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A BILL FOR AN ACT

To further amend section 913 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws Nos. 18-108, 19-21 and 19-36, to require safe release of sharks, and for the other purposes.

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

1           Section 1. Section 913 of title 24 of the Code of the  
2 Federated States of Micronesia (Annotated), as amended by Public  
3 Laws Nos. 18-108, 19-21 and 19-36, is hereby further amended to  
4 read as follows:

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

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

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

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

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

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

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

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

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

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

8           Section 2. This act shall become law upon approval by the  
9 President of the Federated States of Micronesia or upon its becoming  
10 law without such approval.

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12 Date: 7/15/21

Introduced by: /s/ Florencio S. Harper  
Florencio S. Harper  
(by request)

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