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A BILL FOR AN ACT

To amend title 51 of the Code of the Federated States of Micronesia by deleting all references to the Trust Territory, its instrumentalities and officials, and inserting in lieu thereof the Federated States of Micronesia, its relevant instrumentalities and officials; by repealing section 307 in its entirety; by amending section 112 of chapter 1 for the purpose of redefining some of the terms therein; by amending section 135 for the purpose of creating a requirement that employers pay in advance the return airfares of noncitizen employees; by amending section 142, for the purpose of eliminating the requirement that noncitizen employees leave the Federated States of Micronesia before they are employed by new employers; by adding a new section 143 for the purpose of establishing a time period for requesting an extension of work permits; by adding a new section 170 for the purpose of authorizing the chief to issue citations and impose fines; and for other purposes.

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

1 Section 1. Title 51 of the Code of the Federated States of  
2 Micronesia, is hereby amended by deleting all references to the  
3 Trust Territory of the Pacific Islands, its instrumentalities and  
4 officials, and inserting in lieu thereof the Federated States of  
5 Micronesia, its instrumentalities and officials.

6 Section 2. Section 112 of title 51 of the Code of the  
7 Federated States of Micronesia is hereby amended to read as follows:

8 "Section 112. Definitions. For the purposes of this  
9 chapter, unless it is otherwise provided or the context  
10 requires a different construction, application, or  
11 meaning:

12 (1) 'Available' means able to be on the island on which  
13 the employer desires workers on the date the employer  
14 states the workers are desired.

15 (2) 'Chief' means the chief of the Division of  
16 Immigration and Labor within the Department of  
17 [~~Resources and Development~~] Justice.

18 [~~(3) 'District representative' means any district~~  
19 ~~employment service officer, or any other person~~  
20 ~~designated by the chief to act on his behalf in any~~  
21 ~~district in which there is no district employment service~~  
22 ~~officer.]~~

- 1 ([4]3) 'Employer' means any individual, partnership,  
2 association, or corporation hiring employees in the  
3 [~~Trust Territory~~] Federated States of Micronesia and any  
4 individual who has in his employ a domestic servant, but  
5 does not include any branch or agency of the [~~Trust~~  
6 ~~Territory Government or of the United States~~] Government  
7 of the Federated States of Micronesia.
- 8 ([5]4) 'Employment service' means the [~~Trust Territory~~]  
9 Federated States of Micronesia Employment service  
10 established under section 151 of this Chapter.
- 11 ([6]5) 'Employment service officer' means the  
12 official who is the head of the [~~Trust Territory~~]  
13 Federated States of Micronesia Employment service  
14 established under section 151 of this chapter.
- 15 ([7]6) 'Nonresident worker' means any person who  
16 is capable of performing services or labor and who is not  
17 a citizen of the [~~Trust Territory~~] Federated States of  
18 Micronesia or an immigrant alien admitted to the [~~Trust~~  
19 ~~Territory~~] Federated States of Micronesia for permanent  
20 residence under the provisions of title 50 of this Code,  
21 including persons acting in a professional, managerial,  
22 or executive capacity.
- 23 ([8]7) 'Resident worker' means any person who is capable  
24 of performing services or labor and who is a citizen of  
25 the [~~Trust Territory~~] Federated States of Micronesia or

5942

C.B. NO. 11-80

1 an immigrant alien admitted to the [~~Trust Territory~~]  
2 Federated States of Micronesia for permanent residence  
3 under the provisions of title 50 of this Code, including  
4 persons acting in a professional, managerial, or  
5 executive capacity.

6 (8) 'State representative' means any state employment  
7 service officer, or any other person designated by the  
8 chief to act on his behalf in any state in which there is  
9 no state employment service officer."

10 Section 3. Section 113 of title 51 of the Code of the  
11 Federated States of Micronesia is hereby amended to read as follows:

12 "Section 113. Statement of policy. The Congress of the  
13 Federated States of Micronesia finds and declares  
14 that it is essential to a balanced and stable economy  
15 in the [~~Trust Territory~~] Federated States of Micronesia  
16 that [~~Trust Territory~~] Federated States of Micronesia  
17 citizen workers be given preference in employment in  
18 occupations and industries in the [~~Trust Territory~~]  
19 Federated States of Micronesia, and that the public  
20 interest requires that the employment of noncitizen  
21 workers in such occupations and industries not impair the  
22 wages and working conditions of [~~Trust Territory~~]  
23 Federated States of Micronesia workers."

24 Section 4. Section 114 of title 51 of the Code of the  
25 Federated States of Micronesia is hereby amended to read as follows:

1           "Section 114. Preference. Resident workers shall be  
 2           given preference in employment in the [~~Trust Territory~~]  
 3           Federated States of Micronesia in any industry or  
 4           occupation for which such workers are qualified and  
 5           available. Nonresident workers shall be employed only to  
 6           supplement the labor force of available and qualified  
 7           resident workers."

8           Section 5. Section 115 of title 51 of the Code of the  
 9           Federated States of Micronesia is hereby amended to read as follows:

10           "Section 115. Benefits for resident workers hired by  
 11           Government contractors.

