

A RESOLUTION

To further amend the President's Public Health Emergency Declaration dated January 31, 2020, as amended on February 7, 2020, and further amended on March 11, 2020 and April 17, 2020.

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

3           WHEREAS in accordance to Article X, Section 9 (c) of the FSM  
4 Constitution, Congress has the sole authority to revoke, amend or  
5 extend the Public Health Emergency Declaration; and

6           WHEREAS, Congress is currently convened for its [~~Fifth~~  
7 ~~Special~~] Fourth Regular Session and therefore has the powers under  
8 the Constitution to revoke, amend or extend the Declaration; and

9           WHEREAS, Congress has reviewed the Declaration, the  
10 amendments, the clarifications and the decrees issued by the  
11 President and has reviewed updated information on the COVID-19  
12 becoming a pandemic soon after the adoption of the March 11, 2020,  
13 amendment to the January 31, 2020, declaration, the facts  
14 attending to the declaration, amendments, clarifications and  
15 decrees, and has had several public hearings and has met and  
16 conferred with the President and has considered the President's  
17 requests for Congressional action; now, therefore,

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

20                   (1) Pursuant to Article X, Section 9 (c) of the FSM

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1           Constitution, Congress has the exclusive  
2           authority to revoke, amend or extend the  
3           Emergency Declaration. The President may not  
4           revoke, amend or extend the Emergency  
5           Declaration. However, should there be a  
6           confirmed case of COVID-19 within the FSM, the  
7           President is authorized to amend the Declaration  
8           to respond to this situation only.

9           (2) Pursuant to Article X, Section 9 (a) of the FSM  
10          Constitution, the President may issue appropriate  
11          decrees related to the Emergency Declaration,  
12          other than to revoke, amend or extend the  
13          Emergency Declaration. Unless and until this  
14          Emergency Declaration is revoked by Congress, or  
15          it expires of it's own term, the President may  
16          not issue an additional or new Emergency  
17          Declaration to address the ongoing COVID-19  
18          Pandemic. The purported declaration issued on  
19          March 14, 2020 by the President is null and void  
20          and all purported amendments, decrees and  
21          clarifications made pursuant to the purported  
22          declaration are also null and void. Most of the  
23          contents of the purported March 14, 2020  
24          declaration and subsequent decrees thereof are  
25          incorporated herein for clarity and comity

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1 purposes. The contents thereof which are not  
2 inconsistent or contradictory to the January 31,  
3 2020 declaration as amended and as further  
4 amended herein by Congress are hereby deemed  
5 ratified as to their effectiveness and  
6 implementation, relating back to their date of  
7 issuance or implementation.

8 (3) ~~[The President shall discuss with the Governors~~  
9 ~~of all the 4 states the terms of the social~~  
10 ~~distancing requirements and other safety~~  
11 ~~precautions that shall be mandated, within 30~~  
12 ~~days, for the entire nation.]~~ The President is  
13 urged to coordinate and consult with the state  
14 governors and their task forces, with a view  
15 towards setting a national standard of social  
16 distancing measures, and the National Task Force  
17 shall support the states mandated implementation  
18 of the guidelines. The social distancing  
19 standards and measures shall be widely publicized  
20 throughout the nation.

21 (4) The Public Health Emergency Declaration in the  
22 FSM dated January 31, 2020, is hereby further  
23 amended to read:

24 WHEREAS, the World Health Organization (WHO) has declared on  
25 January 30, 2020 (January 31<sup>st</sup> 2020 Pohnpei time) that the new

1 Coronavirus (COVID-19) is a Public Health Emergency of  
2 International Concern (PHEIC); and

3 WHEREAS, the WHO has declared on March 11, 2020, (March 12,  
4 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred  
5 after Congress adopted it's March 11, 2020 amendment to the  
6 January 31, 2020 declaration; and

7 WHEREAS, the COVID-19 Pandemic exposes the FSM to an  
8 undeniable vulnerability from the imminent and likely entry of the  
9 virus to the islands unless the FSM National Government and the  
10 State Governments resolves to implement effective and uniform  
11 counter measures to combat the spread of this rare and deadly  
12 virus across all of our states; and

