
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:

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

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

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

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

12 "Section 302. Statement of Policy.
13 It is hereby declared as a policy of the Federated
14 States of Micronesia that mandatory vaccinations for any
15 person entering the Federated States of Micronesia is
16 necessary to ensure the health, safety and welfare of
17 the nation."

18 Section 4. Chapter 3 of title 50 of the Code of the
19 Federated States of Micronesia (Annotated), is hereby amended by

1 inserting a new section 303 to read as follows:

2 "Section 303. Definitions.

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

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

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

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

10 (4) "Port of entry" means any point of entry into any
11 state of the FSM by air or water through any airport,
12 airstrip, anchorage, harbor as defined in sections 201,
13 202, and 203 of title 18 of this Code.

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

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

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

21 "Section 304. Scope of Vaccine Mandate.

22 (1) The vaccine mandate under this Act applies to all
23 persons entering the FSM, including FSM citizens and
24 nationals, non-citizens, nonresident workers, diplomats
25 and ambassadors, crew on vessels or aircraft, and

1 contractual personnel of foreign governments and
2 governmental regional or international organizations.

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

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

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

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

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

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

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

25 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 "Section 306. Exemption from COVID-19 Vaccination and
4 Booster Requirements.

5 (1) Persons with a disability or medical condition
6 that qualifies for a medical exception and who provides
7 a certified medical statement from a licensed physician
8 that the disability or medical condition of the person
9 is such that the required COVID-19 vaccination or
10 booster would endanger the life or health of the person
11 are exempt from the COVID-19 vaccination requirement
12 under section 306 of this chapter.

13 (2) The Secretary of Justice, or his designee, may by
14 regulation provide further exemptions based upon sound
15 medical practice.

16 (3) The Secretary of Justice, or his designee, may
17 deny entry to persons exempt from the COVID-19
18 vaccination requirement if the Secretary determines that
19 their entry poses a threat to the safety or health of
20 the FSM."

21 Section 8. Chapter 3 of title 50 of the Code of Federated
22 States of Micronesia (Annotated), is hereby amended by inserting a
23 new section 307 to read as follows:

24 "Section 307. COVID-19 Health Clearance Declaration.

25 (1) The Secretary of Health shall have the

1 authority to enforce his powers under title 41 F.S.M.C.
2 to implement a COVID-19 health clearance declaration for
3 all persons entering the FSM. The minimum parameters for
4 the COVID-19 health clearance declaration shall require
5 all persons entering the FSM to provide:

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

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

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

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

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

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

23 "Section 308. Regulations.

24 The Secretary of Justice, or his designee, shall
25 promulgate and publish such rules and regulations as

1 necessary to implement the vaccine mandate at all ports
2 of entry into the FSM. The Secretary of Justice shall
3 coordinate with the Secretary of Health and the relevant
4 departments or agencies to implement regulations under
5 this Act prior to any agency action.”

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

9 “Section 309. Inter-Agency Coordination Requirements.

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

16 (a) the proposed agency action or regulation;

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

20 (c) the proposed effective date.

21 (2) Review Mechanism. Upon notice of proposed
22 regulation or agency action under subsection 309(1), the
23 Secretary of Health, or his designee, shall review the
24 proposed regulations from the Secretary of Justice and
25 issue a report to the Secretary of Justice within 14

1 days of receipt of the proposed regulations. The
2 Secretary of Health report must state in writing the
3 position of the agency on the proposed regulations,
4 detail the reasons for its position, agency review
5 criteria findings, and any recommendations. The
6 Secretary of Justice, or his designee, shall review and
7 respond to the Secretary of Health report within 7 days
8 of receipt of the Secretary of Health report. The
9 Secretary of Justice response must state whether the
10 agency will adopt the Secretary of Health report
11 recommendations or continue to consult with the
12 Secretary of Health until an inter-agency agreement is
13 reached on the proposed regulations or agency action.
14 The Secretary of Justice shall not implement any
15 regulation or agency action under this Chapter during
16 the interagency review process.

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

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

25 (b) Feasibility of implementation in the

1 proposed manner, time and place;

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

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

7 (e) Guidelines to aid in effective
8 implementation.

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

16 (5) Emergency Action. If the Secretary of Justice, or
17 in his absence, his designee finds that the public
18 interest so requires, or that an imminent peril to the
19 public health, safety, or welfare requires
20 implementation of a regulation upon fewer than 30 days'
21 notice, and states in writing his reasons for that
22 finding, an emergency regulation may be implemented upon
23 any abbreviated notice found to be practicable. Any
24 regulation implemented under this subsection is only
25 effective for 30 days, but the implementation of an

1 identical regulation under subsection 309(1)."

2 Section 11. This act shall become law upon approval by the
3 President of the Federated States of Micronesia or upon its
4 becoming law without such approval.

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6 Date: 3/02/22

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

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