12           (1) The [~~Trust Territory~~] Government of the Federated  
 13           States of Micronesia shall not enter into any contract  
 14           whose primary purpose is the construction of any  
 15           building, airport, road, harbor, or any other thing,  
 16           unless such contract provides that if the contractor  
 17           utilizes nonresident labor as defined in this chapter and  
 18           if such contractor provides either transportation,  
 19           lodging or lodging expenses, or room or board expenses to  
 20           any such employee, then such contractor shall provide  
 21           the same benefits to resident employees, as defined  
 22           in this title.

23           (2) Transportation, lodging or lodging expenses,  
 24           or room or board expenses need not be provided when a  
 25           resident employee maintains his principal place of

1 residence within normal commuting distance, as defined by  
 2 regulations implementing [~~Public Law No. 4C-49~~] title 52  
 3 of this Code, from his place of employment with such  
 4 contractor."

5 Section 6. Section 121 of title 51 of the Code of the Federated  
 6 States of Micronesia is hereby amended to read as follows:

7 "Section 121. Compliance with chapter; Exception for  
 8 temporary employees.

9 (1) No employer shall employ a nonresident worker  
 10 except in strict accordance with the provisions of this  
 11 chapter and rules and regulations issued hereunder,  
 12 except that the provisions of this chapter shall not  
 13 apply to temporary employees who are brought into the  
 14 [~~Trust Territory~~] Federated States of Micronesia for a  
 15 period of time not to exceed ninety days.

16 (2) If the employer bringing in such temporary  
 17 employees to the [~~Trust Territory~~] Federated States of  
 18 Micronesia finds that their services are needed for a  
 19 period of time exceeding ninety days, he may apply to the  
 20 chief for an extension of the exemption, and the chief  
 21 may grant such extension for an additional period of time  
 22 not to exceed ninety days if he finds that the extension  
 23 is reasonable.

24 (3) The chief may grant more than one extension, but  
 25 the total time period, including any extensions, such

1 temporary employee may remain in the [~~Trust Territory~~]  
2 Federated States of Micronesia under temporary employee  
3 status shall not exceed one hundred eighty days."

4 Section 7. Section 122 of title 51 of the Code of the  
5 Federated States of Micronesia is hereby amended to read as follows:

6 "Section 122. Application of chapter to employees of the  
7 [~~Trust Territory~~] Federated States of Micronesia  
8 Government. Nothing in chapter 1 of this title, known  
9 as the Protection of Resident Workers Act, shall be  
10 construed to exempt employees of the [~~Trust Territory~~]  
11 Government of the Federated States of Micronesia in  
12 seeking employment during hours not engaged in the  
13 performance of Government employment, and employers other  
14 than the [~~Trust Territory~~] Government of the Federated  
15 States of Micronesia in hiring such employees or  
16 prospective employees, from complying fully with the  
17 provisions of such chapter, and such chapter shall be  
18 construed to apply to such persons for all purposes,  
19 except insofar as rendered inapplicable by a specific  
20 provision thereof."

21 Section 8. Section 131 of title 51 of the Code of the  
22 Federated States of Micronesia is hereby amended to read as follows:

23 "Section 131. Application required. Any employer who  
24 desires to import alien workers for employment in the  
25 [~~Trust Territory~~] Federated States of Micronesia shall

5480

C.B. NO. 11-80

1 file an application with the Employment Service stating  
2 the place and nature of the employer's business, the  
3 number of workers desired and occupational qualifications  
4 of such workers, the wages to be paid such workers, the  
5 date on which such workers are desired, the [~~district~~]  
6 state or [~~districts~~] states in which such workers are  
7 desired, and any other information the Employment Service  
8 may require or which the employer may deem appropriate."

9 Section 9. Section 133 of title 51 of the Code of the  
10 Federated States of Micronesia is hereby amended to read as follows:

11 "Section 133. Publication of vacancy.

12 (1) In the event of inability to supply sufficient  
13 qualified resident workers pursuant to section 132 of  
14 this chapter, the Employment Service shall cause the  
15 existence of the vacancies and other applicable  
16 information regarding the jobs to be publicized.

17 (2) The publication shall include a notice to its field  
18 offices, the posting of notice in public places in the  
19 [~~districts~~] states, the use of radio and newspaper media  
20 when appropriate, and such other means as the Employment  
21 Service may determine to be feasible.

22 (3) No nonresident worker shall be permitted to be  
23 employed unless such publicity shall have been given:

24 (a) for a period of thirty days, in the [~~district~~]  
25 state or [~~districts~~] states where such employment is to

J.P. HO

C.B. NO. 11-80

1 take place; and

2 (b) for a period of fifteen days, beginning with  
3 the sixteenth day after the first day on which the  
4 first advertisement was made in the [~~district~~] state or  
5 [~~districts~~] states in which employment is to take place,  
6 in all other [~~districts~~] states of the [~~Trust Territory~~]  
7 Federated States of Micronesia.

8 (4) Upon the expiration of thirty days after the first  
9 advertisement by the Employment Service, the employment  
10 service officer, upon a finding that there are no  
11 occupationally qualified resident workers available to  
12 fill all or some of the vacancies applied for, shall  
13 notify the chief of those positions for which no resident  
14 workers are available."

15 Section 10. Section 134 of title 51 of the Code of the  
16 Federated States of Micronesia is hereby amended to read as follows:

17 "Section 134. Determination to permit employment of  
18 nonresident workers.

