



The President
Palikir, Pohnpei
Federated States of Micronesia

February 26, 2015

The Honorable Dohsis Halbert
Speaker
Eighteenth Congress of the Federated States of Micronesia
Palikir, Pohnpei FM 96941

PRESIDENTIAL COMM. NO. 18-455
FSM CONGRESS

RECEIVED
FEB 26 2015
FSM Congress
Speakers Office
RS

Dear Speaker Halbert:

I am returning the following Congressional Act, which I have signed to become Public Law No. 18-109:

Congressional Act No. 18-116, entitled: "AN ACT TO AMEND SECTION 603 TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS ENACTED BY PUBLIC LAW NO. 12-34 IN ORDER TO CLARIFY THE POWERS OF NATIONAL OFFICERS AUTHORIZED TO BOARD VESSELS THAT ARE USED IN FISHING AND RELATED ACTIVITIES, AND FOR OTHER PURPOSES."

This amendment to title 24 of the FSM Code clarifies the authority of the FSM maritime officers, including boarding of not only fishing vessels but also vessels that are engaged in related activities, such as bunkering and transshipment. I wish to thank Congress for its understanding and support of our officers in their role of enforcement activities protecting our fisheries.

The following typographical errors have been noted and hope that they be corrected promptly.

- page 3 – (1)(k) ... "an permit" should be "any permit"; (1)(l) ... "asults" should be "assaults"; (2)(b) ... "stary" (should be "stay"); and, (2)(c) ... the automatic spell checker changed (c) to a copyright symbol;
- page 5 – (4) ... "dealth" should be "dealt"; and, (5) ... "theorized officer" should be "authorized officer."

Sincerely,

Manny Mori
President

Acting Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Director, Office of SBOC
Legislative Counsel, CFSM
Library, CFSM
PIO, FSM



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

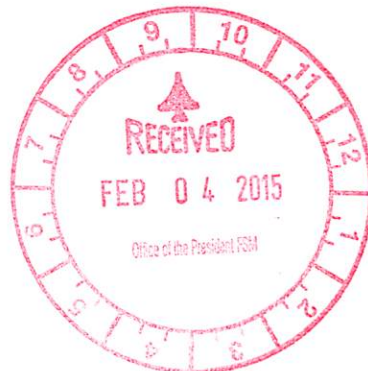
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Office of the Chief Clerk

PRESIDENTIAL COMM. NO. 18-455
FSM CONGRESS

February 04, 2015

His Excellency Manny Mori
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941



Dear President Mori:

I have the honor to transmit herewith Congressional Act No. 18-116, "AN ACT TO AMEND SECTION 603 TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS ENACTED BY PUBLIC LAW NO. 12-34 IN ORDER TO CLARIFY THE POWERS OF NATIONAL OFFICERS AUTHORIZED TO BOARD VESSELS THAT ARE USED IN FISHING AND RELATED ACTIVITIES, AND FOR OTHER PURPOSES.", which was passed by the Eighteenth Congress of the Federated States of Micronesia, Sixth 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 black ink, appearing to read "Liwiana Ramon Ioanis".

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

Enclosures



PRESIDENTIAL COMM. NO. 18-455
FSM CONGRESS

EIGHTEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
SIXTH REGULAR SESSION
JANUARY 23 – FEBRUARY 11, 2015

PUBLIC LAW No. 18- 109

An Act

TO AMEND SECTION 603 TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS ENACTED BY PUBLIC LAW NO. 12-34 IN ORDER TO CLARIFY THE POWERS OF NATIONAL OFFICERS AUTHORIZED TO BOARD VESSELS THAT ARE USED IN FISHING AND RELATED ACTIVITIES, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: FLORENCIO S. HARPER (BY REQUEST)

DATE: SEPTEMBER 17, 2013

REFERRED TO: COMMITTEE ON RESOURCES AND DEVELOPMENT

S.C.R. NO. 18-248 – NOVEMBER 24, 2014

FIRST READING: JANUARY 26, 2015

SECOND READING: JANUARY 31, 2015

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis", is written over a horizontal line.

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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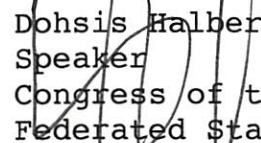
Office of the Speaker

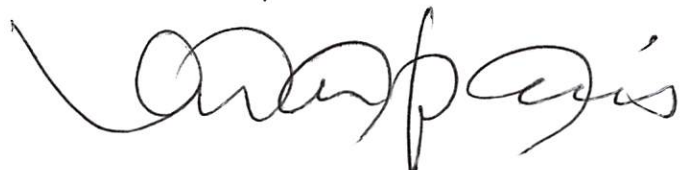
PRESIDENTIAL COMM. NO. 18-455
FSM CONGRESS

ACT NO. 18-116

(CONGRESSIONAL BILL NO. 18-67)

We hereby certify that on January 31 the foregoing act passed Second and Final Reading of the Eighteenth Congress of the Federated States of Micronesia, Sixth 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.


Dohsis Halbert
Speaker
Congress of the
Federated States of Micronesia


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

EIGHTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 2013

CONGRESSIONAL BILL NO. 18-67

PUBLIC LAW No. 18-109

A BILL FOR AN ACT

To amend section 603 title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34 in order to clarify the powers of national officers authorized to board vessels that are used in fishing and related activities, and for other purposes.

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

1 Section 1. Section 603 of title 24 of the Code of the
2 Federated States of Micronesia, as enacted by Public Law No.
3 12-34, hereby amended to read as follows:

4 "Section 603. Powers of authorized officers.

