AN ACT

To declare a temporary 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. Declaration of Policy. The Congress of the Federated States of Micronesia finds and declares the following:

(1) It is now, and always has been, essential to the economy of the Federated States of Micronesia ("FSM") that FSM citizens be given preference in employment in all occupations and industries in the FSM.

(2) Despite the increased number of qualified and trained FSM citizens, the number of noncitizen alien workers employed in the FSM in occupations and industries for which there are trained FSM citizen workers has steadily increased over the past few years.

(3) The increased employment of noncitizen alien workers in occupations and industries in which citizen workers could and should be employed is detrimental to the economy and living conditions of the citizens of the FSM.

(4) In light of the increased number of noncitizen alien workers employed in occupations and industries in the FSM for which there are trained FSM citizen workers, the public interest requires that the employment of noncitizen alien workers in such
occupations and industries be limited so as not to impair the
wages, working conditions, and living conditions of FSM citizens.

(5) Current FSM labor laws and the regulations implementing
those laws are, for the most part, a carryover from Trust
Territory times. As such, they are outdated and obsolete and must
be revised and updated to meet the current needs of the FSM.

Section 2. Moratorium on Entry of Noncitizen Workers.

(1) Within (90) days of this act becoming law, the
President of the Federated States of Micronesia shall, 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. Thereafter, 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. The list of specific
occupations and industries for which there are insufficient
1 trained FSM citizens shall be updated and published annually by
2 regulation by the President.
3 (2) The entry of noncitizen alien workers into the FSM for
4 the purpose of employment, and the issuance of nonresident
5 worker's identification certificates, shall be in strict
6 accordance with the provisions of titles 50 and 51 of the Code of
7 the Federated States of Micronesia.
8 (3) The Chief of the FSM Division of Immigration and Labor,
9 through the Secretary of Justice, shall report bi-annually to the
10 President and to the Congress, including to the Chairman of the
11 Judiciary and Governmental Operations Committee of the Congress,
12 on the number of noncitizen alien workers present in the FSM.
13 Such report shall include, at a minimum, the number of such
14 workers by nationality, industry, occupation, and job title, and
15 such other information as the Chief and the Secretary deem
16 relevant to the goal of reducing the FSM's dependence on
17 noncitizen alien workers.
18 (4) Thirty (30) days prior to publication of the annual
19 update of the list of specific occupations and industries for
20 which there are insufficient trained FSM citizens required under
21 subsection (1) of this section, the Secretary of the Department of
22 Economic Affairs shall report to the President of the FSM and to
23 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.

Section 3. Within 120 days of this act becoming law, the
President shall, in accordance with section 102(1) of title 17 of
the Code of the Federated States of Micronesia, promulgate revised
and updated regulations implementing the provisions of title 51 of
the Code of the Federated States of Micronesia.

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

December 13, 2001

/s/ Leo A. Falcam
Leo A. Falcam
President
Federated States of Micronesia