19 (1) Upon receipt of notice from the employment service  
20 officer of those positions which the employer requires,  
21 and for which no resident workers are available, the  
22 chief shall determine whether the employment of such  
23 nonresident workers will be in the best interests of the  
24 [~~Trust Territory~~] Federated States of Micronesia, and for  
25 what period of time and under what conditions the



1 employer should be authorized to hire nonresident workers  
2 for those positions.

3 (2) Within seven days after the receipt of notice from  
4 the employment service officer, he shall notify the  
5 employer of his findings."

6 Section 11. Section 135 of title 51 of the Code of the  
7 Federated States of Micronesia is hereby amended to read as follows:

8 "Section 135. Nonresident employment agreements.

9 (1) For those positions for which the chief has  
10 determined that nonresident workers may be hired, he  
11 shall require that a nonresident employment agreement be  
12 entered into between the employer and the [~~Trust~~  
13 ~~Territory~~] Government of the Federated States of  
14 Micronesia, which agreement shall authorize the employer  
15 to hire nonresident workers.

16 (2) The agreement shall be signed by the chief, as  
17 representative of the [~~Trust Territory~~] Government of the  
18 Federated States of Micronesia, and by the employer or  
19 his authorized representative.

20 (3) The agreement shall contain the following  
21 provisions, in addition to any other provisions the chief  
22 deems necessary in the circumstances:

23 (a) a statement that the employer requires such  
24 nonresident workers for immediate employment;

25 (b) a statement of the wages the employer is

38, 80

1 paying or intends to pay the nonresident workers for each  
2 occupational classification he is importing an alien to  
3 fill;

4 (c) a statement that the employer agrees to comply  
5 with the minimum employment conditions and other  
6 requirements consistent with the provisions of this  
7 chapter and other applicable laws of the [~~Trust~~  
8 Territory] Federated States of Micronesia;

9 (d) a statement of the period of time for which  
10 the employer will be allowed to fill each position with a  
11 nonresident worker before he must attempt to fill the  
12 position with a resident worker by filing a new  
13 application with the Employment Service; and

14 (e) [~~a statement of the employer's responsibility~~  
15 ~~for return transportation to the place of origin of each~~  
16 ~~employee so employed.] a deposit with the chief of a bond  
17 in the amount equivalent to the return airfare of each  
18 nonresident worker to his point of hire.~~

19 (4) Any payment so made pursuant to subsection (3)(e)  
20 of this section shall be deposited in a separate account  
21 with the Secretary of Finance and Administration for the  
22 sole purpose of repatriating those nonresident workers  
23 for whom such payments were made.

24 ([4]5) Upon execution of the agreement required  
25 under subsections (1) through (3) of this section, the

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C.B. NO. 11-80

1 chief shall notify the Office of Immigration [~~Control~~]  
2 and Labor.

3 ([5]6) The chief shall provide each nonresident worker  
4 covered by this chapter with a copy of the nonresident  
5 workers' agreement which authorized his employer to  
6 hire him."

7 Section 12. Section 136 of title 51 of the Code of the  
8 Federated States of Micronesia is hereby amended to read as follows:

9 "Section 136. Effective date of nonresident employment  
10 agreements. In addition to the requirements imposed by  
11 section 135 of this chapter, no nonresident employment  
12 agreement shall be effective until it has been signed by  
13 the [~~District Administrator~~] Governor of the [~~district~~]  
14 state in which such employment, or the major portion  
15 thereof, is to be performed by the nonresident worker in  
16 question."

17 Section 13. Section 137 of title 51 of the Code of the  
18 Federated States of Micronesia is hereby amended to read as follows:

19 "Section 137. Expiration of nonresident employment  
20 agreements for failure of performance. Any nonresident  
21 employment agreement entered into by the chief [~~of labor~~]  
22 with any employer, pursuant to the requirements of  
23 section 135 of this chapter, shall expire sixty days from  
24 the date thereof, except as to the employment of any  
25 nonresident worker, as defined in this title, who is

JEB

C.B. NO. 11-80

1 employed and present in the [~~Trust Territory~~] Federated  
2 States of Micronesia within sixty days from such date."

3 Section 14. Section 138 of title 51 of the Code of the  
4 Federated States of Micronesia is hereby amended to read as follows:

5 "Section 138. Nonresident worker's identification  
6 certificate.

7 (1) The chief shall provide each nonresident worker  
8 covered by this chapter with a nonresident worker's  
9 identification certificate.

10 (2) The identification certificate shall contain the  
11 nonresident worker's name, his employer's name, his job  
12 classification, his legal residence, his country of  
13 origin and citizenship, his point of hire, the date of  
14 expiration of his entry permit, and the number of the  
15 nonresident worker's agreement which authorized his  
16 employer to hire him.

17 (3) The nonresident worker shall be required to keep  
18 such certificate on his person at all times."

19 Section 15. Section 139 of title 51 of the Code of the  
20 Federated States of Micronesia is hereby amended to read as follows:

21 "Section 139. Entry requirements. Prior to entry of a  
22 nonresident worker into the [~~Trust Territory~~] Federated  
23 States of Micronesia for employment under the provisions  
24 of this chapter, the following requirements shall be met:

25 (1) each nonresident worker shall present to the chief

1 or his representative a sworn affidavit, on a form issued  
 2 by the [~~Trust Territory~~] Government of the Federated  
 3 States of Micronesia, executed by him, and such other  
 4 evidence as the chief may require, which indicates a  
 5 minimum of two years[+] experience in the line of work  
 6 for which he is being hired, marital status, and if  
 7 married the name of the spouse, number and ages of  
 8 dependent children, and the addresses of the spouse and  
 9 dependent children, and that he has not been convicted of  
 10 a felony or other crime involving moral turpitude; and

11 (2) The employer of a nonresident worker shall present  
 12 to the chief or his representative a copy of the  
 13 nonresident worker's contract of employment, which shall  
 14 include a statement of job title, of the duration of the  
 15 contract, location of work, weekly hours schedule, wage  
 16 scale for regular and overtime work, any deductions for  
 17 living costs, and such other information or contractual  
 18 provisions as required by the chief."

