

A BILL FOR AN ACT

To further amend Public Law No. 12-13, as amended, by amending section 2 to further extend the moratorium on the immigration of certain alien workers, and for other purposes.

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

1 Section 1. Section 2 of Public Law No. 12-13, as amended by
2 Public Laws Nos. 12-66 and 13-27, is hereby further amended to
3 read as follows:

4 "Section 2. Moratorium on Entry of Noncitizen Workers.

5 (1) Within ninety (90) days of this act becoming law,
6 and annually thereafter on January first of each year,
7 the President of the Federated States of Micronesia
8 shall, upon the recommendation of the Department of
9 Economic Affairs and after consultation with each
10 State's Governor, declare those specific occupations and
11 industries in the FSM for which there are insufficient
12 trained FSM citizens. Such declaration shall be issued
13 pursuant to section 102(1) of title 17 of the Code of
14 the Federated States of Micronesia. Beginning January
15 1, 2003, such declaration shall be based on statistical
16 information ascertained by the Department of Economic
17 Affairs from relevant state and national government
18 organizations.

19 (2) Except as otherwise provided by law or pursuant to

1 the terms of any treaty, Compact, or other international
2 agreement, for a period of [~~one~~] two years from the date
3 of [~~enactment of~~] this act becoming law, the entry of
4 additional noncitizen alien workers into the FSM for the
5 purpose of employment in occupations and industries in
6 the FSM shall be limited to entry for employment in
7 those occupations and industries for which there are
8 insufficient trained FSM citizen workers, as declared by
9 the President. [~~This restriction shall apply through~~
10 ~~December 13, 2002. From December 14, 2002 through May~~
11 ~~30, 2004]~~ For the first six months of [~~From the date of~~
12 ~~enactment of~~] this act becoming law, the entry of
13 additional noncitizen alien workers into the FSM for the
14 purpose of employment shall be limited to
15 'professionals', as that term shall be defined in
16 regulations issued pursuant to section 102(1) of title
17 of the Code of the Federated States of Micronesia.

18 (3) The entry of noncitizen alien workers into the
19 FSM for the purpose of employment, and the issuance of
20 nonresident worker's identification certificates, shall
21 be in strict accordance with the provisions of titles 50
22 and 51 of the Code of the Federated States of
23 Micronesia.

24 (4) The Chief of the Division of Immigration and
25 Labor, through the Secretary of Justice, shall report

1 bi-annually, on December first and June first of each
2 year, to the President and to the Congress, including to
3 the Chairman of the Judiciary and Governmental
4 Operations Committee of the Congress, on the total
5 number of noncitizen alien workers present in the FSM.
6 Such report shall include, at a minimum, the number of
7 such workers by nationality, industry, occupation, and
8 job title, and such other information and statistical
9 comparisons as the Chief and the Secretary deem relevant
10 to the goal of reducing the FSM's dependence on
11 noncitizen alien workers.

12 (5) Thirty (30) days prior to publication of the
13 annual update of the list of specific occupations and
14 industries for which there are insufficient trained FSM
15 citizens required under subsection (1) of this section,
16 the Secretary of the Department of Economic Affairs
17 shall report to the President and to the Congress on the
18 effect that any restriction on the entry of noncitizen
19 workers has had on the economy of the FSM during the
20 prior year.

21 (6) Notwithstanding the provisions of chapter 1 of
22 title 51 of the Code of the Federated States of
23 Micronesia, [~~during the period beginning December 14,~~
24 ~~2002 and ending December 31, 2003]~~ for a period of two
25 years from the date of this act becoming law:

1 (a) any nonresident worker may engage in
2 employment for an employer ('Secondary Employer') other
3 than for the employer who has contracted for the
4 employment of such nonresident worker in the Federated
5 States of Micronesia ('Primary Employer'). The
6 Secondary Employer shall engage in a temporary contract
7 for such employment with the Primary Employer. Any
8 contract for full-time employment (40 hour work-week) in
9 excess of 30 days shall be deemed a change of employers
10 for purposes of this section; and

11 (b) upon completion or termination of a contract
12 with his Primary Employer, or pursuant to paragraph (b)
13 herein, any nonresident worker may change employers.
14 Each nonresident worker seeking to change employers
15 shall provide a copy of the new contract for employment
16 to the Chief of Immigration and Labor and apply for a
17 permit from the Chief authorizing such change. The
18 Chief of Immigration and Labor shall issue such permit
19 without charge and shall not require that the
20 nonresident worker leave the Federated States of
21 Micronesia."

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25 Section 2. This act shall become law upon approval by the

1 President of the Federated States of Micronesia or upon its
2 becoming law without such approval.

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4 Date: 12/28/06

Introduced by: /s/ Peter M. Christian
Peter M. Christian

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