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:


I take the opportunity to thank the 19th 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
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,

[Signature]

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

Enclosures
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 Ioanes
Chief Clerk, 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.

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

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

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

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

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

(3) Any person who commits an act in violation of
this section shall be subject to a civil penalty of not
less than $100,000 and not more than $500,000.
(4) Any by-catch pursuant to this title may be disposed of in such manner as prescribed by regulation."

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

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

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

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

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

(4) All sharks caught by a fishing vessel shall be either: (a) if still alive, immediately released back into the ocean. Fishing vessels must ensure that sharks are released whole, and that sharks are not unnecessarily harmed during the release process; or (b)
if dead, may either be landed at a transshipment port in the Federated States of Micronesia, recorded in the daily catch report form for the vessel and discarded. Fishing vessels must ensure that sharks are landed whole with all shark fins attached to the carcass. Any sharks caught as by-catch should be handled in the above manner.

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

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

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

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

[Signature]

Peter M. Christian
President
Federated States of Micronesia