19 Section 16. Section 141 of title 51 of the Code of the  
 20 Federated States of Micronesia is hereby amended to read as follows:

21 "Section 141. Outside employment for compensation  
 22 prohibited.

23 (1) It shall be unlawful for any nonresident worker  
 24 admitted into the [~~Trust Territory~~] Federated  
 25 States of Micronesia under the provisions of this title

59,50

C.B. NO. 11-80

1 to engage in any other employment for compensation or for  
2 profit other than for the employer who has contracted  
3 with the chief for the employment of such nonresident  
4 worker in the [~~Trust Territory~~] Federated States of  
5 Micronesia.

6 (2) Any employment of the nonresident worker in the  
7 manner prohibited under this section shall constitute  
8 sufficient ground and cause for deportation and the chief  
9 [~~of the Division of Labor~~] shall communicate to the  
10 Attorney General any violation of this section and the  
11 Attorney General shall institute deportation proceedings  
12 against the alien worker if, in the opinion of the  
13 [~~District Administrator~~] State Governor, such would be in  
14 the best interest of the public.

15 (3) Violation of the provisions of this section by an  
16 employer or nonresident worker shall also be subject to  
17 penalties prescribed by section 167 of this title."

18 Section 17. Section 142 of title 51 of the Code of the  
19 Federated States of Micronesia is hereby amended to read as follows:

20 "Section 142. Change of employment. No nonresident  
21 worker who is under a labor contract with an employer  
22 shall work for or be employed by any other employer  
23 during the term of such contract. Before a nonresident  
24 worker can work for or be employed by an employer  
25 different than his previous employer, [~~he shall~~] the new

5940

1            employer must [~~first~~] [~~be required to leave the Federated~~  
2            ~~States of Micronesia]~~ satisfy the requirements of section  
3            135 herein and the previous employer must agree in  
4            writing that the nonresident worker may change  
5            employment."

6            Section 18. Title 51 of the Code of the Federated States of  
7            Micronesia is hereby amended by adding a new section 143 of chapter  
8            1 to read as follows:

9            "Section 143. Request for extension of work permits.  
10           A request for extension of a work permit shall be  
11           submitted to the chief at least 45 days before the  
12           expiration of the work permit."

13           Section 19. Section 151 of title 51 of the Code of the  
14           Federated States of Micronesia is hereby amended to read as follows:

15           "Section 151. [~~Trust Territory]~~ Federated States of  
16           Micronesia Employment Service.

17           (1) There is hereby established in the Department of  
18           [~~Resources and Development]~~ Justice [~~a Trust Territory]~~  
19           an Employment Service.

20           (2) The [~~Trust Territory]~~ Employment Service  
21           shall be headed by an employment service officer, who  
22           shall report directly to the chief [~~of labor~~].

23           (3) The purpose of the establishment of the [~~Trust~~  
24           ~~Territory]~~ Employment Service is to create a system of  
25           free public employment offices in the [~~Trust Territory]~~

39/80

C.B. NO. 1180

1 Federated States of Micronesia for workers seeking  
2 employment and for employers seeking workers.

3 (4) The [~~Trust Territory~~] Employment Service shall have  
4 its main office in the [~~Trust Territory headquarters~~]  
5 central office of the Division of Immigration and Labor,  
6 and shall have field offices in each of the  
7 [~~administrative districts~~] states.

8 (5) The [~~Trust Territory~~] Employment Service shall  
9 have such powers, duties, and functions as may be  
10 established by this chapter, other provisions of this  
11 Code, and the manual of administration of the [~~Trust~~  
12 ~~Territory~~] Federated States of Micronesia Government."

13 Section 20. Section 152 of title 51 of the Code of the  
14 Federated States of Micronesia is hereby amended to read as follows:

15 "Section 152. Functions and duties of the Employment  
16 Service. For the purpose of this chapter, and without  
17 limitations on the scope or extent of powers, duties, or  
18 responsibilities vested in it by other provisions of the  
19 [~~Trust Territory~~] FSM Code, manual of administration,  
20 regulations, or order of the [~~High Commissioner~~]  
21 President, the Employment Service through its employment  
22 service officer and [~~district~~] state representative  
23 shall:

24 (1) in the placement of workers, assist the chief in  
25 determining occupational categories, and for those



1 occupational categories designated by the chief, perform  
 2 certification functions regarding minimum standards of  
 3 qualifications and minimum wage requirements;  
 4 (2) conduct continuing surveys of manpower  
 5 needs, assist in preparing training programs and  
 6 recommend other measures for alleviating shortages  
 7 and reducing the need for nonresident workers;  
 8 (3) oversee, monitor, and review the use of alien  
 9 workers and all matters related thereto, including but  
 10 not limited to the following: health, safety, meals,  
 11 lodging, salaries, working hours and conditions, and  
 12 specific contractual provisions for labor services;  
 13 (4) conduct such investigations as may be necessary to  
 14 fulfill the provisions of this section and such other  
 15 duties as may be required by the chief."

