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A BILL FOR AN ACT

To further amend title 22 of the Code of the Federated States of Micronesia, as amended, by repealing chapter 4 in its entity, and by creating a new chapter 4, to prevent animal and plant pests and diseases from entering the Federated States of Micronesia, to regulate the movement of animals and plants and their products, to control the establishment and spread of animal and plant pests and diseases that enter the Federated States of Micronesia, to facilitate international cooperation in respect of animal and plant diseases, and for other purposes.

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

1           Section 1. Title 22 of the Code of the Federated States of  
2 Micronesia, as amended, is hereby further amended by repealing  
3 chapter 4 in its entirety.

4           Section 2. Title 22 of the Code of the Federated States of  
5 Micronesia, as amended, is hereby further amended by creating a  
6 new chapter 4 entitled, "Biosecurity".

7           Section 3. Title 22 of the Code of the Federated States of  
8 Micronesia, as amended, is hereby further amended by adding new  
9 subchapter 1, under chapter 4 entitled: "General Provisions"

10          Section 4. Title 22 of the Code of the Federated States of  
11 Micronesia, as amended, is hereby further amended by adding a new  
12 section 401 under subchapter I of chapter 4, to read as follows:

13                   "Section 401. Short title.  
14                   This chapter may be cited as the Federated States of  
15                   Micronesia Biosecurity Act."

16          Section 5. Title 22 of the Code of the Federated States of

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1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 402 of subchapter I of chapter 4 to read as follows:

3 "Section 402. Public policy.

4 The Federated States of Micronesia, through the  
5 implementation of this chapter, adopts a policy of  
6 maintaining and enhancing national biosecurity  
7 protection for the benefit of the nation's citizens and  
8 environment. Specifically, to the extent of the  
9 available resources, this chapter aims:

10 (a) to protect the Federated States of Micronesia  
11 against the entry of regulated pests and diseases  
12 affecting animals, plants, human beings and the  
13 environment;

14 (b) to monitor pests and diseases in the  
15 Federated States of Micronesia and assess the status of  
16 regulated pests and diseases;

17 (c) to prevent the establishment and spread of  
18 regulated pests and diseases and the release of  
19 organisms that might adversely affect animals, plants,  
20 human beings and the environment in the Federated States  
21 of Micronesia;

22 (d) to eradicate, contain or control the movement  
23 of regulated pests and diseases that are already present  
24 in the Federated States of Micronesia;

25 (e) to prevent the introduction and spread of

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1 regulated pests and diseases not already present in the  
2 Federated States of Micronesia;

3 (f) to facilitate the safe importation into the  
4 Federated States of Micronesia of animals and plants and  
5 their products, and related equipment and technology;

6 (g) to facilitate the export of animals and  
7 plants and their products in accordance with the  
8 biosecurity requirements of the receiving countries; and

9 (h) to facilitate international cooperation to  
10 prevent the spread of  
11 pests and diseases affecting plants, animals, human  
12 beings and the environment."

13 Section 6. Title 22 of the Code of the Federated States of  
14 Micronesia, as amended, is hereby further amended by adding a new  
15 section 403 under subchapter I of chapter 4, to read as follows:

16 "Section 403. Definitions.

17 Wherever used in this chapter:

18 (1) "Aircraft" means any conveyance that may be used  
19 in navigation by air;

20 (2) "Animal" means any mammal (other than a human),  
21 bird, insect, amphibian, reptile, fish, mollusk, or any  
22 other living organism except a plant, whether alive or  
23 dead, and includes the egg, embryo, ova or semen and any  
24 organic animal tissue from which another animal could be  
25 produced, and the hide, skin, hair, feathers, shell,

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1           horns, hoof, viscera or any other part or portion of the  
2           body of an animal;

3           (3) "Animal product" means any article or substance  
4           derived from an animal, whether or not in combination  
5           with any other article or substance, and includes -

6                   (a) meat, fat, milk, whey, cream, butter, cheese,  
7           eggs and other foodstuffs derived from an animal;

8                   (b) the dung, urine, feces, saliva, bone or blood  
9           of an animal, or any article or substance derived from  
10          the dung, urine, feces, saliva, bone or blood of an  
11          animal;

12                   (c) the secretions of any animal;

13                   (d) any product or biological preparation derived  
14          from any animal tissue or animal secretion;

15          (4) "Article" means a single unit of any goods;

16          (5) "Authorized" means duly authorized by the  
17          Secretary for the purposes of this chapter;

18          (6) "Baggage" means any goods which accompany a  
19          passenger or crew member on a conveyance, including  
20          clothing and any article attached or otherwise connected  
21          to the body or clothing of any passenger or crew member;

22          (7) "Ballast water" means water (including sediment  
23          that is or has been contained in water) used as ballast  
24          in a vessel;

25          (8) "Biosecurity" means the control by legal and

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1 administrative means of pests and diseases affecting  
2 animals, plants and their products, in order to avoid  
3 adverse effects from such pests and diseases on the  
4 economy and health of the Federated States of  
5 Micronesia;

6 (9) "Biosecurity approved premises" means premises  
7 approved for the inspection, testing and treatment of  
8 regulated articles under section 426;

9 (10) "Biosecurity authority" of a receiving country  
10 means the authority or officer in that country which  
11 administers its biosecurity laws;

12 (11) "Biosecurity certification requirement", in  
13 relation to an article, means a requirement by a  
14 receiving country for a sanitary or phytosanitary  
15 certificate or a certificate of origin in respect of the  
16 article;

17 (12) "Biosecurity clearance", in respect of a regulated  
18 article or consignment, means biosecurity import  
19 clearance or biosecurity export clearance;

20 (13) "Biosecurity clearance agent" means a person in  
21 the Federated States of Micronesia appointed by an  
22 importer or exporter under section 414 for the purposes  
23 of this chapter as the agent of the importer or exporter  
24 to supervise the biosecurity clearance of a conveyance,  
25 container, animal, plant, animal or plant product or any

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1           other goods;

2           (14) "Biosecurity control" of a regulated article means  
3           submission of the article for inspection under this  
4           chapter, and thereafter taking such biosecurity  
5           measures, or permitting such measures to be taken, as  
6           are directed pursuant to this chapter, until biosecurity  
7           clearance is granted in respect of the article;

8           (15) "Biosecurity controlled area" means an infested  
9           biosecurity controlled area declared under section 445  
10          or a pest-free biosecurity controlled area declared  
11          under section 447;

12          (16) "Biosecurity declaration" in relation to an  
13          article or consignment means a written statement of the  
14          nature, quantity and origin of the article or  
15          consignment, and of other details relating to it  
16          required by or under this chapter;

17          (17) "Biosecurity emergency" means the incursion or  
18          suspected incursion of a regulated pest or disease into  
19          any area of the Federated States of Micronesia, or the  
20          existence of some other biosecurity threat, which  
21          requires urgent action, whether by eradication,  
22          containment or other response, and for which the powers  
23          under this chapter are not otherwise adequate;

24          (18) "Biosecurity emergency area" means an area  
25          declared in response to a biosecurity emergency under

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1           section 452;

2           (19) "Biosecurity export clearance" of an article means  
3           permission granted under this chapter or the  
4           regulations;

5           (20) "Biosecurity functions of the national government"  
6           means the regulatory and administrative functions set  
7           out in this chapter or the regulations;

8           (21) "Biosecurity goods holding area" means an area of  
9           land at or adjacent to a seaport or airport designated  
10          under section 412 for the biosecurity inspection of  
11          incoming or outgoing articles and consignments;

12          (22) "Biosecurity holding area" means a biosecurity  
13          port holding area, a biosecurity goods holding area or a  
14          biosecurity postal holding area;

15          (23) "Biosecurity import clearance" of an article means  
16          permission for the article or consignment to be removed  
17          from a biosecurity holding area provided in accordance  
18          with this chapter or the regulations;

19          (24) "Biosecurity import clearance inspection" of an  
20          incoming article means inspection of it to determine  
21          whether to grant biosecurity import clearance;

22          (25) "Biosecurity import permit" means a biosecurity  
23          import permit issued under this chapter or the  
24          regulations permitting the entry of an incoming article  
25          or articles;

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1           (26) "Biosecurity import requirements" in relation to  
2           an article or consignment mean -

3                   (a) the conditions of a biosecurity import  
4           permit, if one is required;

5                   (b) the requirements of any sanitary or  
6           phytosanitary certificate relating to the article or  
7           consignment;

8                   (c) any other biosecurity measures specified by a  
9           biosecurity officer under this chapter or the  
10          regulations;

11           (27) "Biosecurity inspection" of an incoming or  
12          outgoing conveyance, article or consignment means an  
13          inspection to ascertain whether the conveyance, article  
14          or consignment presents a biosecurity risk to the  
15          Federated States of Micronesia or a receiving country  
16          and whether in other respects it conforms to the  
17          requirements of this chapter;

18           (28) "Biosecurity measure" means the inspection,  
19          detention, quarantining, testing, treatment, re-  
20          consignment or destruction of a regulated article to  
21          eliminate or reduce the biosecurity threat presented by  
22          the article;

23           (29) "Biosecurity officer" means -

24                   (a) the Secretary;

25                   (b) any person designated as a biosecurity

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1           officer under section 415;

2                   (c) in respect of any particular function, a  
3           biosecurity officer to whom the function has been  
4           assigned or delegated under section 417;

5           (30) "Biosecurity point of departure" means a seaport,  
6           airport or post office designated under section 411 for  
7           the export of regulated articles;

8           (31) "Biosecurity point of entry" means a seaport,  
9           airport or post office designated under section 411 for  
10          the importation of regulated articles;

11          (32) "Biosecurity port holding area" means an area  
12          designated under section 412 for the biosecurity  
13          inspection of incoming vessels or aircraft;

14          (33) "Biosecurity port quarantine" means quarantine of  
15          a vessel or aircraft in a biosecurity port quarantine  
16          area;

17          (34) "Biosecurity port quarantine area" means an area  
18          designated under this chapter or the regulations for the  
19          quarantine of vessels and aircraft;

20          (35) "Biosecurity postal holding area" means an area of  
21          a post office designated under section 412 for the  
22          biosecurity inspection of incoming or outgoing postal  
23          items;

24          (36) "Biosecurity quarantine" means confinement in  
25          isolation of a regulated article and any

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1 conveyance, container or packaging in which the article  
2 is carried, for inspection, testing and/or treatment; in  
3 order to prevent or limit the entry, introduction,  
4 establishment or spread of a regulated pest or disease;

5 (37) "Biosecurity quarantine station" means a facility  
6 under the control of the Secretary and designated under  
7 this chapter or the regulations for the performance of  
8 biosecurity quarantine, and includes a temporary  
9 biosecurity quarantine station;

10 (38) "Biosecurity register" means the register kept by  
11 the Secretary under section 418;

12 (39) "Biosecurity risk" means the likelihood of the  
13 introduction, establishment or spread of a pest or  
14 disease which would adversely affect animals, plants,  
15 human beings, the environment or economic activities,  
16 and the likely extent of such harm;

17 (40) "Biosecurity risk assessment" in relation to a  
18 regulated article means evaluation of the biosecurity  
19 risk posed by the article;

20 (41) "Biosecurity specifications" means biosecurity  
21 import or export requirements relating to an outgoing or  
22 incoming article specified by a biosecurity officer  
23 under this chapter or the regulations;

24 (42) "Biosecurity threat" means the threat of harm  
25 being caused or adverse effects resulting to animals,

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1           plants, human beings, the environment or economic  
2           activities as a result of the introduction,  
3           establishment or spread of a regulated pest or disease;  
4           (43) "Captain", in relation to an aircraft, means the  
5           person for the time being in command of the aircraft;  
6           (44) "Compliance agreement" means an agreement between  
7           the Secretary and another person as provided for in  
8           section 425;  
9           (45) "Consignment" means a quantity of goods which  
10          arrive in the same vessel or aircraft and which in  
11          accordance with this chapter can be covered by a single  
12          import permit or sanitary or phytosanitary certificate;  
13          (46) "Container" means anything in which or by which  
14          goods are encased, covered, enclosed or packed,  
15          including any material in contact with the goods;  
16          (47) "Contamination" means the presence in any item of  
17          a pest, not constituting an infestation;  
18          (48) "Conveyance" means a ship, aircraft, vehicle or  
19          other means of transporting people, goods or animals  
20          from one location to another, while it is being used or  
21          prepared for such transport;  
22          (49) "Country of origin" includes a re-exporting  
23          country;  
24          (50) "Custodian", in respect of an item, means the  
25          occupier of a place or the person in possession and

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1 charge of an article, whether lawfully or not, but does  
2 not include a person who has possession or control of  
3 the item only for the purpose of taking biosecurity  
4 measures in respect of it;

5 (51) "Department" means the Department of Resources and  
6 Development of the National Government of the Federated  
7 States of Micronesia;

8 (52) "Disease" means any unhealthy condition in an  
9 animal or plant which is known or suspected to be caused  
10 by an organism, and includes a disease transmissible  
11 from animals to humans and a disease capable of harming  
12 the environment;

13 (53) "Document" means any mode of communicating  
14 information in a retrievable form, including  
15 electronically;

16 (54) "Environment" includes -

17 (a) the ecosystem and its constituent parts,  
18 including people and communities;

19 (b) all natural and physical resources;

20 (c) the qualities and characteristics of  
21 locations, places and areas.

