A BILL FOR AN ACT

To further amend Public Law No. 12-13, as amended, by amending section 2 to extend the moratorium on the immigration of certain alien workers, and for other purposes.

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

Section 1. Section 2 of Public Law No. 12-13, as amended by Public Law No. 12-66, is hereby further amended to read as follows:

"Section 2. Moratorium on Entry of Noncitizen Workers.

(1) Within ninety (90) days of this act becoming law, and annually thereafter on January first of each year, the President of the Federated States of Micronesia shall, upon the recommendation of the Department of Economic Affairs and after consultation with each State's Governor, declare those specific occupations and industries in the FSM for which there are insufficient trained FSM citizens. Such declaration shall be issued pursuant to section 102(1) of title 17 of the Code of the Federated States of Micronesia. Beginning January 1, 2003, such declaration shall be based on statistical information ascertained by the Department of Economic Affairs from relevant state and national government organizations.

(2) Except as otherwise provided by law or pursuant to
the terms of any treaty, Compact, or other international agreement, for a period of one year from the date of enactment of this act, the entry of additional noncitizen alien workers into the FSM for the purpose of employment in occupations and industries in the FSM shall be limited to entry for employment in those occupations and industries for which there are insufficient trained FSM citizen workers, as declared by the President. This restriction shall apply through December 13, 2002. From December 14, 2002 through December 31, [2003] 2004, the entry of additional noncitizen alien workers into the FSM for the purpose of employment shall be limited to 'professionals', as that term shall be defined in regulations issued pursuant to section 102(1) of title 17 of the Code of the Federated States of Micronesia.

(3) The entry of noncitizen alien workers into the FSM for the purpose of employment, and the issuance of nonresident worker's identification certificates, shall be in strict accordance with the provisions of titles 50 and 51 of the Code of the Federated States of Micronesia.

(4) The Chief of the Division of Immigration and Labor, through the Secretary of Justice, shall report bi-annually, on December first and June first of each year, to the President and to the Congress, including to
the Chairman of the Judiciary and Governmental Operations Committee of the Congress, on the total number of noncitizen alien workers present in the FSM. Such report shall include, at a minimum, the number of such workers by nationality, industry, occupation, and job title, and such other information and statistical comparisons as the Chief and the Secretary deem relevant to the goal of reducing the FSM's dependence on noncitizen alien workers.

(5) Thirty (30) days prior to publication of the annual update of the list of specific occupations and industries for which there are insufficient trained FSM citizens required under subsection (1) of this section, the Secretary of the Department of Economic Affairs shall report to the President and to the Congress on the effect that any restriction on the entry of noncitizen workers has had on the economy of the FSM during the prior year.

(6) Notwithstanding the provisions of chapter 1 of title 51 of the Code of the Federated States of Micronesia, during the period beginning December 14, 2002 and ending December 31, 2003:

(a) any nonresident worker may engage in employment for an employer ('Secondary Employer') other than for the employer who has contracted for the
employment of such nonresident worker in the Federated States of Micronesia ('Primary Employer'). The Secondary Employer shall engage in a temporary contract for such employment with the Primary Employer. Any contract for full-time employment (40 hour work-week) in excess of 30 days shall be deemed a change of employers for purposes of this section; and

(b) upon completion or termination of a contract with his Primary Employer, or pursuant to paragraph (b) herein, any nonresident worker may change employers. Each nonresident worker seeking to change employers shall provide a copy of the new contract for employment to the Chief of Immigration and Labor and apply for a permit from the Chief authorizing such change. The Chief of Immigration and Labor shall issue such permit without charge and shall not require that the nonresident worker leave the Federated States of Micronesia."

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

Date: 8/25/03 Introduced by: /s/ Dohsis Halbert

Dohsis Halbert