16 Section 21. Section 153 of title 51 of the Code of the  
 17 Federated States of Micronesia is hereby amended to read as follows:

18 "Section 153. Functions and duties of the chief. For  
 19 the purposes of this chapter, and without limitations  
 20 on the scope or extent of powers, duties, or  
 21 responsibilities vested in him by other provisions of  
 22 [~~this~~] the Code of the Federated States of Micronesia,  
 23 manual of administration, regulations, or order of the  
 24 [~~High Commissioner~~] President, the chief and his  
 25 [~~district~~] state representative shall:

52/80

C.B. NO. 11-80

1 (1) enforce the provisions of this chapter and  
2 the agreements which the chief enters into with employers  
3 concerning the employment of nonresident workers,  
4 including the performance of investigatory functions as  
5 appropriate thereto;

6 (2) require that employers accept such agreements or  
7 conditions for the payment of wages or benefits to  
8 nonresident workers as the chief shall determine to be  
9 necessary and consistent with the policy and purposes of  
10 this chapter and any such agreements or conditions agreed  
11 to by an employer shall be legally enforceable in the  
12 courts of the [~~Trust Territory~~] Federated States of  
13 Micronesia, upon action taken by an aggrieved employee or  
14 [~~in~~] on his behalf by the chief or his [~~district~~] state  
15 representative. In any such action taken by the chief or  
16 his [~~district~~] state representative on behalf of an  
17 aggrieved employee, the chief or his [~~district~~] state  
18 representative shall be represented by the Office of the  
19 Attorney General of the [~~Trust Territory~~] Federated  
20 States of Micronesia;

21 (3) establish occupational categories for the  
22 occupations to which this chapter is applicable, and  
23 when the chief deems it necessary or desirable, establish  
24 minimum standards of qualification procedures, and  
25 minimum wage requirements for workers in certain

5190

1 occupational categories;

2 (4) supervise the employment service in furtherance of  
3 the objectives of this chapter and in the effectuation of  
4 the provisions of this chapter."

5 Section 22. Section 154 of title 51 of the Code of the  
6 Federated States of Micronesia is hereby amended to read as follows:

7 "Section 154. Employer's records. Each employer  
8 hiring employees in the [~~Trust Territory~~] Federated  
9 States of Micronesia shall keep and present immediately  
10 upon demand of the chief or his [~~district~~] state  
11 representative, and quarterly to the chief and to his  
12 [~~district~~] state representative, up-to-date records with  
13 the following information:

14 (1) the name, address, age, and legal residence of each  
15 of his employees;

16 (2) the classification and wage rate of each of his  
17 employees;

18 (3) payrolls showing the number of hours worked each  
19 week, the compensation earned, and deductions made for  
20 each of his employees;

21 (4) the educational and experiential backgrounds of  
22 each of his nonresident employees (to be provided but  
23 once by an employer for each nonresident employee working  
24 in the [~~Trust Territory~~] Federated States of Micronesia);

25 (5) the number of employment related accidents,

59,90

C.B. NO. 1180

1 name of the injured, and disposition by the employer of  
2 the injured employee;

3 (6) the number and types of illnesses by alien workers,  
4 the treatment and disposition of the alien worker, and  
5 whether hospitalization was required;

6 (7) the citizenship, country of origin, and expiration  
7 date of entry permit of each alien worker employed; and

8 (8) a copy of the nonresident worker's agreement  
9 authorizing the hiring of the alien worker in question."

10 Section 23. Section 155 of title 51 of the Code of the  
11 Federated States of Micronesia is hereby amended to read as follows:

12 "Section 155. Rules and regulations. The chief,  
13 subject to approval by the [~~High Commissioner~~]  
14 President, shall promulgate rules and regulations  
15 necessary or appropriate to effectuate the provisions  
16 of this chapter. Such rules and regulations shall  
17 [~~become effective immediately, or on the date which the~~  
18 ~~chief shall determine]~~ be promulgated pursuant to title  
19 17 of this Code, and shall have the force and effect of  
20 law."

21 Section 24. Section 161 of title 51 of the Code of the  
22 Federated States of Micronesia is hereby amended to read as follows:

23 "Section 161. Authorization to conduct hearings and  
24 investigations.

25 (1) The chief or his [~~district~~] state representative is

59, 60

C.B. NO. 1180

1 hereby authorized to conduct hearings or investigations  
2 as he may deem appropriate and necessary to enforce the  
3 provisions of this chapter.

4 (2) In connection with such hearings or investigations,  
5 the chief or his [~~district~~] state representative may  
6 subpoena witnesses, records, and documents."

7 Section 25. Section 162 of title 51 of the Code of the  
8 Federated States of Micronesia is hereby amended to read as follows:

9 "Section 162. Procedure for hearings and investigations.

10 (1) The chief or his [~~district~~] state representative  
11 shall, upon a sworn affidavit by a person that a  
12 violation of this chapter or any rule or regulation  
13 issued thereunder has occurred, investigate all  
14 complaints, and he shall have the power to schedule a  
15 public or closed hearing as he may deem appropriate  
16 under the circumstances.