22 (55) "Eradication" means the application of measures to  
23 eliminate a pest or disease from an area;

24 (56) "Establishment", in relation to a pest or disease,  
25 means the perpetuation in an area of the pest or disease

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1           for the foreseeable future after its entry into the  
2           area;

3           (57) "Export" means:

4                   (a) to take or send goods out of the Federated  
5           States of Micronesia; or

6                   (b) to take goods, or cause goods to be taken,  
7           out of a State of the Federated States of Micronesia  
8           into another State of the Federated States of  
9           Micronesia.

10           (58) "Exporter" means a person who exports or seeks to  
11           export goods, other than as the master of the vessel or  
12           captain of the aircraft in which the goods are carried;  
13           and includes a biosecurity clearance agent;

14           (59) "Fittings" means any stall, box, cage, enclosure,  
15           pen, net or other material used for penning, yarding,  
16           confining or containing any animal and includes any  
17           harness, saddlery, rope, bucket, trough, bedding,  
18           utensil or implement used in the handling or keeping of  
19           animals or animal products;

20           (60) "Fodder" means any water, meat, vegetables, grain  
21           or material used for the food or litter of animals, or  
22           the storage of animal products;

23           (61) "Garbage" means waste material derived in whole or  
24           in part from plants, fruit, vegetables, meat or other  
25           plant or animal material, or other refuse of any kind that

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1           has been associated with any plants, fruits, vegetables,  
2           meat or other plant or animal material;

3           (62) "Genetic material" means any material of plant,  
4           animal, microbial or other origin containing functional  
5           units of heredity;

6           (63) "Goods" means any kind of moveable property or  
7           thing;

8           (64) "Host material" means any packing material,  
9           container, fittings, litter, manure, fodder or similar  
10          goods that might have had contact with animals or plants  
11          or their products;

12          (65) "Import" means:

13               (a) to bring goods, or cause goods to be brought,  
14               into the Federated States of Micronesia; or

15               (b) to bring goods, or cause goods to be brought,  
16               from a State of the Federated States of Micronesia into  
17               another State of the Federated States of Micronesia.

18          (66) "Importer" means a person who imports or seeks to  
19          import goods, other than as the master of a vessel or  
20          captain of the aircraft in which the goods are carried;  
21          and includes a biosecurity clearance agent;

22          (67) "In transit", in relation to goods, means the  
23          goods are not imported into an area but pass through it  
24          to another area, whether by the same or another  
25          conveyance, during which time they remain enclosed, are

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1 not split up, are not combined with other goods, and do  
2 not have their packaging changed;

3 (68) "Infected", in relation an animal or plant, means  
4 that the animal or plant is diseased or may have been  
5 exposed to the risk of infection during the preceding 6  
6 months;

7 (69) "Infested", in relation an item or area, means  
8 that there is present in the item or area a living pest  
9 or disease;

10 (70) "Inspection", in relation to an item, means an  
11 official examination of the item to determine if any  
12 pest or disease is present in the item and whether in  
13 other respects the item conforms to the requirements of  
14 this chapter;

15 (71) "IPPC" means the International Plant Protection  
16 Convention of the Food and Agriculture Organization of  
17 the United Nations;

18 (72) "Introduction", in relation to a pest or disease,  
19 means the entry of the pest or disease into an area,  
20 resulting in its establishment in the area;

21 (73) "Item" means any kind of moveable or immoveable  
22 property or thing, including premises;

23 (74) "Living organism" means any organism capable of  
24 transferring or replicating genetic material, including  
25 sterile organisms, viruses, viroids, plasmids,

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1           bacteriophages and prions;

2           (75) "Judicial officer" means a judge or justice of the  
3           Supreme Court of the Federated States of Micronesia;

4           (76) "Master", in relation to a vessel, means the  
5           person for the time being in charge of the vessel, not  
6           being the pilot;

7           (77) "Microbe" means any organism or biotic entity of  
8           microscopic proportions, whether unicellular,  
9           multicellular or sub-cellular in common form;

10          (78) "Notifiable pest or disease" means a pest or  
11          disease which is declared under section 450 to be  
12          notifiable;

13          (79) "OIE" means the Organisation Internationale  
14          Epizoötique;

15          (80) "Organism" means a biotic entity capable of  
16          reproduction or replication, other than a human;

17          (81) "Packing material" means any fabric, paper,  
18          cardboard, plastic, wood, straw, grass or leaves used in  
19          packing any goods, and any other type of material in  
20          which goods are covered, enclosed, contained or wrapped;

21          (82) "Person" means the Federated States of Micronesia,  
22          a State, municipality, political subdivision, a public  
23          or private institution, corporation, partnership, joint  
24          venture, association, firm, or company organized or  
25          existing under the laws of the Federated States of

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1 Micronesia or any State or country, lessee or other  
2 occupant of property, or individual, acting singly or as  
3 a group;

4 (83) "Pest" means any species, strain or biotype of a  
5 plant, animal, microbe or pathogenic agent, or any  
6 organism, which:

7 (a) causes disease; or

8 (b) is detrimental to or capable of harming or  
9 adversely affecting animals or animal products, plants  
10 or plant products, human beings or the environment;

11 (84) "Pest risk analysis" means the evaluation by a  
12 qualified person of biological or other scientific and  
13 economic evidence to determine whether a pest or disease  
14 should be regulated and the nature of any biosecurity  
15 measures to be taken against it;

16 (85) "Phytosanitary certificate" means a certificate  
17 relating to a plant or plant product which:

18 (a) is issued by the biosecurity authority of the  
19 country of origin or re-exporting country;

20 (b) certifies that the plant or plant product is  
21 substantially free from plant pests and diseases and in  
22 other respects meets the plant health import  
23 requirements of the receiving country; and

24 (c) is patterned after the model certificates of  
25 the IPPC;

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1           (86) "Plant" includes seeds, germplasm, any other part  
2           of a plant, a dead or preserved plant, and an aquatic  
3           plant;

4           (87) "Plant material" means any unmanufactured material  
5           of plant origin, including grain;

6           (88) "Plant product" means:

7                   (a) plant material;

8                   (b) timber; and

9                   (c) any product manufactured wholly or partly  
10           from one or more plants;

11           (89) "PPPO" means the Pacific Plant Protection  
12           Organization;

13           (90) "Precautionary principle" means the principle that  
14           it is reasonable to refuse permission for an activity  
15           where there are reasonable concerns that granting  
16           permission may result in substantial negative impact,  
17           even if the data in support of a refusal is uncertain,  
18           incomplete or not supported by full scientific  
19           consensus. Application of the precautionary principle in  
20           relation to this chapter must be consistent with Article  
21           5.7 of the SPS Agreement;

22           (91) "Premises" means any immoveable property, other  
23           than land;

24           (92) "Prescribed" means prescribed by this chapter or  
25           by regulations made under it;

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1           (93) "Prohibited import" means a regulated article the  
2           importation or ownership of which is prohibited under  
3           section 410;

4           (94) "Re-exporting country", in relation any goods,  
5           means a country which is not the country of origin of  
6           the goods, but where a container or consignment of goods  
7           is opened and re-packed for export;

8           (95) "Receiving country" means a country which is the  
9           intended destination of an article being or proposed to  
10          be exported;

11          (96) "Reconsign", in relation to a regulated article or  
12          consignment which has been refused biosecurity import  
13          clearance, means to send the article or consignment out  
14          of the Federated States of Micronesia, either by the  
15          vessel or aircraft on which it was imported or by  
16          another vessel or aircraft;

17          (97) "Regulated article" means:

18                 (a) any animal or animal product;

19                 (b) any plant or plant product;

20                 (c) any living organism, whether modified or not;

21                 (d) soil, sand gravel and aggregate;

22                 (e) any genetic material;

23                 (f) human remains;

24                 (g) any host material;

25                 (h) a regulated pest or disease;

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1                   (i) any clothing, machinery or other article that  
2                   contains or has adhering to it anything mentioned in  
3                   paragraph (a), (b), (c) or (d);

4                   (j) garbage;

5                   (k) any other article, substance, goods or thing  
6                   declared by the Secretary by order under subsection (2)  
7                   to be a regulated article for the purposes of this  
8                   chapter;

9                   (98) "Regulated consignment" means a consignment of  
10                   regulated articles;

11                   (99) "Regulated pest or disease" means a pest or  
12                   disease the importation of which into the Federated  
13                   States of Micronesia is prohibited or restricted under  
14                   section 409;

15                   (100) "Regulations" means regulations, orders and any  
16                   other subsidiary legislation made under this chapter;

17                   (101) "Sanitary certificate" means an international  
18                   health certificate relating to an animal or animal  
19                   product which:

20                   (a) is issued by the biosecurity or agricultural  
21                   Director of the country of origin or re-exporting  
22                   country;

23                   (b) certifies that the animal or animal product  
24                   is substantially free from animal pests and diseases and  
25                   in other respects meets the animal health import

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1 requirements of the receiving country; and

2 (c) complies with relevant requirements of the  
3 SPS Agreement or the exporting country, as the case may  
4 be;

5 (102) "Secretary" means the Secretary of the Department  
6 of Resources and Development;

7 (103) "Ship's stores" means any food or other regulated  
8 articles carried on a vessel or aircraft for consumption  
9 or use on the vessel or aircraft;

10 (104) "Specified", in relation to a requirement,  
11 document, procedure or any other matter, means specified  
12 by the Secretary under section 452;

13 (105) "Spread", in relation to a pest or disease, means  
14 the expansion of the geographical distribution of the  
15 pest or disease within an area;

16 (106) "SPS Agreement" means the World Trade Organisation  
17 Agreement on the Application of Sanitary and  
18 Phytosanitary Measures;

19 (107) "State government means" the Governments of the  
20 States of Yap, Chuuk, Pohnpei and Kosrae;

21 (108) "Status", in relation to a pest or disease, means  
22 its presence, absence, prevalence, incidence,  
23 distribution and occurrence in an area;

24 (109) "Test" means an examination which goes beyond a  
25 visual inspection, to determine if a pest or disease is,

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1           or is likely to be, present or to identify a pest or  
2           disease, and includes chemical tests of plant material  
3           and diagnostic tests in respect of an animal;  
4           (110) "this chapter" includes regulations and orders  
5           made under it;  
6           (111) "Timber" includes round wood, sawn wood, wood  
7           chips and dunnage, with or without bark;  
8           (112) "Treatment" means an authorized procedure for the  
9           killing, removal, modification or rendering infertile or  
10          non-viable of a pest or disease by way of cleansing,  
11          fumigation, inoculation, disinfection, disinfestation,  
12          decontamination, or otherwise;  
13          (113) "Uncleared", in relation to a regulated article,  
14          means that the article has not received biosecurity  
15          clearance;  
16          (114) "under official control", in relation to a pest or  
17          disease, means that its presence is known, its  
18          distribution is limited and its further spread is  
19          controlled by the exercise of powers under this chapter;  
20          (115) "Vehicle" includes a car, truck, motorcycle,  
21          bicycle (whether motorized or not), cart and any other  
22          wheeled conveyance;  
23          (116) "Vessel" includes a ship, hovercraft, boat, ferry,  
24          raft, yacht, canoe or pontoon that is used as a  
25          conveyance in or on water, whether or not it is self-

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1           propelled;

2           (117) "Written" and "in writing" mean any mode form,  
3           including electronically;

4           Section 7. Title 22 of the Code of the Federated States of  
5 Micronesia, as amended, is hereby further amended by adding a new  
6 section 404 under subchapter I of chapter, to read as follows:

7           "Section 404. Declarations by Secretary.

8           The Secretary may by order declare any article,  
9           substance, goods or thing to be a regulated article for  
10          the purposes of this chapter."

11          Section 8. Title 22 of the Code of the Federated States of  
12 Micronesia, as amended, is hereby further amended by adding a new  
13 section 405 under subchapter I of chapter 4, to read as follows:

14          "Section 405. Application of chapter.

