
A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by further amending sections 501 and 503, as amended by Public Laws Nos. 5-37, 6-11, and 9-47, for the purpose of correcting an error in section 501, removing ambiguity from section 503, and for other purposes.

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

1 Section 1. Section 501 of title 24 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos.
3 5-37, 6-11, and 9-47, is hereby further amended to read as
4 follows:

5 "Section 501. Prohibited acts.

6 (1) It is unlawful for any person:

7 (a) to violate any provision of a fishing permit,
8 license, agreement, arrangement, treaty, or regulation
9 issued pursuant to this title;

10 (b) to refuse to permit any authorized officer to
11 board a fishing vessel for purposes of conducting any search
12 or inspection in connection with enforcement of this title
13 or any regulation, permit, or foreign or domestic-based
14 fishing agreement or any applicable fishing treaty,
15 agreement or arrangement;

16 (c) to assault, obstruct, resist, refuse boarding
17 to, intimidate, or interfere with any authorized officer or
18 authorized observer in performance of his duties, including
19 in the conduct of any search or inspection described in
20 paragraph (~~e~~b) of this subsection; and for the purposes of
21 this subparagraph, any person who refuses to allow any
22 authorized officer or observer, or any person acting under
23 his order or in his aid, to exercise any of the powers
24 conferred on an authorized officer or observer by this title
25 or any regulations made under this title shall be deemed to

1 be obstructing that officer, observer, or person;

2 (d) to fail to comply with the lawful requirements
3 of any authorized officer or observer;

4 (e) to furnish to any authorized officer any
5 particulars which, to his knowledge, are false or misleading
6 in any respect;

7 (f) being on board any vessel being pursued or
8 about to be boarded by any authorized officer, to throw
9 overboard or destroy any fish, fishing gear, explosive,
10 poison, or other noxious substance to avoid seizure of such
11 fish, fishing gear, explosive, poison, or other noxious
12 substance or thing or to avoid the detection of any offense
13 under this title or the regulations made under this title;

14 (g) to resist a lawful arrest for any act
15 prohibited by this section;

16 (h) to provide information required to be
17 recorded, notified or communicated pursuant to any
18 requirement of the provisions of this title or the
19 regulations, knowing or having reasonable cause to believe
20 that it is false, incomplete or misleading;

21 (i) to knowingly ship, transport, offer for sale,
22 sell, purchase, import, export, or have custody, control, or
23 possession of any fish taken or retained in violation of
24 this title or any regional fishing treaty, regulation,
25 permit, foreign or domestic-based fishing agreement or any

1 applicable law;

2 (j) to interfere with, delay, or prevent, by any
3 means, the apprehension or arrest of another person, knowing
4 that such person has committed any act prohibited by this
5 section;

6 (k) to violate any provision of, or regulation
7 under, any applicable agreement to implement a regional
8 fisheries treaty, or any other treaty, agreement or
9 arrangement having effect in the Federated States of
10 Micronesia, entered into pursuant to section 106 of this
11 title;

12 (l) to use any foreign fishing vessel for fishing
13 within one mile from submerged reefs within the ~~EEZ~~Exclusive
14 Economic Zone, or within a two-mile radius of any fish
15 aggregating device of the Government, a citizen, or any
16 other body established under the laws of the Federated
17 States of Micronesia;

18 (m) being a fishing vessel entitled to fly the
19 national flag of the Federated States of Micronesia, to fish
20 in waters under the national jurisdiction of a foreign
21 nation unless duly authorized by the competent authorities
22 of the foreign nation or nations concerned;

23 (n) to engage in driftnet fishing activities in
24 the fishery waters;

25 (o) being a fishing vessel entitled to fly the
26 national flag of the Federated States of Micronesia, to

1 engage in driftnet fishing activities in waters under the
2 national jurisdiction of a foreign nation, in the high seas,
3 or in enclosed or semi-enclosed seas as defined in the
4 United Nations Convention on the Law of the Sea of December
5 10, 1992; or

6 (p) to violate any provision of this title.

7 (2) It is unlawful for any fishing vessel, and for the
8 crew, owner, or operator of any fishing vessel, to engage in
9 fishing in the Exclusive Economic Zone without a valid and
10 applicable fishing permit issued pursuant to this title or
11 after revocation, or during the period of suspension of a
12 permit issued pursuant to this title, where such permit is
13 required by sections 103 and 104 of this title, unless such
14 fishing is permitted pursuant to section 106."

15 Section 2. Section 503 of title 24 of the Code of the
16 Federated States of Micronesia, as amended by Public Laws Nos.
17 5-37, 6-11, and 9-47, is hereby further amended to read as
18 follows:

19 "Section 503. Criminal penalties.