17 (2) Adequate notice shall be given to all parties  
18 involved in the controversy or investigation should a  
19 hearing be scheduled, and opportunity shall be made  
20 available to them to present such evidence as they may  
21 desire.

22 (3) The [~~district~~] state representative of the chief,  
23 upon conclusion of his investigation or hearing, shall  
24 have the power to issue an order disposing of the matter.  
25 Such order shall be in force and effect until modified,

5980  
1

C.B. NO. 1180

1           sustained, or repealed by the chief who shall review  
2           within thirty days all investigations and hearings  
3           conducted on a [~~district~~] state level."

4           Section 26. Section 163 of title 51 of the Code of the  
5 Federated States of Micronesia is hereby amended to read as follows:

6           "Section 163. Petition to court for enforcement.

7           (1) The chief may petition the Trial Division of  
8           the [~~High~~] Supreme Court of the [~~Trust Territory~~]  
9           Federated States of Micronesia for the enforcement of an  
10          order issued under the provisions of this chapter, and  
11          the appropriate temporary relief or restraining order.

12          (2) The chief shall file in the Court a transcript of  
13          the records in the proceedings, including, where  
14          appropriate, the pleading and testimony upon which the  
15          order was entered and the findings and order of the  
16          chief.

17          (3) Upon such filing, the Court shall cause notice to  
18          be served upon the person against whom the order is  
19          directed. Thereupon the Court shall have jurisdiction of  
20          the proceeding and may grant such temporary relief or  
21          restraining order as it shall deem just and proper, or  
22          issue a decree enforcing, modifying and enforcing as so  
23          modified, or setting aside in whole or in part, the order  
24          of the chief.

25          (4) In all such actions the chief shall be represented

59,180

C.B. NO. 1180

1 by the Office of the Attorney General of the [~~Trust~~  
2 ~~Territory~~] Federated States of Micronesia."

3 Section 27. Section 165 of title 51 of the Code of the  
4 Federated States of Micronesia is hereby amended to read as follows:

5 "Section 165. Appeals to Court.

6 (1) Anyone aggrieved by an order of the chief issued  
7 under the provisions of sections 162 or 164 of this  
8 chapter may appeal the order to the Trial Division of the  
9 [~~High~~] Supreme Court of the [~~Trust-Territory~~] Federated  
10 States of Micronesia within ten days following the date  
11 of the order.

12 (2) The commencement of any proceedings in any Court  
13 shall not operate as a stay of compliance with any  
14 provisions of this chapter, or any rules, regulations, or  
15 orders issued hereunder.

16 (3) All findings, decisions, or orders by the chief on  
17 questions of fact shall be deemed final if supported by  
18 substantial evidence."

19 Section 28. Section 166 of title 51 of the Code of the  
20 Federated States of Micronesia is hereby amended to read as follows:

21 "Section 166. Injunctions. In addition to any of the  
22 other penalties prescribed by this chapter, the  
23 Attorney General may bring action in the Trial Division  
24 of the [~~High~~] Supreme Court of the [~~Trust-Territory~~]  
25 Federated States of Micronesia to enjoin violations of

59, 80

C.B. NO. 11-80

1 the provisions of this chapter or any of the rules and  
2 regulations issued pursuant thereto."

3 Section 29. Section 169 of title 51 of the Code of the  
4 Federated States of Micronesia is hereby amended to read as follows:

5 "Section 169. Materiality of all information; Sanctions.

6 (1) All information provided to the [~~Labor~~] Division of of  
7 Immigration and Labor regarding the application of an  
8 alien for employment under this chapter, whether such  
9 information is submitted by the employer or the alien, or  
10 by another person on behalf of the employer or alien,  
11 shall be deemed material to the [~~Labor~~] Division's  
12 decision whether to permit such employment.

13 (2) The furnishing of any false or misleading  
14 information by the alien, the employer, or by another  
15 person on behalf of the employer or alien, shall be  
16 grounds for the [~~Labor~~] Division to deny employment under  
17 this chapter."

18 Section 30. Title 51 of the Code of the Federated States of  
19 Micronesia is hereby amended by adding a new section 170 of chapter  
20 1 to read as follows:

21 "Section 170. Citations. The chief may issue citations  
22 and impose fines against employers and employees who have  
23 violated any provisions of this chapter pursuant to  
24 regulations promulgated by the President or his designee.  
25 The provisions of sections 161, 162 and 163 apply should



1 the employers or employees choose to appeal such  
2 citations and fines."

3 Section 31. Section 201 of title 51 of the Code of the  
4 Federated States of Micronesia is hereby amended to read as follows:

5 "Section 201. Statement of Policy.

6 (1) It is the policy of the [~~Trust Territory~~]  
7 Government of the Federated States of Micronesia to  
8 insure the health of its citizens, and to prevent the  
9 over taxation of its medical and hospital facilities and  
10 personnel in the care and treatment of non-~~[Trust~~  
11 ~~Territory]~~ citizens who arrive in the [~~Trust Territory~~]  
12 Federated States of Micronesia in a condition of ill  
13 health.

