

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, require all persons entering the country to be fully COVID-19 vaccinated, require the establishment of COVID-19 entry requirements by regulation, impose penalties where fraudulent COVID-19 vaccination documents are used to enter the country, 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 the COVID-19 vaccination entry
15 requirement for any person entering the Federated States
16 of Micronesia is necessary to ensure the health, safety
17 and welfare of the nation."

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

4 "Section 303. Definitions.

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

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

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

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

12 (4) "Port of entry" means any point of entry into any
13 state of the FSM by air or water through any airport,
14 airstrip, anchorage and/or harbor as defined in sections
15 201, 202, and 203 of title 18 of the Code of the FSM.

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

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

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

23 "Section 304. Scope of COVID-19 Vaccine Mandate.

24 (1) The COVID-19 vaccine mandate under this Act
25 applies to all persons entering the FSM, including FSM

1 citizens and nationals, non-citizens, nonresident
2 workers, diplomats and ambassadors, crew on vessels or
3 aircraft, and contractual personnel of foreign
4 governments and governmental regional or international
5 organizations.

6 (2) The COVID-19 vaccine mandate does not apply to
7 transient passengers that remain at a FSM port of
8 entry."

9 Section 6. 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 305 to read as follows:

12 "Section 305. COVID-19 Vaccination and Booster
13 Requirements for Entry.

14 (1) All persons entering the FSM shall be fully
15 vaccinated against the COVID-19 novel coronavirus
16 (SARS-CoV-2). The Secretary of Justice, or his
17 designee, shall enforce all COVID-19 vaccination and
18 booster requirements, established through regulation by
19 the Secretary of Health pursuant to his authority under
20 Title 41 of the Code of the FSM, at all ports of entry,
21 including but not limited to:

22 (a) Type of COVID-19 vaccine and booster shots
23 acceptable for entry into the FSM; and

24 (b) Waiting period requirements after receiving
25 the COVID-19 novel coronavirus (SARS-CoV-2) vaccine and

1 booster shots to be considered fully vaccinated prior to
2 entry.

3 (2) The Secretary of Justice shall only permit the
4 entry of persons into the country who are fully
5 vaccinated against COVID-19 in accordance with section
6 305 and section 307, unless the person is exempt under
7 section 306 of this Chapter.”

8 Section 7. Chapter 3 of title 50 of the Code of the
9 Federated States of Micronesia (Annotated), is hereby amended by
10 inserting a new section 306 to read as follows:

11 “Section 306. Exemption from COVID-19 Vaccination and
12 Booster Requirements for Entry.

13 (1) Any person seeking exemption from the COVID-19
14 vaccination and/or booster requirements under section
15 306 shall provide a certified medical statement from a
16 licensed physician that the disability or medical
17 condition of the person is such that the required COVID-
18 19 vaccination or booster would endanger the life or
19 health of the person.

20 (2) The Secretary of Justice shall enforce all
21 exemptions to the COVID-19 Vaccination and Booster
22 Requirements, established through regulation by the
23 Secretary of Health based on sound medical practice
24 pursuant to his authority under Title 41 of the Code of
25 the FSM, at all ports of entry.

1 (3)Any person exempt under section 306 shall still
2 comply with the COVID-19 Health Clearance Declaration
3 requirements under section 307 of this Chapter.

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

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

8 (1) The Secretary of Justice, or his designee, shall
9 enforce the COVID-19 Health Clearance Declaration
10 requirements and assessment factors, as established
11 through regulation by the Secretary of Health pursuant
12 to his authority under Title 41 of the Code of the FSM,
13 at all ports of entry. The COVID-19 Health Clearance
14 Declaration assessment factors at a minimum shall
15 include:

16 (a) COVID-19 exposure or contact with persons
17 with COVID-19;

18 (b) COVID-19 contraction or infection;

19 (c) COVID-19 medical treatment and
20 hospitalization received;

21 (d) COVID-19 related quarantine; and

22 (e) COVID-19 testing results.

