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:

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 the COVID-19 vaccination entry requirement 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 and/or harbor as defined in sections 201, 202, and 203 of title 18 of the Code of the FSM.

(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 the Federated States of Micronesia (Annotated), is hereby amended by inserting a new section 304 to read as follows:

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

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

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

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

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

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

(b) Waiting period requirements after receiving the COVID-19 novel coronavirus (SARS-CoV-2) vaccine and
booster shots to be considered fully vaccinated prior to entry.

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

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

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

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

(2) The Secretary of Justice shall enforce all exemptions to the COVID-19 Vaccination and Booster Requirements, established through regulation by the Secretary of Health based on sound medical practice pursuant to his authority under Title 41 of the Code of the FSM, at all ports of entry.
(3) Any person exempt under section 306 shall still comply with the COVID-19 Health Clearance Declaration requirements under section 307 of this Chapter.

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


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

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

(b) COVID-19 contraction or infection;

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

(d) COVID-19 related quarantine; and

(e) COVID-19 testing results.

(2) The Secretary of Justice shall only permit a person to enter the country at a port of entry, who satisfies the 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
6 Section 9. Chapter 3 of title 50 of the Code of the
7 Federated States of Micronesia (Annotated), is hereby amended by
8 inserting a new section 308 to read as follows:
9 “Section 308. Regulation Authority.
10 The Secretary of Justice, or his designee, shall
11 promulgate and publish such rules and regulations as
12 necessary to enforce the COVID-19 vaccine mandate at all
13 ports of entry into the FSM in accordance with Chapter 1
14 of Title 17 of the Code of the FSM. The Secretary of
15 Justice shall coordinate with the Secretary of Health
16 and the relevant departments or agencies to implement
17 regulations under this Act prior to any agency action.
18 The Department of Health and Department of Justice shall
19 notify all state government health authorities 30
20 business days in advance of any proposed regulations
21 under this Act. The Secretary Health shall have the
22 authority to enact regulations to implement this Act
23 pursuant to his authority under Title 41 of the Code of
24 the FSM.”
25
26 Section 10. Chapter 3 of title 50 of the Code of the
27 Federated States of Micronesia (Annotated), is hereby amended by
inserting a new section 309 to read as follows:

“Section 309. Department of Health and Department of Justice Notice of Regulation Requirements and Minimum Criteria for Regulation.

(1) Notice. The Secretary of the Department proposing a regulation, or his designee, shall give 30 business days’ notice to the Department not proposing the regulation of any agency action or regulation to implement this Act 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.

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

(2) Minimum Criteria for Regulation. The Secretary of Health and the Secretary of Justice shall implement
criteria for their respective proposed regulations under this Act. The Department of Health and Department of Justice criteria for 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 and impact on agency budget;

(e) Guidelines to aid in effective implementation; and

(f) current capacity to implement.

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

Section 11. Chapter 3 of title 50 of the Code of the Federated States of Micronesia (Annotated), is hereby amended by
inserting a new section 310 to read as follows:

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

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

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

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