TWENTY-SECOND CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FOURTH SPECIAL SESSION, 2022

C.B. NO. 22-148

A BILL FOR AN ACT

To amend title 50 of the Code of the Federated States of Micronesia (Annotated), by creating a new chapter 3 to establish the FSM Healthy Border Protection Act of 2022, and for other purposes.

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

Section 1. Title 50 of the Code of the Federated States of Micronesia (Annotated), is hereby amended by creating a new chapter 3 entitled: "FSM Healthy Border Protection Act of 2022"

Section 2. Chapter 3 of title 50 of the Code of Federated States of Micronesia (Annotated), is hereby amended by inserting a new section 301 to read as follows:

"Section 301. Short title. This Act may be referred to as the Healthy Border Protection Act."

Section 3. Chapter 3 of title 50 of the Code of the Federated States of Micronesia (Annotated), is hereby amended by inserting a new section 302 to read as follows:

"Section 302. Statement of Policy.

It is hereby declared as a policy of the Federated States of Micronesia that mandatory vaccinations for any person entering the Federated States of Micronesia is necessary to ensure the health, safety and welfare of the nation."

Section 4. Chapter 3 of title 50 of the Code of the Federated States of Micronesia (Annotated), is hereby amended by
inserting a new section 303 to read as follows:

"Section 303. Definitions.

For the purposes of this title, the following terms shall be given the meanings described herein:

(1) "FSM" means the Federated States of Micronesia.

(2) "Non-citizen" means a person who is not a citizen of the FSM.

(3) "Nonresident worker" means a person who is allowed to enter the FSM temporarily for work purposes.

(4) "Port of entry" means any point of entry into any state of the FSM by air or water through any airport, airstrip, anchorage, harbor as defined in sections 201, 202, and 203 of title 18 of this Code.

(5) "Secretary of Justice" means the Secretary of the Department of Justice of the Government of the FSM.

(6) "Secretary of Health" means the Secretary of Health and Social Affairs of the Government of the FSM."

Section 5. Chapter 3 of title 50 of the Code of Federated States of Micronesia (Annotated), is hereby amended by inserting a new section 304 to read as follows:

"Section 304. Scope of Vaccine Mandate.

(1) The vaccine mandate under this Act applies to all persons entering the FSM, including FSM citizens and nationals, non-citizens, nonresident workers, diplomats and ambassadors, crew on vessels or aircraft, and
contractual personnel of foreign governments and governmental regional or international organizations.

(2) The vaccine mandate does not apply to transient passengers that remain at an FSM port of entry."

Section 6. Chapter 3 of title 50 of the Code of Federated States of Micronesia (Annotated), is hereby amended by inserting a new section 305 to read as follows:

"Section 305. COVID-19 Vaccination Requirements for Entry.

(1) All persons entering the FSM shall be fully vaccinated against the COVID-19 novel coronavirus (SARS-CoV-2), including variants Delta, Omicron, and other designated variants. The Secretary of Justice, or his designee, shall determine the number and type of shots, including boosters, needed to be considered fully vaccinated against COVID-19 novel coronavirus (SARS-CoV-2), and the designated variants.

(2) The Secretary of Justice, in coordination with the Secretary of Health, is authorized to establish:

 (a) Waiting period requirements for receiving multiple COVID-19 novel coronavirus (SARS-CoV-2) and booster shots prior to entry; and

 (b) Quarantine requirements prior to and upon entry to the FSM."

Section 7. Chapter 3 of title 50 of the Code of Federated
1 States of Micronesia (Annotated), is hereby amended by inserting a
2 new section 306 to read as follows:
3
4 "Section 306. Exemption from COVID-19 Vaccination and
5 Booster Requirements.
6 (1) Persons with a disability or medical condition
7 that qualifies for a medical exception and who provides
8 a certified medical statement from a licensed physician
9 that the disability or medical condition of the person
10 is such that the required COVID-19 vaccination or
11 booster would endanger the life or health of the person
12 are exempt from the COVID-19 vaccination requirement
13 under section 306 of this chapter.
14 (2) The Secretary of Justice, or his designee, may by
15 regulation provide further exemptions based upon sound
16 medical practice.
17 (3) The Secretary of Justice, or his designee, may
18 deny entry to persons exempt from the COVID-19
19 vaccination requirement if the Secretary determines that
20 their entry poses a threat to the safety or health of
21 the FSM."
22
23 Section 8. Chapter 3 of title 50 of the Code of Federated
24 States of Micronesia (Annotated), is hereby amended by inserting a
25 new section 307 to read as follows:
27 (1) The Secretary of Health shall have the
authority to enforce his powers under **title 41 F.S.M.C.** to implement a COVID-19 health clearance declaration for all persons entering the FSM. The minimum parameters for the COVID-19 health clearance declaration shall require all persons entering the FSM to provide:

(a) information on any COVID-19 exposure or contact with persons with COVID-19;

(b) information on any COVID-19 contraction or infection; and

(c) information on any COVID-19 medical treatment and hospitalization received.

(2) The Secretary of Health is authorized to establish additional parameters and documentation requirements for the COVID-19 health clearance declaration.

(3) The Secretary of Justice, or his designee, shall enforce the COVID-19 health clearance declaration requirements as defined by the Secretary of Health at all ports of entry into the FSM.”

Section 9. Chapter 3 of title 50 of the Code of Federated States of Micronesia (Annotated), is hereby amended by inserting a new section 308 to read as follows:

“Section 308. Regulations. The Secretary of Justice, or his designee, shall promulgate and publish such rules and regulations as
necessary to implement the vaccine mandate at all ports
of entry into the FSM. The Secretary of Justice shall
coordinate with the Secretary of Health and the relevant
departments or agencies to implement regulations under
this Act prior to any agency action.”

Section 10. Chapter 3 of title 50 of the Code of Federated
States of Micronesia (Annotated), is hereby amended by inserting a
new section 309 to read as follows:

“Section 309. Inter-Agency Coordination Requirements.

(1) Notice. The Secretary of Justice, or his
designee, shall give the Secretary of Health 30 days’
otice of any agency action or regulation the Secretary
of Justice plans or intends to implement under this
Chapter prior to any agency action. The notice shall
include:

(a) the proposed agency action or regulation;

(b) statement in writing on the reasons for
the proposed regulation or agency action and
description of the subjects and issues involved; and

(c) the proposed effective date.

(2) Review Mechanism. Upon notice of proposed
regulation or agency action under subsection 309(1), the
Secretary of Health, or his designee, shall review the
proposed regulations from the Secretary of Justice and
issue a report to the Secretary of Justice within 14
days of receipt of the proposed regulations. The Secretary of Health report must state in writing the position of the agency on the proposed regulations, detail the reasons for its position, agency review criteria findings, and any recommendations. The Secretary of Justice, or his designee, shall review and respond to the Secretary of Health report within 7 days of receipt of the Secretary of Health report. The Secretary of Justice response must state whether the agency will adopt the Secretary of Health report recommendations or continue to consult with the Secretary of Health until an inter-agency agreement is reached on the proposed regulations or agency action. The Secretary of Justice shall not implement any regulation or agency action under this Chapter during the interagency review process.

(3) Agency Review Criteria. The Secretary of Health, or his designee, shall implement criteria for the review of proposed regulations or agency action submitted by the Secretary of Justice, or his designee, under this Chapter. The agency review criteria of the proposed regulation or agency action at a minimum shall include:

(a) Rationale for implementation is based upon sound medical practice;

(b) Feasibility of implementation in the
proposed manner, time and place;

(c) Limited health risk to all persons at the
port of entry including agency employees, persons
working at the port, and travelers;

(d) Administrative cost for implementation
impact on agency budget; and

(e) Guidelines to aid in effective
implementation.

(4) Reporting. Within 90 days of implementation of
any regulation or agency action under this Chapter, the
Secretary of Justice and Secretary of Justice shall each
submit a report on the impact and efficiency of the
regulation or agency action to both the Committee on
Health and Social Affairs and Committee on Judiciary and
Governmental Operations in Congress.

(5) Emergency Action. If the Secretary of Justice, or
in his absence, his designee finds that the public
interest so requires, or that an imminent peril to the
public health, safety, or welfare requires
implementation of a regulation upon fewer than 30 days’
otice, and states in writing his reasons for that
finding, an emergency regulation may be implemented upon
any abbreviated notice found to be practicable. Any
regulation implemented under this subsection is only
effective for 30 days, but the implementation of an
identical regulation under subsection 309(1)."

Section 11. 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: 3/02/22

Introduced by: /s/ Ferny S. Perman
Ferny S. Perman