14 (2) To this end, it shall be the practice  
15 of the [~~Trust Territory~~] Government of the Federated  
16 States of Micronesia, in accordance with the terms of  
17 this chapter:

18 (a) to require each nonresident worker and each  
19 member of his family entering the [~~Trust Territory~~]  
20 Federated States of Micronesia to have in his possession  
21 a certificate of freedom from contagious diseases;

22 (b) to conduct a physical examination of every  
23 entrant into the [~~Trust Territory~~] Federated States of  
24 Micronesia who holds an entry permit for employment in  
25 the [~~Trust Territory~~] Federated States of Micronesia; and

5/80

C.B. NO. 1180

1 (c) to revoke such entry permit upon a showing  
 2 that the continued presence of such person in the [~~Trust~~  
 3 ~~Territory~~] Federated States of Micronesia would violate  
 4 the statement of intent in this section."

5 Section 32. Section 202 of title 51 of the Code of the  
 6 Federated States of Micronesia is hereby amended to read as follows:

7 "Section 202. Certificate required.

8 (1) In addition to any other requirements contained in  
 9 this title or title 50 of this Code, every person  
 10 admitted to the [~~Trust Territory~~] Federated States of  
 11 Micronesia for employment under the provisions of chapter  
 12 1 of this title and every person admitted to the [~~Trust~~  
 13 ~~Territory~~] Federated States of Micronesia as a member of  
 14 the family of such person shall have in his possession,  
 15 and thereafter shall keep in his possession,  
 16 a certificate of freedom from communicable diseases.

17 (2) Such certificate shall be executed and validated  
 18 not more than thirty days preceding the date of entry of  
 19 such person into the [~~Trust Territory~~] Federated States  
 20 of Micronesia by a physician licensed to practice  
 21 medicine in the country of origin of that person."

22 Section 33. Section 203 of title 51 of the Code of the  
 23 Federated States of Micronesia is hereby amended to read as follows:

24 "Section 203. Physical examination required. Within ten  
 25 days after his entry into the [~~Trust Territory~~]

1           Federated States of Micronesia, each holder of an entry  
 2           permit which authorizes such person to enter the [~~Trust~~  
 3           ~~Territory~~] Federated States of Micronesia for the purpose  
 4           of employment and each member of the family of such  
 5           person shall be subject to a physical examination to be  
 6           conducted by or under the auspices of the Department of  
 7           Health, Education and Social Affairs [~~Services~~]. The  
 8           cost of such physical examination shall be borne by the  
 9           entry permit holder."

10           Section 34. Section 204 of title 51 of the Code of the  
 11           Federated States of Micronesia is hereby amended to read as follows:

12           "Section 204. Notification to [~~High Commissioner~~] the  
 13           President of reasons for rejecting permit holder.

14           (1) The [~~director~~] Secretary of the Department of  
 15           Health, Education and Social Affairs [~~Services~~] shall,  
 16           within a reasonable time after the completion of the  
 17           physical examination required in section 202 of this  
 18           chapter, notify the [~~High Commissioner~~] President as to  
 19           any medical reasons why the entry-permit holder or the  
 20           member of the family of the entry-permit holder should  
 21           not be allowed to remain in the [~~Trust Territory~~]  
 22           Federated States of Micronesia, if any, and shall state  
 23           the basis of his judgment.

24           (2) No such notification shall be made if the continued  
 25           presence of the entry permit holder or the member of the

1 family of the entry permit holder in the [~~Trust~~  
 2 ~~Territory~~] Federated States of Micronesia would not, in  
 3 all medical probability, result in substantial danger to  
 4 the health of the inhabitants of the [~~Trust-Territory~~]  
 5 Federated States of Micronesia or in a need for prolonged  
 6 medical care and treatment while in the [~~Trust-Territory~~]  
 7 Federated States of Micronesia.

8 (3) Such notification shall be made upon any positive  
 9 finding of any contagious disease, including any social  
 10 disease."

11 Section 35. Section 205 of title 51 of the Code of the  
 12 Federated States of Micronesia is hereby amended to read as follows:

13 "Section 205. Revocation of entry permit. Upon  
 14 notification from the [~~director~~] Secretary of the  
 15 Department of Health, Education and Social Affairs  
 16 [~~Services~~] to the [~~High-Commissioner~~] President as  
 17 provided in section 203 of this chapter, the [~~High~~  
 18 ~~Commissioner~~] President shall revoke the entry permit of  
 19 the entry permit holder or the member of his family in  
 20 question on the grounds that his continued presence in  
 21 the [~~Trust-Territory~~] Federated States of Micronesia  
 22 would not be in the best interests of the [~~Trust~~  
 23 ~~Territory~~] Federated States of Micronesia."

24 Section 36. Section 207 of title 51 of the Code of the  
 25 Federated States of Micronesia is hereby amended to read as follows:

5480

C.B. NO. 1180

1 "Section 207. Regulations. The [~~High Commissioner~~]  
2 President shall have the power, in the manner which is or  
3 may be provided by law, to establish and promulgate  
4 regulations not inconsistent with this chapter, and may  
5 delegate any or all of his responsibilities under this  
6 section to the chief of Immigration[~~, the chief of~~] and  
7 Labor, the [~~director~~] Secretary of Health, Education and  
8 Social Affairs [~~Services~~], or any of them."

9 Section 37. Section 302 of title 51 of the Code of the  
10 Federated States of Micronesia is hereby amended to read as follows:

11 "Section 302. Regional cooperation and exchange of  
12 information.

