March 12, 2020

The Honorable Wesley W. Simina  
Speaker  
FSM Congress  
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

I transmit herewith a certified copy of Congressional Resolution No. 21-129, C.D.1, C.D.2, which was adopted by the Twenty-First Congress of the Federated States of Micronesia, Fourth Special Session, 2020.

Sincerely,

[Signature]

Liwiana Ramon Ioanis  
Chief Clerk  
Congress of the  
Federated States of Micronesia

Enclosures
A RESOLUTION

TO AMEND THE PRESIDENT'S PUBLIC HEALTH EMERGENCY DECLARATION DATED JANUARY 31, 2020.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: MARCH 10, 2020

ADOPTED: MARCH 10, 2020

Liwiana Ramon Ioams
Chief Clerk, FSM Congress
A RESOLUTION

To amend the President’s Public Health Emergency Declaration dated January 31, 2020.

1. WHEREAS, on January, 31, 2020, the President issued a Public Health Emergency Declaration; and

2. WHEREAS, the President issued a Clarification on the Public Health Emergency Declaration on February 1, 2020; and

3. WHEREAS, the President issued an Amendment to the Public Health Emergency Declaration on February 4, 2020; and

4. WHEREAS, on February 7, 2020, an unsigned and not on official letterhead Clarification of the Public Health Emergency Declaration was issued by the President’s office; and

5. WHEREAS, by Congressional Resolution No. 21-117, Congress further amended the Public Health Emergency Declaration on February 12, 2020; and

6. WHEREAS, the President issued an Amendment to the Public Health Emergency Declaration on February 14, 2020, with an attached Clarification of the Public Health Emergency Declaration; and

7. WHEREAS, the President issued a Decree in relation to the Public Health Emergency Declaration on February 28, 2020; and

8. WHEREAS in accordance to Article X, section 9 of the FSM Constitution, Congress has the sole authority to revoke, amend or
extend the Public Health Emergency Declaration; and

WHEREAS, Congress is currently convened for its Fourth Special Session and therefore has the powers under the Constitution to revoke, amend or extend the Declaration; and

WHEREAS, Congress has reviewed the Declaration, the amendments, the clarifications and the decrees issued by the President and has reviewed the facts attending to the Declaration, amendments, clarifications and decrees, and has had several public hearings and has met and conferred with the President and has considered the President's requests for Congressional action; and

WHEREAS, the World Health Organization (WHO) has published guidelines in response to the outbreak and within those guidelines has defined "affected areas" as areas that are considered those countries, provinces, territories or cities experiencing ongoing transmission of COVID-19, in contrast to areas reporting only imported cases; and

WHEREAS, the WHO published guidelines note that control measures that focus on prevention, particularly through regular hand washing and cough hygiene, and on active surveillance for the early detection and isolation of cases, the rapid identification and close monitoring of persons in contact with cases, and the rapid access to clinical care, particularly for severe cases, are effective to contain most outbreaks of COVID-19; and

WHEREAS, the WHO published guidelines continue to advise against the application of travel or trade restrictions to
countries experiencing COVID-19 outbreaks; and

WHEREAS, the WHO published guidelines note that in general,
evidence shows that restricting the movement of people and goods
during public health emergencies is ineffective in most situations
and may divert resources from other interventions and furthermore,
restrictions may interrupt needed aid and technical support, may
disrupt businesses, and may have negative social and economic
effects on the affected countries; and

WHEREAS, the WHO published guidelines note that travel
measures that significantly interfere with international traffic
may only be justified at the beginning of an outbreak, as they may
allow countries to gain time, even if only a few days, to rapidly
implement effective preparedness measures and such restrictions
must be based on a careful risk assessment, be proportionate to
the public health risk, be short in duration, and be reconsidered
regularly as the situation evolves; and

WHEREAS, the WHO published guidelines advise that travel bans
to affected areas or denial of entry to passengers coming from
affected areas are usually not effective in preventing the
importation of cases but may have a significant economic and
social impact; and

WHEREAS, the WHO published guidelines recommend that
countries should intensify surveillance for unusual outbreaks of
influenza-like illness and severe pneumonia and monitor carefully
the evolution of COVID-19 outbreaks, reinforcing epidemiological
surveillance and should continue to enhance awareness through effective risk communication concerning COVID-19 to the general public, health professionals, and policy makers, and to avoid actions that promote stigma or discrimination; now, therefore,

BE IT RESOLVED by the Twenty-First Congress of the Federated States of Micronesia, Fourth Special Session, 2020, that:

(1) Sections 5 and 6 of C.R. No. 21-117 are hereby revoked.

(2) The Public Health Emergency Declaration in the FSM dated January 31, 2020, is hereby amended to read:

WHEREAS, the World Health Organization has declared on January 30, 2020 (January 31st 2020 Pohnpei time) that the new Coronavirus is a Public Health Emergency of International Concern (PHEIC); and

WHEREAS, the ongoing spread of the Coronavirus is threatening the safety and public security of citizens, nationals and residents of the Federated States of Micronesia; and

WHEREAS, as of today, over 8,100 cases of Coronavirus have been confirmed in mainland China with 171 deaths prompting the PHEIC Declaration by the World Health Organization; and