15          (1) The provisions of this chapter apply to every  
16          person in the Federated States of Micronesia,  
17          irrespective of the person's nationality or citizenship.

18          (2) The provisions of this chapter apply to all  
19          conveyances, containers and goods while they are in the  
20          Federated States of Micronesia, including vessels and  
21          aircraft owned or operated by the government of a  
22          foreign State;

23          (3) The provisions of this chapter apply to persons,  
24          conveyances, containers and goods outside the Federated  
25          States of Micronesia to the extent needed for its

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1           effective enforcement."

2           Section 9. Title 22 of the Code of the Federated States of  
3 Micronesia, as amended, is hereby further amended by adding a new  
4 section 407 under subchapter I of chapter 4, to read as follows:

5           "Section 406. Chapter binds the National and State  
6           Governments.

7           This chapter binds the Federated States of Micronesia,  
8           including every department of the National Government,  
9           the State Governments, every statutory authority and  
10           every person in the employment of the National  
11           Government or a State Government.

12           Section 10. Title 22 of the Code of the Federated States of  
13 Micronesia, as amended, is hereby further amended by adding a new  
14 section 408 under subchapter I of chapter 4, to read as follows:

15           "Section 407. Responsibility for the chapter.  
16           The Secretary is responsible for the implementation of  
17           this the provisions of this chapter and the performance  
18           of the biosecurity functions of the National Government,  
19           within the resources available to the Department."

20           Section 11. Title 22 of the Code of the Federated States of  
21 Micronesia, as amended, is hereby further amended by adding a new  
22 section 408 under subchapter I of chapter 4, to read as follows:

23           "Section 408. Relationship with other laws.

24           (1) This chapter is in addition to and does not  
25           derogate from any other law of the Congress or of any of

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1           the State Governments.

2           (2) To the extent of any inconsistency between this  
3           chapter and any other law of the National Government or  
4           of a State Government, every other law must so far as  
5           possible be construed so as to fulfill the purpose of  
6           this chapter."

7           Section 12. Title 22 of the Code of the Federated States of  
8           Micronesia, as amended, is hereby further amended by adding new  
9           subchapter II, of chapter 4 entitled "Border Biosecurity Control".

10          Section 13. Title 22 of the Code of the Federated States of  
11          Micronesia, as amended, is hereby further amended by adding a new  
12          section 409 under subchapter II of chapter 4, to read as follows:

13               "Section 409. Regulated pests and diseases.

14               (1) The Secretary may by order declare pests or  
15               diseases:

16                       (a) the importation of which is prohibited for  
17                       all purposes; or

18                       (b) the importation of which is permitted subject  
19                       to conditions specified under this chapter or the  
20                       regulations;

21               (2) A person who imports or attempts to import a pest  
22               or disease which is prohibited under subsection (1) (a)  
23               commits a level five offense.

24               (3) A person who imports or attempts to import a pest  
25               or disease which is regulated under subsection (1) (b) in

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1           breach of the conditions of import commits a level 5  
2           offense."

3           Section 14. Title 22 of the Code of the Federated States of  
4 Micronesia, as amended, is hereby further amended by adding a new  
5 section 410 under subchapter II of chapter 4, to read as follows:

6           "Section 410. Prohibited imports.

7           (1) The Secretary may by order prohibit the  
8           importation of:

9                   (a) particular regulated articles from all  
10           countries; or

11                   (b) particular regulated articles from one or  
12           more countries of origin,  
13           if the importation would present an unacceptable  
14           biosecurity risk to the Federated States of Micronesia.

15           (2) An order under this section in respect of an  
16           article:

17                   (a) may be made at any time before biosecurity  
18           import clearance is granted in respect of the article;

19                   (b) continues in force until it is revoked or  
20           varied, but must be reviewed every 12 months.

21           (3) In making a decision under this section, the  
22           Secretary must:

23                   (a) have regard to the international obligations  
24           of the Federated States of Micronesia in respect of  
25           biosecurity;

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1                   (b) apply the precautionary principle.

2                   (4) Before making an order under this section the  
3                   Secretary must obtain a pest risk analysis in relation  
4                   to the article;

5                   (5) If a person imports or attempts to import a  
6                   prohibited article:

7                   (a) the person commits a level five offense; and

8                   (b) biosecurity import clearance under must be  
9                   refused for the article.

10                  (6) A person who without lawful excuse owns or  
11                  possesses any prohibited article commits a level five  
12                  offense."

13                  Section 15. Title 22 of the Code of the Federated States of  
14                  Micronesia, as amended, is hereby further amended by adding a new  
15                  section 411 under subchapter II of chapter 4, to read as follows:

16                  "Section 411. Biosecurity points of entry and  
17                  departure.

18                  (1) The Secretary may by order designate as  
19                  biosecurity points of entry the seaports, airports and  
20                  post offices at which regulated articles may enter the  
21                  Federated States of Micronesia.

22                  (2) Subject to subsection (9), a master or captain who  
23                  causes or permits an incoming vessel or aircraft to  
24                  berth or land except at a seaport or airport that is a  
25                  biosecurity point of entry commits a level five offense.

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1           (3) A person who imports, or attempts to import, a  
2           regulated article or consignment except at a biosecurity  
3           point of entry commits a level three offense.

4           (4) The Secretary may by order designate as  
5           biosecurity points of departure the seaports, airports  
6           and post offices at which regulated articles may be  
7           exported.

8           (5) A master or captain who causes or permits a vessel  
9           or aircraft to leave the Federated States of Micronesia  
10          except from a seaport or airport that is a biosecurity  
11          point of departure commits a level five offense.

12          (6) A person who exports, or attempts to export, a  
13          regulated article or consignment except at a biosecurity  
14          point of departure commits a level three offense.

15          (7) A designation of a biosecurity point of entry or  
16          departure may be limited to particular types of vessels,  
17          aircraft or articles or to arrivals from or exports to  
18          particular countries.

19          (8) A post office may only be designated as a  
20          biosecurity point of entry or departure in respect of  
21          regulated articles that at the time of entry or  
22          departure are in a mail bag or other container that  
23          conforms to the requirements of the postal legislation  
24          of the Federated States of Micronesia.

25          (9) A vessel or aircraft may berth or land elsewhere

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1           than at a biosecurity point of entry:

2                   (a) if constrained by adverse weather, mechanical  
3           failure or superior force; or

4                   (b) if so directed or permitted by the Secretary  
5           or a biosecurity officer.

6           (10) In the circumstances mentioned in subsection (9),  
7           the place where the vessel has berthed or the aircraft  
8           has landed is deemed to be a biosecurity point of entry  
9           for the purposes of this chapter, once the Secretary has  
10          been notified of the berthing or landing.

11          (11) Prior to designating any biosecurity point of  
12          entry and departure the Secretary must first secure the  
13          consent and written agreement of the Governor of the  
14          state where the proposed biosecurity point of entry and  
15          departure is located."

16          Section 16. Title 22 of the Code of the Federated States of  
17          Micronesia, as amended, is hereby further amended by adding a new  
18          section 412 under subchapter II of section 4, to read as follows:

19          "Section 412. Designation of biosecurity holding areas.

20                  (1) The Secretary may by order designate:

21                          (a) any territorial waters or any part of a  
22                  seaport as a biosecurity port holding area for vessels;

23                          (b) any part of an airport as a biosecurity port  
24                  holding area for aircraft.

25                  (2) The Secretary may by order designate any area of

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1           land at or adjacent to a seaport or airport as a  
2           biosecurity goods holding area for incoming or outgoing  
3           containers and goods.

4           (3) The Secretary may designate any part of a post  
5           office that has been designated as a biosecurity point  
6           of entry or departure as a biosecurity postal holding  
7           area for incoming or outgoing postal items.

8           (4) Prior to designating any land or water as a  
9           biosecurity holding area the Secretary must first secure  
10          the consent and written agreement of the Governor of the  
11          state where the proposed biosecurity holding area is  
12          located.

13          (5) The Secretary must ensure that every biosecurity  
14          holding area is provided with such buildings and  
15          facilities as are reasonably needed:

16               (a) to hold regulated articles in biosecurity  
17               quarantine;

18               (b) to prevent unauthorized persons from entering  
19               the station or removing items from the station;

20               (c) to enable biosecurity officers to perform  
21               tests, provide treatment and apply other biosecurity  
22               measures as required by or under this chapter."

23           Section 17. Title 22 of the Code of the Federated States of  
24    Micronesia, as amended, is hereby further amended by adding a new  
25    section 413 under subchapter II of chapter 4, to read as follows:

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1           "Section 413. Management of biosecurity holding areas.

2           (1) No person, other than the person in charge of the  
3           area or a biosecurity officer acting in the course of  
4           duty, may enter a biosecurity holding area without the  
5           written permission of the Secretary, or the permission  
6           of the person in charge of the area or of a biosecurity  
7           officer.

8           (2) A biosecurity officer may, in order to reduce a  
9           biosecurity threat, lock, seal or otherwise prevent  
10          entry to and exit from a biosecurity holding area or any  
11          building in it.

12          (3) A person who:

13               (a) enters a biosecurity holding area without  
14               permission given under subsection (2); or

15               (b) damages, interferes with or in any way  
16               reduces the effectiveness of measures taken to secure a  
17               biosecurity holding area, or any regulated article or  
18               other item in the area,  
19               commits a level two offense.

20          (4) A person who removes or attempts to remove from a  
21          biosecurity holding area any regulated article without  
22          obtaining biosecurity clearance in respect of it, unless  
23          for the purpose of biosecurity measures being applied to  
24          the article in accordance with this chapter, commits a  
25          level six offense."

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1           Section 18. Title 22 of the Code of the Federated States of  
2 Micronesia, as amended, is hereby further amended by adding a new  
3 section 414 under subchapter II of chapter 4, to read as follows:

4           "Section 414. Biosecurity clearance agents.

5           (1) A person who proposes to import or export  
6 regulated articles through a seaport or airport and who  
7 will not be present when biosecurity inspection is to  
8 take place must:

9           (a) in writing appoint a person resident in the  
10 Federated States of Micronesia as a biosecurity  
11 clearance agent for the purposes of this chapter; and

12           (b) notify the Secretary in writing of the  
13 appointment before the agent performs any agency  
14 functions.

15           (2) A biosecurity clearance agent appointed under  
16 subsection (1) ceases to be an agent for the purposes of  
17 this chapter if the Secretary notifies the importer or  
18 exporter in writing that, in the opinion of the  
19 Secretary, the agent's conduct in the performance of  
20 functions under this chapter renders the agent  
21 unacceptable for purposes of this chapter.

22           (3) Where practicable, notice under subsection (2)  
23 must be given in sufficient time to allow the importer  
24 or exporter to appoint another agent.

25           (4) A biosecurity clearance agent who performs or

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1           purports to perform any functions of an importer or  
2           exporter under this chapter is liable to the same extent  
3           as the importer or exporter for any act or omission  
4           which amounts to an offense or which creates any legal  
5           obligation under this chapter.

6           (5) If a person referred to in subsection (1) fails to  
7           comply with that subsection, biosecurity clearance must  
8           not be granted for any regulated article or consignment  
9           which the person seeks to import or export."

10          Section 19. Title 22 of the Code of the Federated States of  
11          Micronesia, as amended, is hereby further amended by adding new  
12          subchapter III under chapter 4, entitled: "Biosecurity  
13          Administration".

14          Section 20. Title 22 of the Code of the Federated States of  
15          Micronesia, as amended, is hereby further amended by adding a new  
16          section 415 under subchapter III of the chapter 4, to read as  
17          follows:

18               "Section 415. Designation of biosecurity officers.

19               (1) The Secretary must in writing designate four or  
20               more suitably qualified public officers as biosecurity  
21               officers for the purposes of this chapter.

22               (2) The Secretary may in writing designate any public  
23               officer or employee of a statutory authority to be a  
24               biosecurity officer for a particular purpose or at a  
25               particular location.

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1           (3) The Secretary may in writing appoint any person to  
2           be a temporary biosecurity officer for a period not  
3           exceeding 6 months for a particular purpose or at a  
4           particular location.

5           (4) Before designating or appointing a public officer  
6           from another Department, the Secretary must consult the  
7           relevant Secretary, but failure to do so does not  
8           invalidate the designation or appointment.

9           (5) (a) The powers of a biosecurity officer are as  
10          prescribed by or under this chapter.

11          (b) A biosecurity officer must perform such duties,  
12          not inconsistent with this chapter, as are assigned to  
13          the officer by the Secretary.

