



The President
Palikir, Pohnpei
Federated States of Micronesia

October 28, 2015

The Honorable Wesley W. Simina
Speaker
Nineteenth Congress of the Federated States of Micronesia
Palikir, Pohnpei FM 96941

PRESIDENTIAL COMM. NO. 19-203
FSM CONGRESS

Dear Speaker Simina:

I am transmitting the following Congressional Act, which I have signed to become Public Law No. 19-36:

Congressional Act No. 19-44, entitled: "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 LAW 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."

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



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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Office of the Chief Clerk

PRESIDENTIAL COMM. NO. 19-203
FSM CONGRESS

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,

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

Enclosures



Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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PRESIDENTIAL COMM. NO. 19-203
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.

A handwritten signature in blue ink, appearing to read "Wesley W. Simina".

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

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

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

~~PUBLIC LAW No. 19-36~~

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:

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

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

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

15 (3) Any person who commits an act in violation of
16 this section shall be subject to a civil penalty of not
17 less than \$100,000 and not more than \$500,000.

~~PUBLIC LAW No. 19-36~~

1 (4) Any by-catch pursuant to this title may be
2 disposed of in such manner as prescribed by regulation."

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

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

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

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

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

21 (4) All sharks caught by a fishing vessel shall be
22 either: (a) if still alive, immediately released back
23 into the ocean. Fishing vessels must ensure that sharks
24 are released whole, and that sharks are not
25 unnecessarily harmed during the release process; or (b)

~~PUBLIC LAW No. 19-36~~

1 if dead, may either be landed at a transshipment port in
2 the Federated States of Micronesia, recorded in the
3 daily catch report form for the vessel and discarded.
4 Fishing vessels must ensure that sharks are landed whole
5 with all shark fins attached to the carcass. Any sharks
6 caught as by-catch should be handled in the above
7 manner.

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

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

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

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

~~PUBLIC LAW No. 19-36~~

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

3 Section 3. Section 914 of title 24 of the Code of the
4 Federated States of Micronesia (Annotated), as amended by Public
5 Law No. 18-108, is hereby further amended to read as follows:

6 "Section 914. Destruction of evidence

7 (1) No person shall destroy, dispose of, conceal,
8 tamper with or abandon any fish, shark, shark fin, fish
9 product, fishing gear, net or other fish appliance,
10 record, document, electric shock device, explosive,
11 poison or other noxious substance, or any other thing
12 with intent to avoid seizure or the detection of an
13 offense against this subtitle, except for those actions
14 allowed in this subtitle.

15 (2) Any person who commits an act in violation of
16 this section is subject to a civil penalty of not less
17 than \$100,000 and not more than \$500,000."


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~~PUBLIC LAW No. 19-36~~

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

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Oct 28, 2015


Peter M. Christian
President
Federated States of Micronesia