*

October 28, 2015

PRESIDENTIAL COMM. NO. 19203  
FSM CONGRESS

The Honorable Wesley W. Simina  
Speaker  
Nineteenth Congress of the Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

I am transmitting the following Congressional Act, which I have signed to become Public Law No. 19-36:

Congressional Act No. 19-44, entitled: "AN ACT TO FURTHER AMEND SECTIONS 503, 913 AND 914 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAW NO. 18-108 AND 19-21, TO ALLOW THE DISPOSAL AT SEA OF BY-CATCH AFTER RECORDING THE BY-CATCH IN A DAILY CATCH REPORT FORM, TO ALLOW FOR ALTERNATE METHODS OF THE REPORTING AND DISPOSAL OF SHARKS, TO CLARIFY THE STANDARDS FOR CRIMINAL AND CIVIL PENALTIES AND TO ALLOW FOR CLARIFICATION OF THE PENALTY PROVISION, AND FOR OTHER PURPOSES."

I take the opportunity to thank the 19<sup>th</sup> Congress for its effort in passing this legislation. It is an improvement to the existing regulatory regime on sharks as by-catch.

In the past, shark caught by fishing vessels must be released immediately if still alive. It must be kept on board and landed on the FSM transshipment port if already dead. Moreover, the taking, possession, and sale of shark and shark fins are prohibited. In contrast, the intent of this Act to allow discarding of by-catch provided that the discards are properly recorded. On this note, I wish to draw your attention to section 913, subsection 4 (page 3, lines 1-7), which appears erroneous in its formulation and possibly contradicts with section 913, subsection (4). I request Congress to further strengthen its language and rectify any possible loophole.

Sincerely,

  
Peter M. Christian  
President



Enclosure:

Xc: Chief Justice, FSM Supreme Court  
Secretary, Department of Finance and Administration  
Secretary, Department of Justice  
Legislative Counsel, CFSM  
Library, CFSM  
FSM PIO



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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Office of the Chief Clerk

PRESIDENTIAL COMM. NO. 19-203  
FSM CONGRESS

October 08, 2015



His Excellency Peter M. Christian  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear President Christian:

I have the honor to transmit herewith Congressional Act No. 19-44, "AN ACT TO FURTHER AMEND SECTIONS 503, 913 AND 914 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAWS NO. 18-108 AND 19-21, TO ALLOW THE DISPOSAL AT SEA OF BY-CATCH AFTER RECORDING THE BY-CATCH IN A DAILY CATCH REPORT FORM, TO ALLOW FOR ALTERNATE METHODS OF THE REPORTING AND DISPOSAL OF SHARKS, TO CLARIFY THE STANDARDS FOR CRIMINAL AND CIVIL PENALTIES AND TO ALLOW FOR CLARIFICATION OF THE PENALTY PROVISION, AND FOR OTHER PURPOSES.", which was passed by the Nineteenth Congress of the Federated States of Micronesia, Second Regular Session, 2015, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis  
Chief Clerk, Congress of the  
Federated States of Micronesia

Enclosures





PRESIDENTIAL COMM. NO. 19-203  
FSM CONGRESS

NINETEENTH CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
SECOND REGULAR SESSION  
SEPTEMBER 14 – OCTOBER 03, 2015

PUBLIC LAW No. 19-36

## An Act

TO FURTHER AMEND SECTIONS 503, 913 AND 914 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED BY PUBLIC LAWS NO. 18-108 AND 19-21, TO ALLOW THE DISPOSAL AT SEA OF BY-CATCH AFTER RECORDING THE BY-CATCH IN A DAILY CATCH REPORT FORM, TO ALLOW FOR ALTERNATE METHODS OF THE REPORTING AND DISPOSAL OF SHARKS, TO CLARIFY THE STANDARDS FOR CRIMINAL AND CIVIL PENALTIES AND TO ALLOW FOR CLARIFICATION OF THE PENALTY PROVISION, AND FOR OTHER PURPOSES. "

INTRODUCED BY SENATORS: WESLEY W. SIMINA AND DAVID W. PANUELO

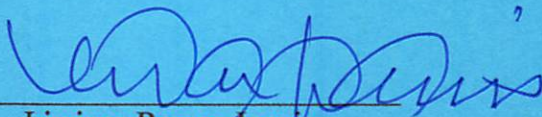
DATE: SEPTEMBER 25, 2015

REFERRED TO: COMMITTEE ON WAYS AND MEANS

WITHDRAWN – SEPTEMBER 28, 2015

FIRST READING: SEPTEMBER 28, 2015

SECOND READING: OCTOBER 02, 2015

  
Liwiana Ramon Ioanis  
Chief Clerk, FSM Congress





Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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PRESIDENTIAL COMM. NO. 19-203  
FSM CONGRESS

ACT NO. 19-44

(CONGRESSIONAL BILL NO. 19-86, C.D.1)

We hereby certify that on October 02 the foregoing act passed Second and Final Reading of the Nineteenth Congress of the Federated States of Micronesia, Second Regular Session, 2015, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

A handwritten signature in black ink, appearing to read "Wesley W. Simina".