5 (1) for the purposes of enforcing this subtitle, any
6 authorized officer may;

7 (a) stop, board, remain on board and search any
8 vessel in the fishery waters that he reasonably believes
9 is a fishing vessel;

10 (b) stop, board, remain on board and search any
11 flag fishing vessel outside the fishery waters;

12 (c) stop and search any vessel, vehicle or
13 aircraft that he reasonably believes may be transporting
14 fish or engaging in related activities;

15 (d) require the master or any crew member or
16 other person aboard to inform him of the name, call sign
17 and country of registration of the vessel and the name
18 of the master, owner, charterer and crew members;

~~PUBLIC LAW NO 18-109~~

1 (e) examine the master or any crew member or
2 other person aboard about the cargo, contents of holds
3 and storage spaces, voyage and activities of the vessel;

4 (f) make such examination and inquiry as may
5 appear necessary concerning any vessel, vehicle or
6 aircraft in relation to which any of the powers
7 conferred by this subsection have been or may be
8 exercised and take samples of any fish or fish product
9 found therein;

10 (g) require to be produced, examine and take
11 copies of any permit, logbook, record or other documents
12 required under this subtitle or concerning the operation
13 of any vessel or aircraft;

14 (h) make an entry dated and signed by him in the
15 logbook of such vessel or aircraft;

16 (i) require to be produced and examine any fish,
17 fishing gear or appliance, explosive, poison or other
18 noxious substance;

19 (j) give directions to the master and any crew
20 member of any vessel, vehicle or aircraft stopped,
21 boarded or searched as may be necessary or reasonably
22 expedient for any purpose specified in this subtitle or
23 to provide for the compliance of the vessel, vehicle or
24 aircraft, or master or any crew member with the
25 conditions of any permit;

1 (k) endorse an permit; and

2 (l) arrest any person who assaults him or any
3 other authorized officer in the exercise of his duties
4 under this subtitle.

5 (2) Where an authorized officer has reasonable
6 grounds to believe an offense against this subtitle is
7 being or has been committed, he may without a warrant:

8 (a) enter, inspect and search any premises,
9 other than premises used exclusively as a dwelling
10 house, in which he has reasonable grounds to believe
11 an offense has been or is being committed or fish
12 have been taken illegally and are being stored;

13 (b) stop, enter, search and stary in or on any
14 vehicle or aircraft which he reasonably suspects of
15 transporting fish or fish products;

16 (c) take samples of any fish found in any
17 vessel or vehicle inspected or within any premises
18 searched under this subtitle;

19 (d) after hot pursuit of a foreign fishing
20 vessel undertaken in accordance with international
21 law and commenced within the fishery waters, stop,
22 board and search outside the fishery waters any
23 fishing vessel that he has reasonable grounds to
24 believe has been used in the commission of an
25 offense, exercise any powers conferred by this

~~PUBLIC LAW NO. 18-109~~

1 subtitle in accordance with international law, and
2 bring such vessel and all persons and things on board
3 within the fishery waters;

4 (e) seize:

5 (i) any vessel (including its fishing
6 gear, equipment, stores and cargo), vehicle, fishing
7 gear, nets or other fishing appliances or aircraft that
8 he has reasonable grounds to believe has been or is
9 being used in the commission of an offense or in respect
10 of which the offense has been committed;

11 (ii) any fish or fish products that he
12 has reasonable grounds to believe has been caught in the
13 commission of an offense or are possessed in
14 contravention of this subtitle;

15 (iii) any logs, charts or other
16 documents required to be maintained by this subtitle or
17 under the terms of any license or other authorization or
18 which he has reasonable grounds to believe show or tend
19 to show, with or without other evidence, the commission
20 of an offense against this subtitle; and

21 (iv) anything which he has reasonable
22 grounds to believe might be used as evidence in any
23 proceeding under this subtitle;

24 (f) arrest any person who he has reasonable
25 grounds to believe has committed an offense against this

1 subtitle; and

2 (g) issue citations as authorized by regulations
3 promulgated under section 703 of chapter 7 of this
4 subtitle.

5 (3) An authorized officer may, while arresting any
6 person or fishing vessel that he has reasonable grounds
7 to believe has done any act in contravention of this
8 subtitle, use such force as is reasonably necessary in
9 the circumstances to effect the arrest.

10 (4) Any person arrested without a warrant under this
11 section shall be detained and dealt with in accordance
12 with law.

13 (5) An theorized officer may:

14 (a) execute any warrant or other process issued
15 by any court of competent jurisdiction; and

16 (b) exercise any other lawful authority.

17 (6) A written receipt shall be given for any article
18 or thing seized under this section and the grounds for
19 such seizure shall be stated in such receipt."

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PUBLIC LAW No. 18-109

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

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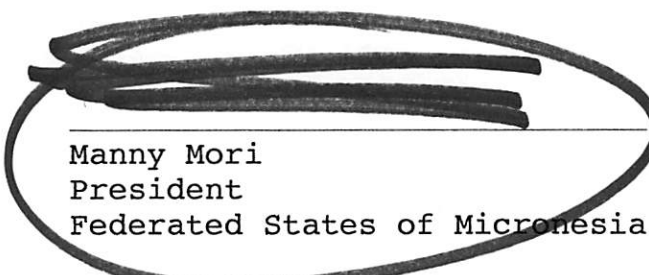
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Felipe 2015


Manny Mori
President
Federated States of Micronesia