14          (c) The Secretary may limit the functions to be  
15          performed by a biosecurity officer to those within the  
16          officer's technical sphere of competence;

17          (d) The functions assigned to an officer designated  
18          under subsection (2) or (3) must be consistent with the  
19          terms of the designation.

20          (6) The Secretary must provide every biosecurity  
21          officer with a badge, card or other form of official  
22          identification that clearly identifies the person as a  
23          biosecurity officer of the National Government of the  
24          Federated States of Micronesia.

25          (7) A person who:

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1                   (a) upon the termination of his or her  
2                   appointment as a biosecurity officer fails to return to  
3                   the Secretary the identification issued under subsection  
4                   (6) within 24 hours of the termination taking effect  
5                   commits a level two offense; or

6                   (b) copies, forges or alters an identification  
7                   issued under subsection (6) without the written  
8                   authority of the Secretary commits a level four offense.

9                   (8) A person who is to perform duties as a biosecurity  
10                  officer under this section must be given adequate  
11                  training in biosecurity control measures and in the  
12                  provisions of this chapter before embarking on those  
13                  duties."

14                  Section 21. Title 22 of the Code of the Federated States of  
15                  Micronesia, as amended, is hereby further amended by adding a new  
16                  section 416 under subchapter III of chapter 4, to read as follows:

17                  "Section 416. Biosecurity planning and administration.

18                  (1) Within 12 months of the date upon which this  
19                  chapter enters into force the Secretary must, in  
20                  consultation with other National Government departments  
21                  and statutory authorities and State Governments, prepare  
22                  a Biosecurity Emergency Response Plan to deal with  
23                  incursions of regulated pests and diseases in the  
24                  Federated States of Micronesia.

25                  (2) The Secretary must ensure that the Biosecurity

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1           Emergency Response Plan is updated whenever necessary,  
2           and at a minimum the plan must be reviewed biannually.

3           (3) The Secretary must develop and publish a manual of  
4           standard operating procedures to guide biosecurity  
5           officers in their duties under this chapter and  
6           regulations issued pursuant to this chapter.

7           (4) The Secretary must, to the extent possible,  
8           publicize the requirements of this chapter and increase  
9           public awareness of the importance of biosecurity."

10          Section 22. Title 22 of the Code of the Federated States of  
11          Micronesia, as amended, is hereby further amended by adding a new  
12          section 417 under subchapter III of chapter 4, to read as follows:

13               "Section 417. Delegation of functions.

14               (1) The Secretary may in writing delegate any of the  
15               Secretary's functions, powers and duties under this  
16               chapter to another public officer or officers employed  
17               by the Department, other than any legislative or  
18               appellate function or this power to delegate.

19               (2) A delegation under this section may be to a  
20               specified person or to the holder for the time being of  
21               a specified office or to the holders of offices of a  
22               specified class.

23               (3) A delegation under this section may be made  
24               subject to such restrictions and conditions as  
25               determined by the Secretary, and may be made either

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1           generally or in relation to any particular case or class  
2           of cases.

3           (4) A person purporting to perform any function by  
4           virtue of a delegation under this section must, when  
5           required to do so, produce evidence of the authority to  
6           perform the function.

7           (5) A delegation under this section continues in force  
8           notwithstanding a change in the identity of the  
9           delegator, until revoked."

10          Section 22. Title 22 of the Code of the Federated States of  
11          Micronesia, as amended, is hereby further amended by adding a new  
12          section 418 under subchapter III of chapter 4, to read as follows:

13               "Section 418. Biosecurity register and records.

14               (1) The Secretary must maintain a biosecurity register  
15               and other records needed for the administration of this  
16               chapter and the performance of the biosecurity functions  
17               of the National Government.

18               (2) Without limiting the matters to be recorded in the  
19               biosecurity register, details of the following must be  
20               included:

21                       (a) regulated pests and diseases;

22                       (b) prohibited imports;

23                       (c) biosecurity points of entry and departure;

24                       (d) biosecurity holding areas;

25                       (e) biosecurity clearance agents;

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- 1                   (f) biosecurity port quarantine areas;  
2                   (g) biosecurity quarantine stations;  
3                   (h) biosecurity approved premises;  
4                   (i) biosecurity import permits issued, refused  
5 and revoked under this chapter or the regulations;  
6                   (j) biosecurity controlled areas declared;  
7                   (k) occurrences of notifiable pests and diseases  
8 notified under regulation;  
9                   (l) beneficial organisms released under  
10 regulation;  
11                   (m) agreements and memoranda of understanding  
12 with other governments, government departments,  
13 statutory authorities and overseas agencies under  
14 sections 421 and 422;  
15                   (n) compliance agreements entered into by the  
16 Secretary under section 424;  
17                   (o) bilateral agreements entered into with  
18 potential receiving countries under section 426;  
19                   (p) any other public biosecurity register  
20 required by or under this chapter or considered by the  
21 Secretary to be necessary or appropriate.  
22                   (3) The biosecurity register must include details of:  
23                   (a) specifications for regulated articles made  
24 under this chapter or the regulations, including the  
25 biosecurity measures appropriate to each type of

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1 regulated article;

2 (b) any other form or matter specified by the  
3 Secretary under this chapter or which is required by the  
4 regulations to be included on the register.

5 (4) In respect of the biosecurity requirements of  
6 receiving countries, the biosecurity register must  
7 include details of:

8 (a) the requirements of those countries for which  
9 biosecurity export clearance has been granted in the  
10 previous 12 months;

11 (b) source material for ascertaining the  
12 biosecurity requirements of all potential receiving  
13 countries.

14 (5) The Secretary must maintain records relating to  
15 the biosecurity functions of the National Government,  
16 including, but not limited to:

17 (a) financial and resource management records,  
18 with budgets and records of expenditure and revenue;

19 (b) personnel records including the identities,  
20 duty statements and terms and conditions of employment  
21 of all biosecurity officers;

22 (c) operational statistics relating to the  
23 biosecurity functions of the Government."

24 Section 23. Title 22 of the Code of the Federated States of  
25 Micronesia, as amended, is hereby further amended by adding a new

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1 section 419 under subchapter III of chapter 4, to read as follows:

2 "Section 419. Status of biosecurity register and  
3 records.

4 (1) The biosecurity register kept pursuant to section  
5 418 must be made available for inspection and copying by  
6 members of the public during office hours at the office  
7 of the Department on payment of the prescribed fee.

8 (2) Copies of relevant extracts from the biosecurity  
9 register must be made available for inspection and  
10 copying by members of the public at post offices in each  
11 FSM state on payment of the prescribed fee.

12 (3) A copy of an entry in the biosecurity register  
13 which is certified by the Secretary to be an accurate  
14 copy may be produced in court as *prima facie* evidence of  
15 the entry.

16 (4) The biosecurity register and other records kept  
17 under section 418 may be in electronic format, provided  
18 the information is readily retrievable and is protected  
19 against unintended loss and unauthorized alteration.

20 (5) The Secretary may by order determine the period  
21 for which entries in the biosecurity register and other  
22 records under section 418 must be kept, consistent with  
23 any other law relating to public records."

24 Section 24. Title 22 of the Code of the Federated States of  
25 Micronesia, as amended, is hereby further amended by adding a new

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1 section 420 under subchapter III of chapter 4, to read as follows:

2 "Section 420. Payments.

3 (1) Fines, fees and charges payable under this chapter  
4 are to be paid into the General Fund.

5 (2) If a fee or charge payable under this chapter is  
6 not paid:

7 (a) if the service for which the fee or charge is  
8 payable has not been provided - it may be withheld until  
9 the fee is paid;

10 (b) if the service has been provided - the fee or  
11 charge may be recovered as a debt owing to the  
12 Government;

13 (c) if the fee or charge is in respect of an item  
14 in quarantine - the item may be sold once it has cleared  
15 quarantine, or otherwise be treated as abandoned goods."

16 Section 25. Title 22 of the Code of the Federated States of  
17 Micronesia, as amended, is hereby further amended by adding a new  
18 section 421 under subchapter III of chapter 4, to read as follows:

19 "Section 421. Consultation and outsourcing.

20 (1) Prior to exercising a power under this chapter  
21 that will or might affect matters within the  
22 responsibility of another government department or  
23 statutory authority (including but not limited to  
24 health, natural resources, environment, tourism, postal  
25 services, shipping, aviation, transport and trade) the

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1           Secretary must consult the relevant department,  
2           authority or officer, but failure to do so does not  
3           invalidate the exercise of the power.

4           (2) The Secretary may, for the effective  
5           implementation of this chapter, enter into memoranda of  
6           understanding or other agreements with State  
7           Governments, other National Government departments and  
8           statutory authorities, and with private organizations in  
9           the Federated States of Micronesia or elsewhere.

10          (3) The Department may:

11               (a) hire the services of a laboratory for testing  
12               of samples;

13               (b) hire consultants to perform biosecurity risk  
14               assessments and to carry out surveys authorized under  
15               this chapter;

16               (c) purchase any treatment or other service  
17               deemed necessary for the effective implementation of  
18               this chapter."

19          Section 26. Title 22 of the Code of the Federated States of  
20          Micronesia, as amended, is hereby further amended by adding a new  
21          section 422 under subchapter III of chapter 4, to read as follows:

22               "Section 422. Duty to coordinate.

23               (1) Biosecurity officers and other persons  
24               administering this chapter should so far as possible  
25               coordinate their functions with those of officers of

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1 state governments, other national government departments  
2 and statutory authorities, in respect of border control,  
3 the movement of vessels and aircraft, human health,  
4 biosecurity internal control and compliance with the  
5 laws of the Federated States of Micronesia generally.

6 (2) Without limiting subsection (1):

7 (a) biosecurity officers should notify officers  
8 of the customs and immigration services of any breach of  
9 customs or immigration law that comes to their notice;

10 (b) officers of the customs and immigration  
11 services and of the postal service should:

12 (i) notify a biosecurity officer of the  
13 importation or proposed exportation of any uncleared  
14 regulated article that comes to their notice;

15 (ii) hand over to a biosecurity officer any  
16 such article which comes into their possession for  
17 inspection and treatment in accordance with this  
18 chapter;

19 (c) police officers, customs officers,  
20 immigration officers, postal service officers,  
21 environmental officers, agriculture officers, livestock  
22 officers, forestry officers and fisheries officers of  
23 state governments and the National Government should co-  
24 operate with biosecurity officers in the performance of  
25 their functions under this chapter and render such

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1 assistance as they can lawfully do when called upon by  
2 the Secretary or a biosecurity officer.

3 (3) The Secretary should seek so far as possible to  
4 coordinate the biosecurity functions of the National  
5 Government with those of state governments, other  
6 national government departments and statutory  
7 authorities dealing with policing, customs, immigration,  
8 marine, harbors, civil aviation, health, environment,  
9 fisheries, natural resources and similar services."

10 Section 27. Title 22 of the Code of the Federated States of  
11 Micronesia, as amended, is hereby further amended by adding a new  
12 section 423 under subchapter III of chapter 4, to read as follows:

13 "Section 423. Facilities at biosecurity points of entry  
14 or departure.

15 (1) The operator of every biosecurity point of entry  
16 or departure in the Federated States of Micronesia must,  
17 to the extent possible, provide on the premises, for the  
18 purposes of this chapter and to the satisfaction of the  
19 Secretary:

20 (a) an area suitable for use as offices by  
21 biosecurity officers stationed at the point;

22 (b) adequate space for the display of notices  
23 regarding the biosecurity requirements of this chapter;

24 (c) areas for interview and, if necessary,  
25 physical examination of incoming passengers and crew,

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1           if required;

2                   (d) biosecurity holding areas as designated under  
3           section 412;

4                   (e) facilities and suitable containers for  
5           garbage collection and incineration or other disposal;

6                   (f) facilities for the incineration or other  
7           disposal of regulated articles without creating an  
8           unacceptable biosecurity risk;

9                   (g) fencing of premises in which garbage holding  
10          and disposal equipment is situated;

11                  (h) any other facilities the Secretary reasonably  
12          requests in writing as being needed for the performance  
13          of biosecurity functions at the point of entry or  
14          departure.

15                  (2) The operator of a biosecurity entry or departure  
16          point, whether or not a public officer, must keep the  
17          premises and facilities mentioned in subsection (1)(e),  
18          (f) and (g) free from weeds and vermin to the  
19          satisfaction of the Secretary. An operator who fails to  
20          do so commits a level one offense."

21           Section 28. Title 22 of the Code of the Federated States of  
22   Micronesia, as amended, is hereby further amended by adding a new  
23   section 424 under subchapter III of chapter 4, to read as follows:

24           "Section 424. Compliance Agreements.