13 (1) The chief [~~of the Division of Labor, Department of~~  
14 ~~Resources and Development,~~] shall initiate and maintain  
15 with the several nations of the Pacific area who are  
16 participants in the Conference of South Pacific Labour  
17 Ministers, through the Department of Labour, Commonwealth  
18 of Australia, a program of the periodic exchange of  
19 information concerning labor in the [~~Trust Territory~~]  
20 Federated States of Micronesia, including but not limited  
21 to the exchange of information concerning training  
22 programs and facilities, applicable legislation and  
23 statistics.

24 (2) The chief shall maintain a file of all information  
25 received from other such countries, which shall be

5890

C.B. NO. 1180

1 compiled and transmitted to the Congress [~~of Micronesia~~]  
2 as part of the annual report of the division required by  
3 this chapter."

4 Section 38. Section 303 of title 51 of the Code of the  
5 Federated States of Micronesia is hereby amended to read as follows:

6 "Section 303. Exchange of labor personnel. The chief  
7 [~~of Labor~~] is authorized to explore with other countries  
8 of the Pacific area who are participants in the  
9 Conference of South Pacific Labour Ministers, programs  
10 for the exchange of labor administration personnel for  
11 training and experience in the field of labor  
12 administration. To this end, the chief is authorized to  
13 implement the program by providing for the periodic  
14 exchange of division personnel, and for the in-service  
15 training of labor administration personnel from other  
16 such countries in the [~~Trust Territory~~] Federated States  
17 of Micronesia."

18 Section 39. Section 304 of title 51 of the Code of the  
19 Federated States of Micronesia is hereby amended to read as follows:

20 "Section 304. United States Department of Labor funds  
21 and programs.

22 (1) The chief [~~of the Labor Division~~] is authorized and  
23 directed to develop and maintain a list of all programs  
24 and services offered by the United States Department of  
25 Labor.

1           (2) He shall transmit copies of the list to the  
 2 Congress [~~of Micronesia~~] as a part of the annual report  
 3 of the division required by this chapter, together with a  
 4 statement as to the advisability of the applicability of  
 5 each program or service to the [~~Trust Territory~~]  
 6 Federated States of Micronesia, and a statement of the  
 7 current eligibility of the [~~Trust Territory~~] Federated  
 8 States of Micronesia for participation in these programs  
 9 and services.

10           (3) He shall take the steps as may be appropriate, upon  
 11 the request of the Congress [~~of Micronesia~~], to secure  
 12 the extension of these programs and services to the  
 13 [~~Trust Territory~~] Federated States of Micronesia."

14           Section 40. Section 305 of title 51 of the Code of the  
 15 Federated States of Micronesia is hereby amended to read as follows:

16           "Section 305. Apprenticeship training program.

17           (1) Not later than September 1, 1975, the chief [~~of the~~  
 18 ~~Labor Division~~] shall submit to the Congress [~~of~~  
 19 ~~Micronesia~~] and to the [~~High Commissioner~~] President a  
 20 program for an apprenticeship training program, whereby  
 21 employers would be reimbursed for a portion of the salary  
 22 of an apprentice by the [~~Trust Territory~~] Government of  
 23 the Federated States of Micronesia until these  
 24 apprentices have been fully qualified in their trade.

25           (2) This program shall be limited to trades which the

1 chief believes essential to the future development needs  
 2 of the Federated States of Micronesia, and shall include,  
 3 but not be limited to, programs in the fields of  
 4 construction, agriculture, and mechanics.

5 (3) This program shall include a statement of the funds  
 6 necessary to implement the program, together with a  
 7 request for the funds.

8 (4) To the maximum extent possible, the chief is  
 9 authorized and directed to seek funding for the program  
 10 out of the regular operating budget of [the] his  
 11 division."

12 Section 41. Section 306 of title 51 of the Code of the  
 13 Federated States of Micronesia is hereby amended to read as follows:

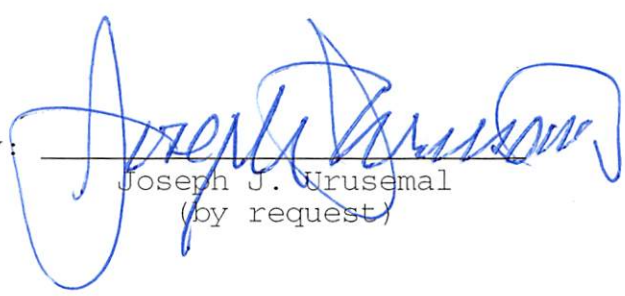
14 "Section 306. Annual report. The chief [~~of the Labor~~  
 15 ~~Division~~] shall, not later than January 31 of each year,  
 16 transmit to the Congress [~~of Micronesia~~] and to the [~~High~~  
 17 ~~Commissioner~~] President a complete report of the  
 18 activities of the division over the previous year,  
 19 together with the other information as shall be required  
 20 by this or other chapters to be included in the report.  
 21 The report shall also contain recommendations for  
 22 legislation by the Congress [~~of Micronesia~~], in  
 23 particular, legislation devoted to the development of  
 24 labor skills of citizens of the [~~Trust Territory~~]  
 25 Federated States of Micronesia."



1 Section 42. Title 51 of the Code of the Federated States of  
2 Micronesia is hereby amended by repealing section 307 in its  
3 entirety.

4 Section 43. This act shall become law upon approval by the  
5 President of the Federated States of Micronesia or upon its becoming  
6 law without such approval.

7  
8 Date: 10/12/99

Introduced by:   
Joseph J. Urusemal  
(by request)

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