20 (1) A person is guilty of an offense if he commits any
21 act prohibited by section 501 of this chapter.

22 (2) ~~Unless otherwise provided,~~ Any offense described
23 as a prohibited act by subsections (1)(a), (1)(i), (1)(k),
24 or (1)(l) of section 501 is punishable by a fine of not less
25 than \$10,000 and not to exceed \$500,000.

1 (3) ~~Unless otherwise provided,~~ Any offense described
2 as a prohibited act by subsections (1)(b), (1)(c), (1)(d),
3 (1)(e), (1)(f), (1)(g), (1)(h), or (1)(j) of section 501 is
4 punishable by a fine of not less than \$100,000, or
5 imprisonment for not more than two years, or both; PROVIDED
6 that if in the commission of any such offense the person
7 uses a dangerous weapon, engages in conduct that causes
8 bodily injury to any officer authorized to enforce the
9 provisions of this title, or threatens any such officer with
10 bodily injury, the offense is punishable by a fine of not
11 less than \$500,000, or imprisonment for not more than ten
12 years, or both; and PROVIDED FURTHER that where a regional
13 fisheries treaty so requires, persons arrested for violating
14 any provisions of, or regulations under, such treaty shall
15 not be subject to imprisonment.

16 (4) Any offense described as a prohibited act by
17 subsection (1)(m) of section 501 is punishable by a fine not
18 to exceed \$5,000.

19 (5) Any offense described as a prohibited act by
20 subsection (1)(n) or (1)(o) of section 501 is punishable by
21 a fine of not less than \$1 million.

22 (6) Any offense described as a prohibited act by
23 subsection (2) of section 501 is punishable by a fine of not
24 less than \$500,000. Each day of continuing violation shall
25 be considered a separate offense.

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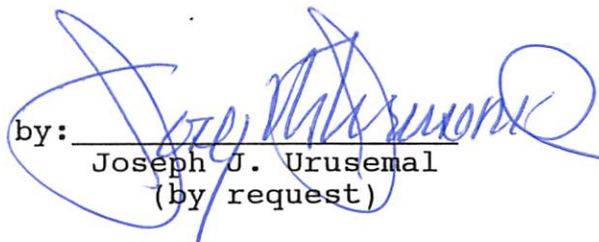
C. B. NO. 9-153

1 (7) A violation of any provision of this title for
2 which no other punishment is prescribed is punishable by a
3 fine not to exceed \$5,000.

4 (8) In determining the amount of any fine and the
5 length of any imprisonment, the court shall take into
6 account those factors set forth in section 502(3) of this
7 title."

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

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12 Date: 3/04/94

Introduced by: 
Joseph J. Urusemal
(by request)

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NINTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD SPECIAL SESSION, 1996

CONGRESSIONAL BILL NO. 9-153, C.D.1

AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by further amending sections 501 and 503, as amended by Public Laws Nos. 5-37, 6-11, and 9-47, for the purpose of correcting an error in section 501, removing ambiguity from section 503, and for other purposes.

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

1 Section 1. Section 501 of title 24 of the Code of the Federated States
2 of Micronesia, as amended by Public Laws Nos. 5-37, 6-11, and 9-47, is hereby
3 further amended to read as follows:

4 "Section 501. Prohibited acts.

5 (1) It is unlawful for any person:

6 (a) to violate any provision of a fishing permit,
7 license, agreement, arrangement, treaty, or regulation issued
8 pursuant to this title;

9 (b) to refuse to permit any authorized officer to
10 board a fishing vessel for purposes of conducting any search or
11 inspection in connection with enforcement of this title or any
12 regulation, permit, or foreign or domestic-based fishing agreement
13 or any applicable fishing treaty, agreement or arrangement;

14 (c) to assault, obstruct, resist, delay, refuse
15 boarding to, intimidate, or interfere with any authorized officer or
16 authorized observer in performance of his duties, including in the
17 conduct of any search or inspection described in paragraph (b) of
18 this subsection; and for the purposes of this subparagraph, any
19 person who refuses to allow any authorized officer or observer,
20 or any person acting under his order or in his aid, to exercise any
21 of the powers conferred on an authorized officer or observer by
22 this title or any regulations made under this title shall

1 be deemed to be obstructing that officer, observer, or person;

2 (d) to fail to comply with the lawful requirements of
3 any authorized officer or observer;

4 (e) to furnish to any authorized officer any
5 particulars which, to his knowledge, are false or misleading in any
6 respect;

7 (f) being on board any vessel being pursued or
8 about to be boarded by any authorized officer, to throw
9 overboard or destroy any fish, fishing gear, explosive, poison, or
10 other noxious substance to avoid seizure of such fish, fishing gear,
11 explosive, poison, or other noxious substance or thing or to avoid
12 the detection of any offense under this title or the regulations
13 made under this title;