25                  (1) The Secretary may enter into a written agreement

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1           with an importer, exporter, producer or any other person  
2           in connection with:

3                   (a) the application of particular biosecurity  
4                   measures in respect of any item;

5                   (b) the way in which any requirement under this  
6                   chapter can be satisfied by the person; and

7                   (c) the supervision, monitoring and testing of  
8                   the person's compliance with those measures or that  
9                   requirement.

10           (2) A compliance agreement may provide that, in  
11           circumstances stated in the agreement, the Secretary  
12           may, by written notice, cancel or vary the agreement or  
13           suspend its operation for a period. The circumstances  
14           may include, but are not limited to, the person's  
15           failure to comply with specified measures or meet  
16           specified requirements.

17           (3) A biosecurity officer may release an article to  
18           which a compliance agreement applies, and if it is a  
19           regulated article grant biosecurity clearance in respect  
20           of it, on the basis of a written certificate, given by a  
21           person authorized under the agreement to give such a  
22           certificate, that all the measures to which the  
23           agreement refers have been complied with in respect of  
24           the article."

25           Section 29. Title 22 of the Code of the Federated States of

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1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 425 under subchapter III of chapter 4, to read as follows:

3 "Section 425. Biosecurity approved premises.

4 (1) The Secretary, on written application by the owner  
5 or occupier of any premises and on payment of the  
6 prescribed fee, may in writing:

7 (a) approve the premises as premises where the  
8 inspection, testing and treatment of regulated articles  
9 can take place; and

10 (b) approve specified action being taken under  
11 this chapter in relation to all regulated articles, or  
12 specified articles, while they are in the approved  
13 premises.

14 (2) In deciding whether to give approval under  
15 subsection (1), the Secretary, after inspection of the  
16 premises by a biosecurity officer, must take into  
17 account:

18 (a) whether the specified action can be taken in  
19 the premises without an unacceptable biosecurity risk  
20 and without contravening this chapter or the conditions  
21 of any permit;

22 (b) whether the premises and facilities in them  
23 are adequate to enable such action to be taken  
24 efficiently and safely;

25 (c) whether the location of the premises is

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1           appropriate having regard to the nature of the articles,  
2           the specified action and the level of biosecurity risk;

3                   (d) whether the premises are located in a place  
4           where biosecurity officers can conveniently check that  
5           this chapter and the regulations are being complied with  
6           in the premises; and

7                   (e) any other matter the Secretary considers  
8           relevant.

9           (3) An approval under this section may be expressed to  
10          be subject to conditions stated in the approval and is  
11          of no effect if the conditions are not met.

12           (4) An approval under this section has effect for a  
13          period not exceeding 12 months but may be renewed by  
14          following the procedure for a new approval.

15           (5) An approval under this section may be cancelled if  
16          the Secretary is satisfied:

17                   (a) that the premises or facilities or action  
18          taken do not comply with this chapter or the  
19          regulations; or

20                   (b) that the premises are otherwise no longer  
21          suitable for approval.

22           (6) The provisions of this chapter relating to  
23          biosecurity quarantine stations apply to premises  
24          approved under this section."

25          Section 30. Title 22 of the Code of the Federated States of

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1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 426 under subchapter III of chapter 4, to read as follows:

3 "Section 426. International Cooperation.

4 (1) In the interests of enhancing international  
5 cooperation in the field of biosecurity and to fulfill  
6 FSM's obligations under international agreements of  
7 relevance to biosecurity, the Secretary may:

8 (a) exchange information with other countries and  
9 international organizations;

10 (b) contribute to the development of  
11 international sanitary and phytosanitary standards.

12 (2) The Secretary must endeavor to implement in the  
13 Federated States of Micronesia international standards  
14 and requirements relating to biosecurity, and to that  
15 end should:

16 (a) designate one or more officers in the  
17 Department as the point of contact and notification  
18 authority for the purposes of the IPPC, the OIE and the  
19 PPPO;

20 (b) seek to ensure that notification and  
21 reporting requirements of the IPPC, the OIE , the PPPO  
22 and any other international agreement relating to  
23 biosecurity to which the Federated States of Micronesia  
24 belongs are met in a timely manner."

25 Section 31. Title 22 of the Code of the Federated States of

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1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 427 under subchapter III of chapter 4, to read as follows:

3 "Section 427. Notifications.

4 (1) The Secretary may at any time issue a notice:

5 (a) stating that a specified pest or disease is  
6 known to exist in the Federated States of Micronesia;

7 (b) stating that, to the best of the Secretary's  
8 knowledge, a specified pest or disease does not exist in  
9 the Federated States of Micronesia;

10 (c) specifying the classification, name or  
11 identity by which any animal, animal product, plant,  
12 plant product, pest or disease is known in the Federated  
13 States of Micronesia.

14 (2) A notice issued under subsection (1) is, for the  
15 purposes of this chapter, conclusive until revoked or  
16 amended under that subsection and is admissible in any  
17 court or other proceedings as evidence of the matters  
18 stated in it."

19 Section 32. Title 22 of the Code of the Federated States of  
20 Micronesia, as amended, is hereby further amended by adding new  
21 subchapter IV, under chapter 4 entitled: "Powers of Biosecurity  
22 Officers".

23 Section 33. Title 22 of the Code of the Federated States of  
24 Micronesia, as amended, is hereby further amended by adding a new  
25 section 428 under subchapter IV of chapter 4, to read as follows:

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1           "Section 428. General rules as to exercise of powers.

2           (1) The powers conferred by this chapter on  
3           biosecurity officers may be exercised only for the  
4           purpose of ascertaining whether there is a biosecurity  
5           risk presented by a conveyance, container or item and  
6           eliminating or reducing the risk.

7           (2) A reference in this chapter to a biosecurity  
8           officer, when exercising powers, means a duly authorized  
9           biosecurity officer acting in the performance of his or  
10          her duties.

11          (3) A biosecurity officer may use only such force as  
12          is reasonably necessary when exercising a power under  
13          this chapter. If necessary, the biosecurity officer  
14          should obtain the assistance of a police officer to  
15          effect an arrest or enter premises.

16          (4) Before exercising a power to enter and search  
17          premises, to search a conveyance or container or to  
18          inspect or test any article, a biosecurity officer must,  
19          if practical, request the assistance of the person in  
20          control of the premises, conveyance, container or  
21          article.

22          (5) Except as otherwise provided in this chapter, a  
23          biosecurity officer may exercise a power under this  
24          chapter without a warrant or other order of a judicial  
25          officer, provided the action is taken in good faith for

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1           the purposes of this chapter.

2           (6) A biosecurity officer exercising powers under this  
3           subchapter must produce for inspection his or her  
4           identification as an officer, upon request by the person  
5           in charge of the conveyance, premises or area, or the  
6           importer, exporter, owner or custodian of the item, in  
7           respect of which the power is being exercised.

8           (7) Before exercising a power in a situation that  
9           involves shipping, civil aviation, human health, the  
10          environment or any other activity governed by another  
11          law, a biosecurity officer must if practicable consult  
12          public officials responsible for shipping, civil  
13          aviation, human health or the environment.

14          (8) The powers conferred on biosecurity officers by or  
15          under this chapter must be exercised subject to:

16                  (a) any regulations made by the Secretary under  
17                  this chapter in respect of those powers;

18                  (b) any biosecurity specifications made in  
19                  respect of regulated articles;

20                  (c) any written directions of the Secretary;

21                  (d) the provisions of:

22                          (i) the Vienna Convention on Diplomatic  
23                          Relations relating to the premises of a diplomatic  
24                          mission, diplomatic bags and the personal baggage of  
25                          diplomatic agents;

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1                   (ii) the Vienna Convention on Consular  
2                   Relations relating to consular premises, archives and  
3                   documents."

4           Section 34. Title 22 of the Code of the Federated States of  
5   Micronesia, as amended, is hereby further amended by adding a new  
6   section 429 under subchapter IV of chapter 4, to read as follows:

7           "Section 429. Entry, search and seizure.

8           (1) A biosecurity officer may:

9                   (a) search an incoming vessel or aircraft at a  
10                  biosecurity port holding area to ascertain whether the  
11                  vessel or aircraft has on board any regulated article  
12                  that might pose a biosecurity threat to the Federated  
13                  States of Micronesia;

14                  (b) search an outgoing vessel or aircraft if the  
15                  officer has reason to believe there are on board any  
16                  uncleared articles that require export clearance;

17                  (c) at any time enter and search any premises,  
18                  building or area, including a biosecurity holding area,  
19                  biosecurity quarantine station or biosecurity approved  
20                  premises and land adjacent to a dwelling house, but not  
21                  a dwelling house, in order to ascertain the presence of  
22                  uncleared regulated articles that have not received  
23                  biosecurity import clearance;

24                  (d) at any time with the consent of the owner,  
25                  enter and search a dwelling house for purposes of this

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1           chapter;

2                   (e) at any time, on a warrant issued under  
3           subsection (2), enter and search a dwelling house for  
4           uncleared regulated articles that the officer reasonably  
5           suspects to be in it.

6           (2) If a judicial officer is satisfied on affidavit  
7           evidence by a biosecurity officer that:

8                   (a) there may be in a dwelling house uncleared  
9           regulated articles; and

10                   (b) the consent of the owner or occupier to entry  
11           and search of the dwelling house cannot be obtained,  
12           the judicial officer may issue a warrant authorizing the  
13           officer to enter and search the dwelling house for  
14           uncleared regulated articles.

15           (3) A biosecurity officer may at any time enter and  
16           search any store, warehouse, silo, pen or similar  
17           premises, or any conveyance, in which regulated articles  
18           intended for importation to or exportation from the  
19           Federated States of Micronesia are kept.

20           (4) A person who keeps regulated articles in or on any  
21           premises, or in a conveyance, prior to importation or  
22           exportation of them must make the premises or conveyance  
23           available for inspection by a biosecurity officer upon  
24           request at any reasonable time.

25           (5) Subsections (1), (3) and (4) apply to premises and

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1           conveyances outside the Federated States of Micronesia  
2           in respect of articles intended for importation to the  
3           Federated States of Micronesia.

4           (6) A person who contravenes subsection (4) commits a  
5           level two offense.

6           (7) During a search of premises or a conveyance under  
7           this section a biosecurity officer may seize anything  
8           which:

9                   (a) is an uncleared regulated article; or

10                   (b) may be used as evidence of the commission of  
11           an offense under this chapter.

12           (8) A biosecurity officer who seizes anything from a  
13           person under subsection (7) must:

14                   (a) inform the person of the reason for the  
15           seizure;

16                   (b) give the person a receipt for the thing  
17           seized; and

18                   (c) remove the thing to a place of safekeeping  
19           and deal with it in accordance with this chapter.

20           (9) A biosecurity officer may, at the expense of the  
21           importer, submit to appropriate biosecurity measures any  
22           regulated article seized pursuant to this section."

23           Section 35. Title 22 of the Code of the Federated States of  
24           Micronesia, as amended, is hereby further amended by adding a new  
25           section 430 under subchapter IV of chapter 4, to read as follows:

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1           "Section 430. Inspection of documents.

2           (1) A biosecurity officer may:

3                   (a) call for and inspect documents on or in  
4           incoming or outgoing vessels and aircraft;

5                   (b) open and inspect at a biosecurity point of  
6           entry any incoming document, including mail, in order to  
7           ascertain whether the document contains or relates to a  
8           regulated article;

9                   (c) open and inspect at a biosecurity point of  
10          departure any outgoing document, including mail, if the  
11          officer reasonably suspects that the document contains  
12          or relates to:

13                          (i) an uncleared regulated article that  
14          requires biosecurity export clearance; or

15                          (ii) a regulated article that could pose a  
16          serious biosecurity threat to the country of  
17          destination of the document.

18                   (2) The powers relating to mail in subsection (1)(b)  
19                   and (c) must only be exercised in respect of personal  
20                   letters if the officer reasonably suspects that a letter  
21                   contains or relates to a biosecurity threat."

22           Section 36. Title 22 of the Code of the Federated States of  
23   Micronesia, as amended, is hereby further amended by adding a new  
24   section 431 under subchapter IV of chapter 4, to read as follows:

25           "Section 431. Inspection of articles.

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1           (1) A biosecurity officer may at a biosecurity holding  
2           area inspect any incoming regulated article, and any  
3           conveyance, container or baggage in which the article is  
4           carried, in order to assess the biosecurity risk  
5           presented by the article, conveyance, container or  
6           baggage.

7           (2) A biosecurity officer may at a biosecurity point  
8           of departure inspect any article, which requires  
9           biosecurity export clearance, in order to facilitate  
10          such clearance.