23 (2) The Secretary of Justice shall only permit a person
24 to enter the country at a port of entry, who satisfies the
25 Health Clearance Declaration assessment factor requirements and

1 documentation requirements to support the Health Clearance
2 Declaration as established through regulation by the Secretary
3 of Health pursuant to his authority under Title 41 of the Code
4 of the FSM.”

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

8 “Section 308. Regulation Authority.

9 The Secretary of Justice, or his designee, shall
10 promulgate and publish such rules and regulations as
11 necessary to enforce the COVID-19 vaccine mandate at all
12 ports of entry into the FSM in accordance with Chapter 1
13 of Title 17 of the Code of the FSM. The Secretary of
14 Justice shall coordinate with the Secretary of Health
15 and the relevant departments or agencies to implement
16 regulations under this Act prior to any agency action.
17 The Department of Health and Department of Justice shall
18 notify all state government health authorities 30
19 business days in advance of any proposed regulations
20 under this Act. The Secretary Health shall have the
21 authority to enact regulations to implement this Act
22 pursuant to his authority under Title 41 of the Code of
23 the FSM.”

24 Section 10. Chapter 3 of title 50 of the Code of the
25 Federated States of Micronesia (Annotated), is hereby amended by

1 inserting a new section 309 to read as follows:

2 "Section 309. Department of Health and Department of
3 Justice Notice of Regulation Requirements and Minimum
4 Criteria for Regulation.

5 (1) Notice. The Secretary of the Department
6 proposing a regulation, or his designee, shall give 30
7 business days' notice to the Department not proposing
8 the regulation of any agency action or regulation to
9 implement this Act prior to any agency action. The
10 notice shall include:

11 (a) the proposed agency action or regulation;

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

15 (c) the proposed effective date.

16 The Department of Health and Department of Justice shall
17 abide by all regulation notice requirements under
18 Chapter 1 of Title 17 of the Code of the FSM, including
19 but not limited to, the public posting of all proposed
20 regulations under this Act in each principle national
21 government office in the state, and each state capital,
22 governor's office, post office, and office of the clerk
23 of courts.

24 (2) Minimum Criteria for Regulation. The Secretary
25 of Health and the Secretary of Justice shall implement

1 criteria for their respective proposed regulations under
2 this Act. The Department of Health and Department of
3 Justice criteria for proposed regulation or agency
4 action at a minimum shall include:

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

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

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

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

14 (e) Guidelines to aid in effective
15 implementation; and

16 (f) current capacity to implement.

17 (3) Reporting. Within 90 business days of
18 implementation of any regulation or agency action under
19 this Chapter, the Secretary of Justice and Secretary of
20 Health shall each submit a report on the impact and
21 efficiency of the regulation or agency action to the
22 Committee on Health and Social Affairs, and Committee on
23 Judiciary and Governmental Operations in Congress."

24 Section 11. Chapter 3 of title 50 of the Code of the
25 Federated States of Micronesia (Annotated), is hereby amended by

1 inserting a new section 310 to read as follows:

2 "Section 310. Administrative Penalty.

3 The Secretary of Justice shall have the authority to
4 issue a \$5,000.00 fine to any person found to have used
5 fraudulent COVID-19 vaccination and/or booster
6 documentation to enter the country at any port of entry.
7 Any person issued a fine under section 310 shall have the
8 right to request an administrative hearing and afforded
9 due process under Chapter 1 of Title 17 of the Code of
10 the FSM."

11 Section 12. Chapter 3 of Title 50 of the Code of the
12 Federated States of Micronesia (Annotated), is hereby amended by
13 inserting a new section 311 to read as follows:

14 "Section 311. The Secretary of Health and Secretary of
15 Justice shall enact regulations to implement this Act
16 within 30 calendar days of this Act becoming law."

17 Section 13. This act shall take effect on August 1, 2022.

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Section 14. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

June 21st, 2022

/s/ David W. Panuelo
David W. Panuelo
President
Federated States of Micronesia