14 (g) to resist a lawful arrest for any act prohibited
15 by this section;

16 (h) to provide information required to be recorded,
17 notified or communicated pursuant to any requirement of the
18 provisions of this title or the regulations, knowing or having
19 reasonable cause to believe that it is false, incomplete or
20 misleading;

21 (i) to knowingly ship, transport, offer for sale, sell,
22 purchase, import, export, or have custody, control, or possession
23 of any fish taken or retained in violation of this title or any
24 regional fishing treaty, regulation, permit, foreign or domestic-
25 based fishing agreement or any applicable law;

(j) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such person has committed any act prohibited by this section;

(k) to violate any provision of, or regulation under, any applicable agreement to implement a regional fisheries treaty, or any other treaty, agreement or arrangement having effect in the Federated States of Micronesia, entered into pursuant to section 106 of this title;

(l) to use any foreign fishing vessel for fishing within one mile from submerged reefs within the EEZ, or within a two-mile radius of any fish aggregating device of the Government, a citizen, or any other body established under the laws of the Federated States of Micronesia;

(m) being a fishing vessel entitled to fly the national flag of the Federated States of Micronesia, to fish in waters under the national jurisdiction of a foreign nation unless duly authorized by the competent authorities of the foreign nation or nations concerned;

(n) to engage in driftnet fishing activities in the fishery waters;

(o) being a fishing vessel entitled to fly the national flag of the Federated States of Micronesia, to engage in driftnet fishing activities in waters under the national jurisdiction of a foreign nation, in the high seas, or in enclosed or semi-enclosed

1 seas as defined in the United Nations Convention on the Law of
2 the Sea of December 10, 1982; or

3 (p) to violate any provision of this title.

4 (2) It is unlawful for any fishing vessel, and for the crew,
5 owner, or operator of any fishing vessel, to engage in fishing in the
6 Exclusive Economic Zone without a valid and applicable fishing
7 permit issued pursuant to this title or after revocation, or during
8 the period of suspension of a permit issued pursuant to this title,
9 where such permit is required by sections 103 and 104 of this
10 title, unless such fishing is permitted pursuant to section 106."

11 Section 2. Section 503 of title 24 of the Code of the Federated States
12 of Micronesia, as amended by Public Laws Nos. 5-37, 6-11, and 9-47, is hereby
13 further amended to read as follows:

14 "Section 503. Criminal penalties.

15 (1) A person is guilty of an offense if he commits any act
16 prohibited by section 501 of this chapter.

17 (2) Unless another and different penalty is
18 specifically provided for by a law enacted by Congress for an
19 offense, any offense described as a prohibited act by subsections
20 (1)(a), (1)(i), (1)(k), or (1)(l) of section 501 is punishable by a
21 fine of not less than \$10,000 and not to exceed \$500,000.

22 (3) Unless another and different penalty is
23 specifically provided for by a law enacted by Congress for an
24 offense, any offense described as a prohibited act by subsections
25 (1)(b), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(h), or (1)(j) of

1 section 501 is punishable by a fine of not less than \$100,000, or
2 imprisonment for not more than two years, or both; PROVIDED
3 that if in the commission of any such offense the person uses a
4 dangerous weapon, engages in conduct that causes bodily injury
5 to any officer authorized to enforce the provisions of this title, or
6 threatens any such officer with bodily injury, the offense is
7 punishable by a fine of not less than \$500,000, or imprisonment
8 for not more than ten years, or both; and PROVIDED FURTHER
9 that where a regional fisheries treaty so requires, persons
10 arrested for violating any provisions of, or regulations under, such
11 treaty shall not be subject to imprisonment.

12 (4) Any offense described as a prohibited act by
13 subsection (1)(m) of section 501 is punishable by a fine not to
14 exceed \$5,000.

15 (5) Any offense described as a prohibited act by
16 subsection (1)(n) or (1)(o) of section 501 is punishable by a fine
17 of not less than \$1 million.

18 (6) Any offense described as a prohibited act by
19 subsection (2) of section 501 is punishable by a fine of not less
20 than \$500,000. Each day of continuing violation shall be
21 considered a separate offense.

22 (7) A violation of any provision of this title for which no
23 other punishment is prescribed by a law enacted by Congress is
24 punishable by a fine not to exceed \$5,000.

25 (8) In determining the amount of any fine and the length of

1 any imprisonment, the Court shall take into account those factors
2 set forth in section 502(3) of this title."

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

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7 _____, 1996

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Bailey Olter
President
Federated States of Micronesia