11          (3) The powers of inspection in subsection (1) and (2)  
12          are in addition to the powers of inspection provided  
13          elsewhere in this chapter or the regulations.

14          (4) For the purpose of exercising the powers of  
15          inspection under this chapter, a biosecurity officer may  
16          request an importer or exporter to unpack and/or break  
17          up a consignment, or to open a container, at the  
18          person's risk and expense.

19          (5) If an importer or exporter refuses to comply with  
20          a request under subsection (4):

21               (a) the person commits a level two offense;

22               (b) the biosecurity officer may break up the  
23               consignment or open the container or cause it to be  
24               broken or opened;

25               (c) the cost of action under paragraph (b) is a

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1 debt owing to the Government by the importer or  
2 exporter, as the case may be;

3 (d) no liability lies on the Government, the  
4 Secretary or any biosecurity officer and no compensation  
5 is payable, for the action of breaking up or opening,  
6 unless negligence or malice is proved.

7 (6) When conducting an inspection under this chapter,  
8 a biosecurity officer may seek access to, and take  
9 photographic, electronic or other copies of any  
10 evidence, information, records and things related to the  
11 regulated article or consignment that the officer  
12 reasonably requires in order to ensure compliance with  
13 this chapter or to investigate a possible offense under  
14 it.

15 (7) The regulations may specific procedures for the  
16 inspection of articles in transit."

17 Section 37. Title 22 of the Code of the Federated States of  
18 Micronesia, as amended, is hereby further amended by adding a new  
19 section 432 under subchapter IV of chapter 4, to read as follows:

20 "Section 432. Detention of articles.

21 (1) If an incoming regulated article requires  
22 biosecurity measures to be taken in respect of it before  
23 biosecurity import clearance can be granted, a  
24 biosecurity officer may detain the article, and any  
25 conveyance, container or baggage in which the article is

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1 carried, for biosecurity measures to be taken.

2 (2) If an outgoing regulated article that requires  
3 biosecurity export clearance has not been cleared, a  
4 biosecurity officer may detain the article, and any  
5 conveyance, container or baggage in which the article is  
6 carried, until clearance or other disposition of the  
7 article under this chapter.

8 (3) An article detained under this section must be  
9 detained in a place specified by the officer, being a  
10 biosecurity holding area, biosecurity quarantine station  
11 or biosecurity approved premises.

12 (4) If an article is to be detained under this  
13 section, a biosecurity officer may:

14 (a) direct the importer or exporter of the  
15 article to remove it to the specified place;

16 (b) if necessary (because the importer or  
17 exporter refuses to obey the direction, or because of  
18 the nature of the biosecurity threat,) arrange for the  
19 article to be removed to the specified place.

20 (5) If an article is detained under this section, a  
21 biosecurity officer must give to the importer or  
22 exporter a notice in writing stating the reasons for the  
23 detention and, if it was removed under subsection  
24 (4) (b), the specified place.

25 (6) The cost of removal of an article to and its

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1           detention in a specified place is to be borne by the  
2           importer or exporter, and no compensation is payable for  
3           any loss or destruction or consequential loss caused as  
4           a result of any such removal or detention, unless  
5           negligence or malice is proved.

6           (7) The fee, if any, for detention of an article under  
7           this section are as prescribed in regulations."

8           Section 38. Title 22 of the Code of the Federated States of  
9           Micronesia, as amended, is hereby further amended by adding a new  
10          section 433 under subchapter IV of chapter 4, to read as follows:

11          "Section 433. Taking of samples.

12          (1) A biosecurity officer may, with the consent of the  
13          importer, owner or custodian, take samples from:

14               (a) any part of an incoming vessel or aircraft  
15               that has on board regulated articles;

16               (b) any warehouse containing regulated articles  
17               intended for importation;

18               (c) any consignment of incoming regulated  
19               articles, wherever located;

20               (d) any incoming container, baggage or thing that  
21               the officer reasonably suspects to be or include a  
22               regulated article.

23          (2) If an importer, owner or custodian refuses consent  
24          under subsection (1), the biosecurity officer may  
25          require the person to provide appropriate samples.

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1           (3) An importer, owner or custodian who refuses either  
2           to allow samples to be taken or to provide samples, when  
3           required to do so under this section, commits a level  
4           three offense.

5           (4) A biosecurity officer may, with the consent of  
6           importer, owner or custodian, take samples of any  
7           outgoing regulated article if the taking of a sample is  
8           necessary for the issue of a sanitary or phytosanitary  
9           certificate.

10          (5) If the importer, owner or custodian refuses  
11          consent under subsection (4), the biosecurity officer  
12          may require the person to provide a sample, failing  
13          which the sanitary or phytosanitary certificate will not  
14          be issued.

15          (6) A biosecurity officer may request the importer,  
16          exporter, owner or custodian of a consignment to unpack  
17          it or break it up to facilitate sampling, at the risk  
18          and expense of the importer, exporter, owner or  
19          custodian.

20          (7) When exercising powers under subsection (1) or  
21          (2), a biosecurity officer must give the importer,  
22          exporter, owner or custodian a written notice,  
23          identifying the quantity of the sample and the place  
24          where the sample is to be analyzed.

25          (8) If, in the course of sampling, goods are destroyed

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1           or damaged, without negligence or malice, no  
2           compensation is payable to the importer, exporter, owner  
3           or custodian of the goods.

4           (9) The importer, exporter, owner or custodian of a  
5           regulated article from which samples are taken under  
6           subsection (1) must be notified in writing of the  
7           findings in respect of the samples as soon as reasonably  
8           practicable.

9           (10) The fee for taking and analysis of samples under  
10           this section are as prescribed in regulations."

11           Section 39. Title 22 of the Code of the Federated States of  
12           Micronesia, as amended, is hereby further amended by adding a new  
13           section 433 under subchapter IV of chapter 4, to read as follows:

14           "Section 433. Testing of Articles.

15           (1) A biosecurity officer may test, or cause tests to  
16           be conducted on, any incoming regulated article, in  
17           order to ascertain whether the article meets the  
18           biosecurity import requirements in respect of it.

19           (2) Following a test of an incoming article, and on  
20           payment of the prescribed fee, if any, the article must  
21           be either released to the importer, and biosecurity  
22           import clearance granted in respect of it, or it must be  
23           treated in accordance with section 435 or reconsigned or  
24           destroyed.

25           (3) A biosecurity officer may test, or cause tests to

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1           be conducted on, any outgoing regulated article that  
2           requires biosecurity export clearance if such tests are  
3           a condition for importation into the receiving country.

4           (4) Following tests on an outgoing article,  
5           biosecurity export clearance must either be granted or  
6           refused in respect of the article.

7           (5) Section 432 applies to articles detained for  
8           testing under this section.

9           (6) The importer or exporter of a regulated article  
10          which is tested under subsection (1) or (3) must be  
11          notified in writing of the results of the test before  
12          the article is released or otherwise disposed of.

13          (7) If a test conducted under subsection (1) or (3)  
14          without negligence or malice destroys or damages an  
15          animal or other article being tested, no compensation is  
16          payable to the importer of the animal or other article.

17          (8) The fee for testing of an article under this  
18          section are as prescribed in regulations."

19          Section 40. Title 22 of the Code of the Federated States of  
20          Micronesia, as amended, is hereby further amended by adding a new  
21          section 435 under subchapter IV of chapter 4, to read as follows:

22          "Section 435. Treatment of articles.

23          (1) If an incoming regulated article requires  
24          treatment in order to meet the biosecurity import  
25          requirements in respect of it, the article must be

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1 treated before biosecurity import clearance is granted  
2 in respect of it.

3 (2) If an incoming article is found to be infected,  
4 infested or contaminated by a regulated pest or disease,  
5 the article may be treated to reduce the biosecurity  
6 risk to an acceptable level, whether or not treatment is  
7 a specified requirement or a condition of an import  
8 permit.

9 (3) Section 432 applies to articles detained for  
10 treatment under this section.

11 (4) Once treatment has been administered to the  
12 satisfaction of the biosecurity officer, and on payment  
13 of any applicable charges, the article must, subject to  
14 subsection (4), be released to the importer and  
15 biosecurity import clearance granted in respect of it.

16 (5) The cost of treatment is to be borne by the  
17 importer of the item, but the importer may instead opt  
18 to have the article reconsigned or destroyed.

19 (6) If an importer fails to have an article which  
20 requires treatment under this section treated within a  
21 reasonable time, the biosecurity officer may require the  
22 article to be destroyed.

23 (7) If:

24 (a) appropriate treatment is not available in the  
25 Federated States of Micronesia;

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1                   (b) in the opinion of a biosecurity officer,  
2                   there would still be a biosecurity risk after treatment;  
3                   or

4                   (c) the importer chooses not to have the article  
5                   treated,  
6                   the article must be reconsigned or, if the importer  
7                   chooses, or if section 438 applies, destroyed.

8                   (8) Notice of action to be taken under subsection (6)  
9                   or (7) must be given to the importer in writing before  
10                  the action is taken, except for articles in passenger  
11                  baggage which are detained for destruction in the  
12                  presence of the owner or custodian.

13                  (9) If an outgoing regulated article requires  
14                  treatment as a condition of importation into the  
15                  receiving country, the article must be treated at the  
16                  expense of the exporter before biosecurity export  
17                  clearance is granted in respect of it.

18                  (10) If, in the course of treatment, goods are  
19                  destroyed or damaged, without negligence or malice, no  
20                  compensation is payable to the importer or exporter of  
21                  the goods.

22                  (11) Treatment of an article:

23                         (a) should be the minimum required to remove or  
24                         adequately reduce the biosecurity risk posed by the  
25                         article;

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1                   (b) may be administered by an appropriately  
2                   qualified biosecurity officer, or by any other suitably  
3                   qualified person at the request of the officer or the  
4                   importer.

5                   (12) The fees for treatment of an article under this  
6                   section are as prescribed in regulations."

7           Section 41. Title 22 of the Code of the Federated States of  
8    Micronesia, as amended, is hereby further amended by adding a new  
9    section 436 under subchapter IV of chapter 4, to read as follows:

10                   "Section 436. Reconsignment of articles.

11                   (1) If an incoming regulated article which requires an  
12                   import permit or a sanitary or phytosanitary certificate  
13                   does not have the permit or certificate attached to it,  
14                   a biosecurity officer may, after informing the importer,  
15                   detain the article for reconsignment or destruction.

16                   (2) An incoming article that is a prohibited import  
17                   must be reconsigned or destroyed.

18                   (3) Reconsignment is at the option and cost of the  
19                   importer, but:

20                   (a) reconsignment must be effected within a time  
21                   specified by the officer, which must be reasonable in  
22                   the circumstances;

23                   (b) if the biosecurity officer considers that the  
24                   biosecurity risk of reconsignment is unacceptable, the  
25                   option is not available.

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1           (4) The power to order reconsignment of an article  
2           under this section applies also to any container, crate,  
3           baggage, package or mail which carries it.

4           (5) If reconsignment is not effected within the time  
5           specified under subsection (3)(a), or is not acceptable,  
6           the article or consignment must be destroyed.

7           (6) No compensation is payable to the importer for the  
8           cost of reconsignment under this section."

9           Section 42. Title 22 of the Code of the Federated States of  
10          Micronesia, as amended, is hereby further amended by adding a new  
11          section 437 under subchapter IV of chapter 4, to read as follows:

12           "Section 437. Destruction of articles.

13           (1) If this chapter requires or authorizes an article  
14           to be destroyed, the destruction of the article must be  
15           in accordance with this section.

16           (2) If an article is found to be infected, infested or  
17           contaminated by a regulated pest or disease, and:

18                   (a) appropriate treatment is not available in  
19                   the Federated States of Micronesia;

20                   (b) in the opinion of the Secretary, there would  
21                   still be a biosecurity risk after treatment; or

22                   (c) the importer, owner or custodian chooses not  
23                   to have the article treated,  
24                   the article must be reconsigned (if it is an imported  
25                   article) or, if the importer, owner or custodian

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1 chooses, or if section 438 applies, destroyed.

2 (3) The power of destruction of articles in subsection  
3 (2) is in addition to any other power of destruction in  
4 or under this chapter.

5 (4) Destruction of an article under this chapter may  
6 include any container, crate, baggage, package or mail  
7 which carries it.

8 (5) Packaging of an article may be considered as not  
9 part of a consignment and may be destroyed, if  
10 considered to pose a biosecurity risk, whether or not  
11 the article is destroyed.

12 (6) If the article to be destroyed appears to be of or  
13 above the value of \$2,000, the biosecurity officer must  
14 obtain the written approval of the Secretary before  
15 arranging for its destruction.