13 WHEREAS, the National Government must mitigate the risk  
14 factors associated with the undesirable spread of COVID-19  
15 anywhere in the FSM, and for this purpose, the FSM must fast-track  
16 nationwide, unified capacity building efforts - which remain in  
17 progress, intensify the surveillance and monitoring of  
18 international airports and seaports in the country, and maintain  
19 quarantine and travel restrictions, together and as a whole,  
20 comprising the national efforts of combatting the spread of COVID-  
21 19 as other countries around the world are doing; and

22 WHEREAS, the number of countries with confirmed and suspected  
23 cases of COVID-19 keeps increasing and the number of deaths due to  
24 COVID-19 have intensified with no signs of receding in the near  
25 future; and

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1           WHEREAS, the citizens and residents of the FSM remain  
2 extremely vulnerable to this outbreak, taking into consideration  
3 the fact that airline travel routes connecting into the FSM  
4 already have confirmed cases of COVID-19 in Hawaii and Guam and  
5 COVID-19 may very likely cause massive and widespread illnesses  
6 and public health disasters that are beyond the ability and  
7 present resources of the FSM National and State Governments to  
8 contain; and

9           WHEREAS, given the unrelenting global spread of COVID-19, and  
10 the reality that is already a pandemic, it becomes a matter of  
11 legal duty and obligation of the National Government of the FSM,  
12 its leadership and all officials of this Nation, to take all the  
13 emergency precautions, measures and interventions as a matter of  
14 acute emergency and necessity, in order to protect and save lives  
15 of our citizens, especially the most vulnerable members of our  
16 population, the elderly, the sick and the children;

17           NOW THEREFORE, I, David W. Panuelo, President of the  
18 Federated States of Micronesia, pursuant to the authority vested  
19 upon me under Article X, Section 9 of the FSM Constitution, do  
20 hereby place the entire territory of the Federated States of  
21 Micronesia under a state of emergency to address the effects of  
22 COVID-19 and order as follows:

23           (1) Immediately, all ports of entry of the FSM shall  
24           be strengthened and are immediately placed under  
25           strict monitoring and surveillance to ensure that

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1                   the potential carriers of COVID-19 do not enter  
2                   into the FSM. All travellers must be screened  
3                   thoroughly for any signs or symptoms of COVID-19,  
4                   such as feeling tired, difficulty breathing, high  
5                   temperature (fever) and coughing and/or sore  
6                   throat.

7                   (2) All National border and security personnel  
8                   (Customs, Immigration and Quarantine) are under a  
9                   duty to intensify monitoring of the borders of  
10                  this Nation and work very closely with the  
11                  National and State Task Forces to implement a  
12                  unified response.

13                 (3) Given the severity of the situation, as a matter  
14                 of national security of this Nation and in the  
15                 interest of maintaining good health and safety of  
16                 our people, immediately upon its issuance, this  
17                 Decree shall be disseminated to the public as  
18                 widely as possible throughout the Nation, by  
19                 radio, print media and by digital media. The FSM  
20                 Emergency Task Force shall monitor the  
21                 implementation, enforcement and full compliance  
22                 of this emergency declaration and provide timely  
23                 reports to the President.

24                 (4) Nationwide, unified travel bans must be enforced  
25                 according to the terms of this declaration.

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1                   Persons travelling from any infected country,  
2                   state or territory, are prohibited from entering  
3                   into the FSM for as long as the COVID-19 Pandemic  
4                   persists. Rare exceptions may be granted on a  
5                   case-by-case basis, for certified health experts,  
6                   technicians and workers assigned to assist the  
7                   FSM with respect to COVID-19, returning medical  
8                   referral patients, including if applicable, the  
9                   remains of a deceased and the medical or family  
10                  attendant, premised upon prior favorable advice,  
11                  assessment and recommendation by the FSM  
12                  Emergency Task Force, in consultation with the  
13                  state task forces, and subject to all screening,  
14                  detection, quarantine and isolation procedures  
15                  and protocols of the State of destination.

16                  (5) All FSM Citizens are banned from travelling to  
17                  any country, state or territory with confirmed  
18                  cases of COVID-19 until further notice and until  
19                  such time that a determination is made that the  
20                  COVID-19 Pandemic is effectively contained.  
21                  Exceptions may be granted for FSM citizens who  
22                  will be traveling to affected areas, who are  
23                  legal residents of an affected area, and are  
24                  returning to their homes or employment or for  
25                  urgent medical treatment premised upon favorable

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1            advice, assessment and recommendation by the FSM  
2            Emergency Task Force.

