A RESOLUTION

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

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

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

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

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

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

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

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

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
the virus into the FSM territory;

NOW THEREFORE, I David W. Panuelo, President of the Federated States of Micronesia, pursuant to the authority vested upon me under Article X, Section 9 of the FSM Constitution, do hereby place the entire territory of the Federated States of Micronesia under a state of emergency to address the effects of Coronavirus and order as follows:

(1) All citizens of the Federated States of Micronesia are banned from traveling to Hubei Province, China, until further notice and until such time that a determination is made that the Coronavirus is effectively contained.

(2) Other citizens, nationals and residents in the FSM are strongly advised against taking unnecessary travel to any country, state or territory considered to be an affected area as defined above, until the situation is reassessed and found to be under control, making it safe to resume international travel.

(3) Persons traveling directly or indirectly, either by air or sea transport from Hubei Province, China, since January 6, 2020, are banned from entering into the FSM until further notice.

(4) As food security is a high priority for the nation, all commercial sea vessels (cargo, tankers and fishing vessels) shall all be subject to normal Customs, Immigration and Quarantine (CIQ) and additional health screening and inspection procedures as determined necessary by national and state health authorities. Commercial vessel crews originating from or transiting through
Hubei Province are allowed to disembark their vessels only in the performance of required operational duties and only within the immediate dock facilities. Fishing vessel crews may be allowed to disembark provided they are assessed as healthy by designated health authorities.

(5) For commercial airlines conducting regular transit service through the FSM, crewmembers and technical support personnel on board the aircraft may exit the aircraft in order to carry out inspection and regular duties around the aircraft, but they are not permitted to enter any airport facilities except for those necessary for the safe operation of the airplane.

(6) A task force is hereby established to coordinate all activities that need to be undertaken and measures that must be formulated and implemented in connection with the Coronavirus outbreak. The Department of Health and Social Affairs designated as the lead department and chair of the Task Force, which will be responsible for setting up plans to provide any necessary measures that will ensure that the movement of people and international travellers do not cause the introduction of the Coronavirus anywhere in the FSM. The members of the Task Force are the following:

a. Department of Environment, Climate Change and Emergency Management (DECCEM);

b. Department of Foreign Affairs;

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
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

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Wesley W. Simina
Speaker
FSM Congress

ATTEST: ________________________
Liwiana Ramon Ioanis
Chief Clerk
FSM Congress