16 (7) The manner of destruction of articles under this  
17 section is as specified or approved by the Secretary and  
18 the importer, owner or custodian of the article, if  
19 known, must be invited to witness the destruction.

20 (8) The Secretary must give notice of an intention to  
21 destroy any article to the importer or owner in writing  
22 before the action is taken, if the importer, owner or  
23 custodian is known.

24 (9) No compensation is payable to the importer, owner  
25 or custodian for destruction of an article under this

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1           section.

2           (10) The fees for destruction of articles under this  
3           section are as prescribed in regulations."

4           Section 43. Title 22 of the Code of the Federated States of  
5           Micronesia, as amended, is hereby further amended by adding a new  
6           section 438 under subchapter IV of chapter 4, to read as follows:

7           "Section 438. Post mortem examination of an animal.

8           (1) If a biosecurity officer examining an animal  
9           pursuant to this chapter suspects that the animal is  
10           diseased and considers a post mortem examination to be  
11           necessary to establish a diagnosis, the officer may, on  
12           the written authority of the Secretary, and without the  
13           consent of the owner -

14           (a) take or cause to be taken the life of the  
15           animal;

16           (b) cause a post mortem examination to be  
17           conducted to decide whether the animal is diseased; and

18           (c) obtain specimens from the animal for  
19           laboratory examination and diagnosis.

20           (2) If an examination is conducted pursuant to  
21           subsection (1), the results of the examination and of  
22           any laboratory reports resulting from the examination  
23           must be provided in writing to the Secretary and to the  
24           owner of the animal, if the owner can be identified and  
25           located."

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1           Section 44. Title 22 of the Code of the Federated States of  
2 Micronesia, as amended, is hereby further amended by adding a new  
3 section 439 under subchapter IV of chapter, to read as follows:

4           "Section 439. Powers in relation to people.

5           (1) If a biosecurity officer is of the opinion that  
6 any person:

7           (a) seeking to enter or leave the Federated  
8 States of Micronesia;

9           (b) employed at a biosecurity point of entry or  
10 departure, in a designated area or quarantine station,  
11 or at approved premises; or

12           (c) engaged in importing or exporting regulated  
13 articles,  
14 is in possession or control of an article that poses a  
15 biosecurity threat to the Federated States of  
16 Micronesia, the officer may detain and question the  
17 person.

18           (2) If a biosecurity officer suspects that there may  
19 be upon a person seeking to enter the Federated States  
20 of Micronesia an article that would, if imported,  
21 constitute an offense under this chapter, the officer  
22 may cause the person and the person's baggage to be  
23 searched.

24           (3) If a biosecurity officer suspects that there may  
25 be upon a person seeking to leave the Federated States

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1           of Micronesia an article that would, if exported,  
2           constitute an offense under this chapter, the officer  
3           may cause the person and the person's baggage to be  
4           searched.

5           (4) A search of a person under this section must be  
6           carried out by an officer or officers of the same sex as  
7           the person searched.

8           (5) A person may be detained under this section only  
9           for as long as is required to question and search the  
10          person and the person's baggage and to arrange for  
11          biosecurity measures to be taken in respect of it.

12          (6) A person who refuses:

13                 (a) to answer to the best of his or her knowledge  
14                 and ability questions reasonably put by a biosecurity  
15                 officer; or

16                 (b) to submit to a search reasonably required  
17                 under this section,  
18                 commits a level two offense.

19          (7) In this section, "person" means an individual."

20          Section 45. Title 22 of the Code of the Federated States of  
21 Micronesia, as amended, is hereby further amended by adding new  
22 subchapter V under chapter 4 entitled: "Offenses and Penalties".

23          Section 46. Title 22 of the Code of the Federated States of  
24 Micronesia, as amended, is hereby further amended by adding a new  
25 section 440 under subchapter V of chapter 4, to read as follows:

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1           "Section 440. Dereliction of duty by officers.

2           A biosecurity officer who:

3                   (a) fails without reasonable excuse to perform  
4                   any of his or her duties under this chapter or the  
5                   regulations;

6                   (b) disposes of a regulated article or other item  
7                   under the control of the officer other than in  
8                   accordance with this chapter;

9                   (c) discloses information of a confidential or  
10                  commercial nature which has come into the officer's  
11                  possession while performing functions under this  
12                  chapter, except for purposes of this chapter;

13                  (d) in the course of performing his or her duties  
14                  molests, intimidates or unlawfully assaults any person;

15                  (e) in connection with his or her duties solicits  
16                  or accepts a bribe; or

17                  (f) knowingly or recklessly makes a false or  
18                  misleading statement, or issues a false or misleading  
19                  certificate or other document, while purporting to  
20                  perform his or her duties,  
21                  commits a level three offense."

22           Section 47. Title 22 of the Code of the Federated States of  
23   Micronesia, as amended, is hereby further amended by adding a new  
24   section 441 under subchapter V of chapter 4, to read as follows:

25           "Section 441. Obstruction, false information etc.

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1           A person who:

2                   (a) willfully fails to comply with a lawful  
3           request made or direction given by a biosecurity officer  
4           under this chapter;

5                   (b) knowingly obstructs a biosecurity officer in  
6           the performance of his or her functions under this  
7           chapter;

8                   (c) assaults, or threatens to assault a  
9           biosecurity officer performing functions under this  
10          chapter;

11                  (d) bribes a biosecurity officer in relation to  
12          the performance of functions under this chapter;

13                  (e) makes a false or incomplete statement,  
14          whether orally or in writing, in relation to any matter  
15          under this chapter, intending to mislead a biosecurity  
16          officer in the performance of functions under this  
17          chapter;

18                  (f) for purposes of this chapter knowingly or  
19          recklessly:

20                          (i) makes a false or misleading biosecurity  
21          declaration; or

22                          (ii) issues any false or misleading  
23          certificate;

24                  (g) knowingly or recklessly gives false or  
25          misleading information to a biosecurity officer while

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1           the officer is performing functions under this chapter,  
2           commits a level three offense."

3           Section 48. Title 22 of the Code of the Federated States of  
4 Micronesia, as amended, is hereby further amended by adding a new  
5 section 447 under subchapter V of chapter 4, to read as follows:

6           "Section 442. Fraudulent use of official documents.

7           (1) A person to whom a permit or other document is  
8           issued under this chapter who:

9                   (a) forges or unlawfully alters the document;

10                   (b) allows any other person to use or attempt to  
11           use the document for any purpose of this chapter,  
12           commits a level four offense.

13           (2) A person who, for the purposes of this chapter,  
14           produces a document which is false or misleading,  
15           knowing it to be so and intending another person to rely  
16           on it, commits a level three offense.

17           (3) A person who uses or affixes an official stamp or  
18           seal required under this chapter, without lawful  
19           authority and with intent to defraud or deceive, commits  
20           a level three offense."

21           Section 49. Title 22 of the Code of the Federated States of  
22 Micronesia, as amended, is hereby further amended by adding a new  
23 section 443 under subchapter V of chapter 4, to read as follows:

24           "Section 443. Levels of offenses and maximum penalties.

25           (1) An individual who commits a level one offense

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1           under a section of this chapter is liable on summary  
2           conviction to a maximum fine of \$5,000 or a one month  
3           period of imprisonment, or both.

4           (2) An individual who commits a level two offense  
5           under a section of this chapter is liable on summary  
6           conviction to a maximum fine of \$10,000 or a three month  
7           period of imprisonment, or both.

8           (3) An individual who commits a level three offense  
9           under a section of this chapter is liable on summary  
10          conviction to a maximum fine of \$20,000 or a six month  
11          period of imprisonment, or both.

12          (4) An individual who commits a level four offense  
13          under a section of this chapter is liable on summary  
14          conviction to a maximum fine of \$40,000 or a twelve  
15          month period of imprisonment, or both.

16          (5) An individual who commits a level five offense  
17          under a section of this chapter is liable on summary  
18          conviction to a maximum fine of \$50,000 or a fifteen  
19          month period of imprisonment, or both.

20          (6) An individual who commits a level six offense  
21          under a section of this chapter is liable on summary  
22          conviction to a maximum fine of \$100,000 or a thirty  
23          month period of imprisonment, or both.

24          (7) A body corporate that commits an offense is liable  
25          to a maximum fine of 5 times the maximum fine for the

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1           same offense if committed by an individual."

2           Section 50. Title 22 of the Code of the Federated States of  
3 Micronesia, as amended, is hereby further amended by adding a new  
4 section 444 under subchapter V of chapter 4, to read as follows:

5           "Section 444. Forfeiture.

6           (1) A court convicting a person of an offense under  
7 this chapter or the regulations may, in addition to any  
8 other penalty imposed, order that any article used in  
9 committing the offense, or, if the article has been  
10 sold, the proceeds of the sale, be confiscated.

11           (2) If an article or proceeds are confiscated under  
12 subsection (1):

13           (a) the article or proceeds are forfeited to the  
14 National Government;

15           (b) a forfeited article may be sold and the  
16 proceeds of sale paid into the Federated States of  
17 Micronesia General Fund; or

18           (c) if the article poses a biosecurity threat it  
19 must be destroyed as directed by the Secretary.

20           (3) For the purposes of subsection (1), "article used  
21 in committing the offense" includes equipment, a  
22 conveyance and any other movable thing owned by the  
23 offender which was used directly in the commission of  
24 the offense, but does not include land or buildings and  
25 fixtures on land.

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1           (4) In deciding whether to order confiscation of any  
2           article or proceeds under this section, a court must  
3           have regard to the principle of proportionality."

4           Section 51. Title 22 of the Code of the Federated States of  
5           Micronesia, as amended, is hereby further amended by adding a new  
6           section 445 under subchapter V of chapter 4, to read as follows:

7           "Section 445. Fixed penalty system.

8           (1) The Secretary, if of the opinion that a person has  
9           committed an offense under this chapter, may as an  
10          alternative to prosecuting the person:

11           (a) order the person to pay a fixed penalty as  
12          described in subsection (2); and

13           (b) order any goods liable to confiscation in  
14          connection with the offense to be forfeited to the  
15          National Government or, if they pose a biosecurity  
16          threat, to be destroyed.

17          (2) The fixed penalty referred to in subsection (1)  
18          are a fine of:

19           (a) \$100 for a level one offense;

20           (b) \$200 for a level two offense;

21           (c) \$400 for a level three offense;

22           (d) \$800 for a level four offense;

23           (e) \$1500 for a level five offense; and

24           (f) \$5000 for a level six offense.

25          (3) The fixed penalty for a body corporate is 5 times

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1           that for an individual.

2           (4) Before imposing a fixed penalty order on a person  
3           for an offense, the Secretary must notify the person in  
4           writing, giving particulars of the offense, the maximum  
5           penalty that a court could impose, the fixed penalty  
6           that is proposed, and any item that will be confiscated.

7           (5) If a person on whom a notice is served under  
8           subsection (4):

9                   (a) within the time specified in the notice, and  
10           in writing, admits the offense, requests the Secretary  
11           to deal with it under this section and consents to the  
12           confiscation of the item (if appropriate) - the  
13           Secretary may impose a fixed penalty order on the  
14           person;

15                   (b) does not respond as in paragraph (a) within  
16           the time specified in the notice - the Secretary may  
17           prosecute the offense.

18           (6) A fixed penalty order must:

19                   (a) be in writing and specify the offense which  
20           the person has committed, the fixed penalty that is  
21           imposed, the place where it is to be paid and the date  
22           by which it is to be paid;

23                   (b) specify any item that is to be forfeited or  
24           destroyed.

25           (7) A person against whom an order is made under this

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1           section is not liable to any further criminal  
2           proceedings in respect of the offense and if in custody  
3           must be discharged.

4           (8) If a fixed penalty payable under this section, or  
5           any part of it, is not paid by the date specified in the  
6           order, the sum payable becomes a debt owing to the  
7           National Government and the Secretary must request the  
8           Secretary of the Department of Justice to place a stop  
9           order on the person leaving the country until the sum is  
10          paid; and either:

11           (a) send a copy of the order to a court of  
12          competent jurisdiction, which may enforce payment of the  
13          sum outstanding as if it were a fine imposed by the  
14          court, including imposing costs and confiscation as  
15          appropriate; or

16           (b) prosecute the offense.

17          (9) The Secretary's power to make regulations under  
18          section 469 includes the power to make regulations to  
19          supplement the provisions of this section in relation to  
20          fixed penalty notices, including the imposing of stop  
21          orders to prevent a person leaving the country until the  
22          sum is paid."