WHEREAS, it is imperative that immediate precautionary measures are put in place in the FSM in order to protect the lives and safety of it’s citizens, nationals and residents by initiating a ban, restrictions and/or advisory with respect to unnecessary international travel that could intensify the risk of spreading
1 the virus into the FSM territory;
2 NOW THEREFORE, I David W. Panuelo, President of the
3 Federated States of Micronesia, pursuant to the authority vested
4 upon me under Article X, Section 9 of the FSM Constitution, do
5 hereby place the entire territory of the Federated States of
6 Micronesia under a state of emergency to address the effects of
7 Coronavirus and order as follows:
8 (1) All citizens of the Federated States of Micronesia are
9 banned from traveling to Hubei Province, China, until further
10 notice and until such time that a determination is made that the
11 Coronavirus is effectively contained.
12 (2) Other citizens, nationals and residents in the FSM are
13 strongly advised against taking unnecessary travel to any country,
14 state or territory considered to be an affected area as defined
15 above, until the situation is reassessed and found to be under
16 control, making it safe to resume international travel.
17 (3) Persons traveling directly or indirectly, either by air or
18 sea transport from Hubei Province, China, since January 6, 2020,
19 are banned from entering into the FSM until further notice.
20 (4) As food security is a high priority for the nation, all
21 commercial sea vessels (cargo, tankers and fishing vessels) shall
22 all be subject to normal Customs, Immigration and Quarantine (CIQ)
23 and additional health screening and inspection procedures as
24 determined necessary by national and state health authorities.
25 Commercial vessel crews originating from or transiting through
1 Hubei Province are allowed to disembark their vessels only in the
2 performance of required operational duties and only within the
3 immediate dock facilities. Fishing vessel crews may be allowed to
4 disembark provided they are assessed as healthy by designated
5 health authorities.
6 (5) For commercial airlines conducting regular transit service
7 through the FSM, crewmembers and technical support personnel on
8 board the aircraft may exit the aircraft in order to carry out
9 inspection and regular duties around the aircraft, but they are
10 not permitted to enter any airport facilities except for those
11 necessary for the safe operation of the airplane.
12 (6) A task force is hereby established to coordinate all
13 activities that need to be undertaken and measures that must be
14 formulated and implemented in connection with the Coronavirus
15 outbreak. The Department of Health and Social Affairs designated
16 as the lead department and chair of the Task Force, which will be
17 responsible for setting up plans to provide any necessary measures
18 that will ensure that the movement of people and international
19 travellers do not cause the introduction of the Coronavirus
20 anywhere in the FSM. The members of the Task Force are the
21 following:
22 a. Department of Environment, Climate Change and
23 Emergency Management (DECCEM);
24 b. Department of Foreign Affairs;
25 c. Department of Finance and Administration;
d. Department of Transportation, Communications and
Infrastructure (TC&I);
e. Department of Justice;
f. Department of Resources and Development (R&D);
g. Department of Education;
h. FSM Division of Immigration;
j. Representatives of the Private Sector; and
8. Representatives of State Governments as recommended by the State
Governors;

(7) The Task Force shall coordinate with the task forces
established by the FSM States and work together with international
partners such as the World Health Organization and the United
States Centers for Disease Control and Prevention (CDC), and
provide the President with timely reports, updates and appropriate
recommendations.

(8) Up to the sum of $700,000, received as balance and
available under the Disaster Relief Fund (DRF) accounts set up
under Title 55 of the Code of the Federated States of Micronesia
(Annotated), from prior declarations of emergencies, is hereby
decreed for this Public Health Emergency Declaration. This fund
shall be used in any manner necessary to deal with the public
health emergency, including the mitigation of costs for people
affected by the travel ban instituted by the emergency
declaration. The Emergency Task Force shall develop suitable
criteria for the mitigation of costs for President's approval.
(9) Expenditures of the decreed fund are subject to full accounting. Within 20 days after the end of the emergency, the Chair of the Task Force, with the assistance of the Secretary of Finance and Administration and staff, shall provide the President with a full report on the expenditure of funds, and shall submit the report to Congress no later than 30 days after the emergency is over.

(10) During the emergency, a civil right may be impaired only to the extent actually required for the preservation of peace, health or safety. The normal requirement of competitive bidding is waived for any procurement made in connection with this declaration of emergency.

(11) Unless sooner revoked by Congress, this Emergency Declaration is valid until May 15, 2020.

(12) The 14-day travel restrictions requiring persons traveling into the FSM from countries, states or territories with confirmed cases of the Coronavirus (other than Hubei Province, China) to remain in a country, state or territory with no confirmed cases of the Coronavirus for a period of no less than 14 days immediately prior to their entry into the FSM, are hereby lifted upon the adoption of this Resolution, for all countries, states and territories other than Hubei Province, China. The travel restriction requiring a stay in an unaffected country, state or territory shall not be extended or reinstated except by authorization of Congress by resolution if Congress is in session.
or by written communication signed by the majority of the 
Committee of Health and Social Affairs if Congress is not in 
session.

(13) All previous amendments and clarifications to the Public 
Health Emergency Declaration are hereby revoked.

BE IT FURTHER RESOLVED, that the President shall disseminate 
widely the Public Health Declaration of Emergency as amended by 
Congress, and any subsequent amendments made by the President 
pursuant to this Resolution; and
BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted to the President of the Federated States of Micronesia, the Chief Justice of the FSM Supreme Court, the Governors of Chuuk, Kosrae, Pohnpei and Yap States, the presiding officers of the four state legislatures, and the heads of the airports in Chuuk, Kosrae Pohnpei and Yap.

ADOPTED: March 11, 2020

Wesley W. Simina
Speaker
FSM Congress

ATTEST:

Liwiana Ramon Ioanes
Chief Clerk
FSM Congress