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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 and 19-21, in order to clarify that sharks caught as by-catch are to be safely released back into the water, and for 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 and 19-21, is hereby further amended to read as  
4 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  
8 capture, ship, transport, offer for sale, sell,  
9 purchase, import, export or have custody, control or  
10 possession of any fish taken or retained in  
11 contravention of this subtitle or any access agreement,  
12 permit or applicable law except as defined in this  
13 section.

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

18           (3) It shall be unlawful for fishing vessels to

1 possess wire leaders, steel trace, or wire trace.

2 (4) All sharks caught by a fishing vessel shall be  
3 either:

4 (a) if still alive, [~~immediately~~] safely  
5 released back into the ocean. Fishing vessels must  
6 ensure that sharks are released whole, and that sharks  
7 are not unnecessarily harmed during the release process;  
8 or

9 (b) if dead, may either be landed as a  
10 transshipment port in the Federated States of  
11 Micronesia, recorded in the daily catch report form for  
12 the vessel and discarded. Fishing vessels must ensure  
13 that sharks are landed whole with all shark fins  
14 attached to the carcass. Any sharks caught as by-catch  
15 should be handled in the above manner.

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

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

25 (7) Any person who intentionally and knowingly

1           commits an act in violation of this section shall be  
2           subject to a civil penalty of not less than \$50,000 and  
3           to more than \$250,000.

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

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

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

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15          Date: 8/18/20

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

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