23          Section 52. Title 22 of the Code of the Federated States of  
24          Micronesia, as amended, is hereby further amended by adding a new  
25          section 446 under subchapter V of chapter 4, to read as follows:

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1           "Section 446. Offenses by corporate bodies.

2           (1) A corporate body cannot be imprisoned for an  
3           offense under this chapter or the regulations and the  
4           maximum fine for an offense by a corporate body is as  
5           stated in section 443.

6           (2) If a corporate body commits an offense against  
7           this chapter, every person who is a board member or  
8           director or otherwise concerned in the management of the  
9           body also commits the offense as an individual, unless  
10          the person proves:

11           (a) that the offense was committed without his or  
12          her consent or connivance; and

13           (b) that he or she exercised reasonable  
14          diligence to prevent the commission of the offense,  
15          having regard to the nature of his or her functions in  
16          the corporate body and to all the circumstances."

17          Section 53. Title 22 of the Code of the Federated States of  
18          Micronesia, as amended, is hereby further amended by adding new  
19          subchapter VI under chapter 4 entitled: "Miscellaneous  
20          Provisions".

21          Section 54. Title 22 of the Code of the Federated States of  
22          Micronesia, as amended, is hereby further amended by adding a new  
23          section 447 under subchapter VI of chapter 4, to read as follows:

24           "Section 447. Abandoned goods.

25           (1) An article may be treated as abandoned and

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1 disposed of under this section if:

2 (a) any fee or charge payable by a person under  
3 this chapter or the regulations in respect of the  
4 article is not paid within 3 months of the notice of the  
5 fee or charge being served on the person;

6 (b) the article is in a biosecurity holding area  
7 and is not removed from the area within 14 days after  
8 biosecurity entry clearance has been granted in respect  
9 of it; or

10 (c) the article is in biosecurity quarantine and  
11 is not removed from a biosecurity quarantine station or  
12 biosecurity approved premises within 14 days after the  
13 end of the quarantine period in respect of it.

14 (2) An article that has been abandoned may be  
15 destroyed, sold or otherwise disposed of in the  
16 prescribed manner, or, in the absence of regulations, in  
17 any manner the Secretary thinks fit that does not  
18 present a biosecurity risk.

19 (3) The cost of disposal of an abandoned article is a  
20 debt due to the National Government by the person who  
21 was the owner of it, and the proceeds of any sale or  
22 disposal of an abandoned article revert to the National  
23 Government."

24 Section 55. Title 22 of the Code of the Federated States of  
25 Micronesia, as amended, is hereby further amended by adding a new

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1 section 448 under subchapter VI of chapter 4, to read as follows:

2 "Section 448. Compensation.

3 (1) Except as otherwise provided in or under this  
4 chapter, no compensation is payable for loss of or  
5 damage to any item as a result of any search,  
6 inspection, examination, sampling, testing, detention,  
7 treatment, quarantine or other biosecurity measure taken  
8 under this chapter or the regulations, unless negligence  
9 or malice on the part of the person taking the measure  
10 is proved.

11 (2) Compensation is not payable under this chapter if  
12 the biosecurity measures that caused the loss or damage  
13 were occasioned by a willful or negligent act or  
14 omission of the person claiming compensation.

15 (3) If this chapter provides for payment of  
16 compensation in any circumstances, the compensation must  
17 be:

18 (a) claimed in accordance with a the procedure  
19 prescribed in the regulations;

20 (b) if not agreed, determined by the Secretary in  
21 accordance with the procedure prescribed in the  
22 regulations and in any event not exceeding the market  
23 value of the item plus consequential loss reflecting  
24 contemporary costs;

25 (c) paid out of the funds of the Department.

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1           (4) Appeals against a determination under subsection  
2           (3) may be made to the Supreme Court."

3           Section 56. Title 22 of the Code of the Federated States of  
4 Micronesia, as amended, is hereby further amended by adding a new  
5 section 449 under subchapter VI of chapter 4, to read as follows:

6           "Section 449. Appeals from decisions.

7           (1) A person who is aggrieved by a decision of a  
8           biosecurity officer under this chapter made at a  
9           biosecurity point of entry or departure, in a  
10          biosecurity holding area or at a biosecurity quarantine  
11          station, may within 7 days of the decision being made  
12          appeal in writing to the Secretary.

13          (2) A person who is aggrieved by a decision of the  
14          Secretary, including a decision on an appeal under  
15          subsection (1), may within 21 days seek an  
16          administrative hearing of the matter in accordance with  
17          section 108 of title 17 of the Code of the Federated  
18          States of Micronesia.

19          (3) The lodging of an appeal in respect of an article  
20          does not prevent biosecurity measures being taken in  
21          respect of the article to reduce or eliminate the  
22          biosecurity risk posed by the article.

23          (4) An appeal in respect of compensation is to be  
24          dealt with as provided in section 448(4)."

25          Section 57. Title 22 of the Code of the Federated States of

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1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 450 under subchapter VI of chapter 4, to read as follows:

3 "Section 450. Limitation of liability.

4 (1) Neither the Secretary nor any biosecurity officer  
5 or other public officer is personally liable for action  
6 taken under this chapter in good faith and without  
7 negligence.

8 (2) A breach of a duty imposed on the Secretary, a  
9 biosecurity officer or any other public officer by or  
10 under this chapter does not give rise to any civil  
11 liability except as provided by or under this chapter."

12 Section 58. Title 22 of the Code of the Federated States of  
13 Micronesia, as amended, is hereby further amended by adding a new  
14 section 451 under subchapter VI of chapter 4, to read as follows:

15 "Section 451. Evidence.

16 (1) In any proceedings under this chapter:

17 (a) a document purporting to have been issued by  
18 the Secretary or by a biosecurity officer or other  
19 public officer for the purposes of this chapter is  
20 presumed, until the contrary is proved, to have been  
21 duly executed or signed by that person;

22 (b) a copy of or extract from a document issued  
23 by the Secretary or by a biosecurity officer or other  
24 public officer, and certified by the Secretary to be  
25 true and correct is, unless the contrary is proved:

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1                   (i) presumed to be a true and correct copy  
2                   or extract;

3                   (ii) on its production in court be *prima*  
4                   *facie* proof of any matter contained in it.

5                   (2) In any proceedings under this chapter:

6                   (a) a certificate, in a form approved by the  
7                   Secretary, of the results of any test conducted on an  
8                   article by the person who conducted the test may be  
9                   tendered in evidence and is *prima facie* evidence of the  
10                   facts stated in it;

11                   (b) a certificate of analysis of a sample of any  
12                   article or thing may be tendered in evidence and is  
13                   *prima facie* evidence of the facts stated in it if the  
14                   procedure prescribed in relation to the sample has been  
15                   substantially followed.

16                   (3) Section 419 governs the evidential status of the  
17                   biosecurity register and records kept under this  
18                   chapter."

19                   Section 59. Title 22 of the Code of the Federated States of  
20                   Micronesia, as amended, is hereby further amended by adding a new  
21                   section 452 under subsection VI of chapter 4, to read as follows:

22                   "Section 452. Specifications.

23                   (1) The Secretary may in writing specify:

24                   (a) documents and forms for use in connection  
25                   with this chapter, including the format of documents

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1           transmitted by electronic means;

2                   (b) the procedures for applying for and issuing  
3 permits and other documents;

4                   (c) all other matters that can or must be  
5 specified, as provided for in this chapter.

6           (2) If a matter is prescribed by regulations or an  
7 order, the regulations or order take precedence over a  
8 specification on the same matter.

9           (3) Specifications must be entered in the biosecurity  
10 register and do not take effect until so entered.

11           (4) Section 419 governs the evidential status of a  
12 specification contained in a biosecurity register.”

13           Section 60. Title 22 of the Code of the Federated States of  
14 Micronesia, as amended, is hereby further amended by adding a new  
15 section 453 under subchapter VI of chapter 4, to read as follows:

16           “Section 453. Regulations.

17                   (1) The Secretary may make regulations not  
18 inconsistent with this chapter for the effective  
19 implementation of this chapter and the performance of  
20 the biosecurity functions of the National Government.

21                   (2) Without limiting subsection (1) or affecting any  
22 other regulation-making power in this chapter,  
23 regulations made by the Secretary may:

24                           (a) prescribe biosecurity procedures and  
25 requirements for vessels and aircraft entering and

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1 departing FSM, including for the management of  
2 quarantine areas;

3 (b) prescribe biosecurity import procedures  
4 including for the inspection and clearance of regulated  
5 articles, biosecurity import specifications and access  
6 arrangements, and for the application, issuance and  
7 revocation of biosecurity import permits;

8 (c) prescribe biosecurity export procedures  
9 including for the inspection and clearance of regulated  
10 articles, biosecurity export specifications and access  
11 arrangements, and for the application, issuance and  
12 revocation of biosecurity export permits;

13 (d) prescribe procedures and requirements for  
14 biosecurity quarantine, including for the management of  
15 biosecurity quarantine stations;

16 (e) prescribe fees and charges for the  
17 biosecurity services provided by the Department;

18 (f) prescribe the method of taking and analyzing  
19 samples, recording the results and disposing of the  
20 samples;

21 (g) prescribe the manner of disposal of abandoned  
22 goods under regulation;

23 (h) prescribe the procedure for claiming  
24 compensation, and the rates payable, pursuant to  
25 regulation;

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1                   (i) provide for the de-ratting of vessels, and  
2                   the form of de-ratting certificate;

3                   (j) regulate the disposal of garbage and waste  
4                   and second-hand clothing and bedding so as to minimize  
5                   any biosecurity risk;

6                   (k) provide for the electronic filing of  
7                   declarations and applications required by this chapter  
8                   and the electronic keeping of registers;

9                   (l) prescribe the manner and language of markings  
10                  on containers of incoming and outgoing regulated  
11                  articles;

12                  (m) prescribe the methods of handling, sealing,  
13                  treating and disposing of containers of regulated  
14                  articles;

15                  (n) provide for the placing and use of amnesty  
16                  bins or other containers for regulated articles at  
17                  points of entry;

18                  (o) subject to the approval of the civil aviation  
19                  and maritime authorities, require a video film about  
20                  biosecurity to be shown on all aircraft and vessels  
21                  arriving in the Federated States of Micronesia and  
22                  carrying passengers;

23                  (p) require treatment to be applied in respect of  
24                  a vessel or aircraft before it arrives in the Federated  
25                  States of Micronesia;

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1                   (q) prescribe additional measures, consistent  
2                   with this chapter, to implement in the Federated States  
3                   of Micronesia the standards and requirements relating to  
4                   biosecurity of the IPPC, the OIE and the PPPO;

5                   (r) prescribe any other matter which this chapter  
6                   requires to be prescribed or which is necessary for  
7                   carrying out or giving effect to this chapter.

8                   (3) Regulations made under this section must be  
9                   adopted in accordance with the procedure set out in  
10                   section 102 of title 17 of the Code of the Federated  
11                   States of Micronesia.

12                   (4) Regulations made under this section may create  
13                   level one, two, three, four, and five offenses."

14           Section 61. Title 22 of the Code of the Federated States of  
15 Micronesia, as amended, is hereby further amended by adding a new  
16 section 454 under subchapter VI of chapter 4, to read as follows:

17           "Section 454. Transitional provisions.

18                   (1) Permits equivalent to import permits issued under  
19                   any provision of the laws repealed upon commencement of  
20                   this chapter remain in force until they expire in  
21                   accordance with their terms, or until revoked under this  
22                   chapter.

23                   (2) Any bond, agreement, instrument or arrangement to  
24                   which the National Government is a party subsisting  
25                   immediately before the commencement of this chapter and

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1 relating to the biosecurity functions of the National  
2 Government continues to have effect after that date and  
3 is enforceable by or against the National Government as  
4 if it had been entered into under the provisions of this  
5 chapter.

6 (3) Subject to subsection (4), any action,  
7 arbitration, proceeding or cause of action that relates  
8 to a biosecurity function of the National Government and  
9 that immediately before the commencement of this chapter  
10 is pending or existing by, against, or in favor of the  
11 National Government, or to which the National Government  
12 is a party, may be continued and enforced under the  
13 provisions of this chapter.

14 (4) A prosecution for an offense committed against a  
15 repealed law before the commencement of this section  
16 must be brought and continued under that law."

17 Section 62. Title 22 of the Code of the Federated States of  
18 Micronesia, as amended, is hereby further amended by adding a new  
19 section 455 under subchapter VI of chapter 4, to read as follows:

20 "Section 455. Consequential amendments.

21 (1) A reference in another law to any of the laws  
22 repealed upon commencement of this chapter, to the  
23 extent possible, is to be read as a reference to this  
24 chapter.

25 (2) A reference in another law to a quarantine