3            (6) Other citizens, nationals and residents of the  
4            FSM are strongly advised against travel to any  
5            country, state or territory with confirmed cases  
6            of COVID-19, with the understanding that they may  
7            be prohibited from re-entry or may be subject to  
8            quarantine procedures upon return to the FSM.

9            (7) Travel by air or sea between and within the FSM  
10           states is permitted for: essential personnel;  
11           people who are returning to their state of  
12           residence, employment, or location of their  
13           educational institution; or for a family  
14           emergency, as long as there are no confirmed  
15           cases of COVID-19 within any of the FSM states.  
16           Only air and sea travel that originates within  
17           the FSM states, by domestic air or sea carriers,  
18           is permitted, travel that originates outside of  
19           the FSM is not permitted. [~~ie. flights~~] Flights  
20           originating in Guam or Hawaii or any other  
21           affected area are not permitted and ships  
22           originating from any affected area are not  
23           permitted). All passengers will be screened at  
24           the airport or seaport prior to check in or  
25           boarding and are subject to health screening



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1                    procedures in the FSM state of destination. Any  
2                    passenger exhibiting symptoms of COVID-19 will  
3                    not be permitted to board the plane or ship. Any  
4                    passenger that develops symptoms during transit  
5                    will be permitted to enter at their final  
6                    destination, but will subject to  
7                    quarantine/isolation requirements.

8                    (8)                Because of the lack of available quarantine and  
9                    isolation facilities within the FSM, no  
10                    passengers shall be permitted to disembark into  
11                    the FSM from any air or sea vessel that  
12                    originates outside the FSM, subject to the  
13                    exceptions in Section 4, for FSM citizens  
14                    international travel and Section (9) for  
15                    commercial sea vessels.

16                    i. However, the National Task Force shall work  
17                    in consultation with each of the states for the  
18                    purpose of establishing and further developing  
19                    their quarantine and isolation facilities  
20                    standards and capabilities. When the facilities  
21                    within any of the states are developed to  
22                    acceptable standards, the states will work with  
23                    the National Task Force to develop a plan for  
24                    repatriation of FSM citizens, FSM students and  
25                    the return of FSM residents, to include FSM

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1                   government officials and members of the FSM  
2                   diplomatic corps. The National Task Force shall  
3                   work with international air carriers to notify  
4                   them of the procedures that will be followed  
5                   including scheduling of arrivals, pre-screening,  
6                   screening upon arrival and quarantine and  
7                   isolation requirements.

8                   ii. The authority to regulate foreign and  
9                   interstate commerce is expressly granted to  
10                  Congress in the Constitution, FSM Const. art. IX,  
11                  § 2(g). FSM Const. art. XIII § 3. requires the  
12                  national and state governments to uphold the  
13                  provisions of the Constitution and to advance the  
14                  principles of unity upon which the Constitution  
15                  is founded. These travel restrictions may not be  
16                  amended by the states; they may only be amended  
17                  by Congressional Resolution if Congress is in  
18                  session, or by written communication signed by  
19                  the majority of the Committee of Health and  
20                  Social Affairs if Congress is not in session.

21                  (9) Commercial sea vessels (defined as: fishing  
22                  vessels, cargo vessels and oil tankers) traveling  
23                  to the FSM for the purpose of trade and commerce,  
24                  are subject to the following:

25                         a. Commercial sea vessels are required to abide

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1 at all times with the precautionary measures and  
2 protocols set by the FSM National Government in  
3 coordination with the National and State task  
4 forces.