Wesley W. Simina  
Speaker  
Congress of the  
Federated States of Micronesia

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis  
Chief Clerk  
Congress of the  
Federated States of Micronesia

NINETEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 2015

CONGRESSIONAL BILL NO. 19-86, C.D.1

~~PUBLIC LAW NO. 19-36~~

AN ACT

To further amend sections 503, 913 and 914 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws No. 18-108 and 19-21, to allow the disposal at sea of by-catch after recording the by-catch in a daily catch report form, to allow for alternate methods of the reporting and disposal of sharks, to clarify the standards for criminal and civil penalties and to allow for clarification of the penalty provision, and for other purposes."

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

1       Section 1. Section 503 of title 24 of the Code of the  
2 Federated States of Micronesia (Annotated), as enacted by Public  
3 Law No. 18-108, is hereby amended to read as follows:

4               "Section 503. Disposal of by-catch by fishing vessels.

5               (1) By-catch caught by a fishing vessel, either by  
6 purse seine or longline vessels, may either be landed at  
7 a transshipment port in the Federated States of  
8 Micronesia in accordance with any regulation promulgated  
9 pursuant to this act or recorded in the daily catch  
10 report form for the vessel and discarded. If sharks are  
11 caught alive they are to be released.

12              (2) It shall be unlawful for fishing vessels to  
13 retain, discard or otherwise dispose of by-catch in  
14 contravention of this section.

15              (3) Any person who commits an act in violation of  
16 this section shall be subject to a civil penalty of not  
17 less than \$100,000 and not more than \$500,000.

~~PUBLIC LAW NO. 19-36~~

1           (4) Any by-catch pursuant to this title may be  
2           disposed of in such manner as prescribed by regulation."

3           Section 2. Section 913 of title 24 of the Code of the  
4 Federated States of Micronesia (Annotated), as amended by Public  
5 Laws Nos. 18-108 and 19-21, is hereby further amended to read as  
6 follows:

7           "Section 913. Possession, handling and sale of fish,  
8           shark, or shark fin, unlawfully taken.

9           (1) No person shall knowingly and intentionally capture,  
10 ship, transport, offer for sale, sell, purchase, import,  
11 export or have custody, control or possession of any fish  
12 taken or retained in contravention of this subtitle or any  
13 access agreement, permit or applicable law except as  
14 defined in this section.

15           (2) It shall be unlawful for fishing vessels to remove  
16 shark fins from sharks on board fishing vessels, and to  
17 retain on board, transship or land sharks or shark fins,  
18 subject to subsections (4) and (6).

19           (3) It shall be unlawful for fishing vessels to possess  
20 wire leaders, steel trace, or wire trace.

21           (4) All sharks caught by a fishing vessel shall be  
22 either: (a) if still alive, immediately released back  
23 into the ocean. Fishing vessels must ensure that sharks  
24 are released whole, and that sharks are not  
25 unnecessarily harmed during the release process; or (b)

~~PUBLIC LAW NO. 19-36~~

1 if dead, may either be landed at a transshipment port in  
2 the Federated States of Micronesia, recorded in the  
3 daily catch report form for the vessel and discarded.  
4 Fishing vessels must ensure that sharks are landed whole  
5 with all shark fins attached to the carcass. Any sharks  
6 caught as by-catch should be handled in the above  
7 manner.

8 (5) It shall be unlawful to purchase, offer for sale  
9 or sell sharks or shark parts, including shark fins  
10 which have been removed on board a vessel, transshipped  
11 or landed in contravention of this section.

12 (6) Any person who holds a license or permit from the  
13 Authority to conduct scientific research on sharks and  
14 carries out activities in accordance with that license  
15 or permit shall not be held in contravention of this  
16 section.

17 (7) Any person who intentionally and knowingly  
18 commits an act in violation of this section shall be  
19 subject to a civil penalty of not less than \$50,000 and  
20 not more than \$250,000.

21 (8) It shall be a rebuttable presumption that any  
22 sharks caught or shark fins possessed by a fishing  
23 vessel fishing in the EEZ of the Federated States of  
24 Micronesia, originated from the EEZ of the Federated  
25 States of Micronesia.

~~PUBLIC LAW NO. 19-36~~

(9) All shark or shark fins seized and forfeited shall be destroyed by incineration."

Section 3. Section 914 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Law No. 18-108, is hereby further amended to read as follows:

"Section 914. Destruction of evidence

(1) No person shall destroy, dispose of, conceal, tamper with or abandon any fish, shark, shark fin, fish product, fishing gear, net or other fish appliance, record, document, electric shock device, explosive, poison or other noxious substance, or any other thing with intent to avoid seizure or the detection of an offense against this subtitle, except for those actions allowed in this subtitle.

(2) Any person who commits an act in violation of this section is subject to a civil penalty of not less than \$100,000 and not more than \$500,000."



~~PUBLIC LAW NO. 19-36~~

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

Oct 28

, 2015



Peter M. Christian  
President  
Federated States of Micronesia