5 (10) Fishing vessels, other than the domestic fleet,  
6 are subject to the following:

7 a. ~~[With the exception of transshipment~~  
8 ~~activities in Kosrae by purse seine fishing~~  
9 ~~vessels and of activities falling under section~~  
10 ~~(b) hereof, all transshipment activities are to~~  
11 ~~be carried out in designated transshipment areas~~  
12 ~~to be identified by the National Oceanic Resource~~  
13 ~~and Management Authority (NORMA). A designated~~  
14 ~~transshipment area will be in the territorial~~  
15 ~~waters beyond the three nautical miles zone from~~  
16 ~~baselines. NORMA shall issue appropriate~~  
17 ~~guidelines regulating the transshipment.] All~~  
18 ~~transshipment activities are to be carried out in~~  
19 ~~designated transshipment areas to be identified~~  
20 ~~by the National Oceanic Resource Management~~  
21 ~~Authority (NORMA). A designated transshipment~~  
22 ~~area will be in port areas or in territorial~~  
23 ~~waters beyond the three nautical miles zone from~~  
24 ~~baselines. NORMA shall issue appropriate~~  
25 ~~guidelines regulating the transshipment.~~

- 1                   b. Carrier vessels supporting transshipment  
2                   activities of the domestic fleets are  
3                   permitted to enter the anchorage area for  
4                   transshipping purposes only, subject to  
5                   state health screening procedures.
- 6                   c. Longline (LL) fishing vessels are allowed to  
7                   come to port for transshipment purposes,  
8                   subject to the additional measures  
9                   established by NORMA for the avoidance of  
10                  COVID-19, and observing the following  
11                  guidelines:
- 12                  i. Fresh LL fishing vessels are allowed to  
13                  transship at port; PROVIDED, THAT, there  
14                  shall be no contact at anytime prior to  
15                  the transshipment.
- 16                  ii. Frozen LL fishing vessels are allowed to  
17                  transship at port; PROVIDED, THAT, the  
18                  fishing vessels observe the 14-day  
19                  quarantine at sea, and no crewmembers are  
20                  allowed to disembark at port. The 14-day  
21                  quarantine is counted from the date of  
22                  last contact.
- 23                  iii. For the purpose of Section (b) hereof,  
24                  and any part of this decree where its  
25                  application is deemed relevant, "contact"

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1                   refers to human interaction of less than  
2                   four (4) feet between a crewmember of one  
3                   fishing vessel and another crewmember of  
4                   another fishing vessel, or any other  
5                   human to human contact external to  
6                   fishing vessel operations.

7                   iv. Bartering, trading and local sale of fish  
8                   are prohibited. No person is allowed to  
9                   approach, in the transshipment and  
10                  Anchorage area, any fishing vessel, or  
11                  have any contact therewith, at any time  
12                  during the effective period of this  
13                  declaration.

14                  d. Domestic fishing vessels are allowed to call  
15                  port in the FSM States for repair,  
16                  maintenance and provisioning purposes at the  
17                  Anchorage area, and shall remain in the  
18                  Anchorage area during repairs, maintenance  
19                  and provisioning. For the purposes of this  
20                  section, domestic fishing vessels are fishing  
21                  vessels that are flagged in the FSM or have a  
22                  base of operation anywhere in the FSM States.  
23                  On a case by case basis, NORMA may, in  
24                  consultation with the states, grant approval  
25                  for required repairs and maintenance to be

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1 completed at the dock for any repairs or  
2 maintenance that cannot be carried out at the  
3 anchorage area, subject to no human-to-human  
4 contact during said repairs. A written plan  
5 outlining the safety procedures that will be  
6 followed must be submitted to NORMA for  
7 approval at least 72 hours prior to the  
8 requested repairs.

9 e. With respect to transshipment at sea,  
10 Immigration and Customs clearance procedures  
11 shall be conducted electronically with the  
12 intention of avoiding or minimizing contact.  
13 For the duration of the emergency procedure  
14 concerning transshipment at sea, quarantine  
15 procedures are suspended until further notice.

16 f. Transshipment at sea shall be monitored  
17 thoroughly by the relevant national department  
18 or agency, in particular, the Department of  
19 Justice (DOJ) and NORMA, to ensure compliance  
20 with this directive. NORMA and DOJ, on behalf  
21 of the National Emergency Task Force, shall  
22 coordinate with the State authorities to  
23 ensure that the transshipment activities are  
24 not unduly delayed or interfered with by any  
25 State-mandated procedures.

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1 g. It is part of these requirements that 72 hours  
2 prior to transshipment, notice shall be  
3 provided in advance to NORMA and DOJ using  
4 applicable forms of reporting. Included in  
5 the notice are the body temperatures of all  
6 crewmembers of the fishing vessels intending  
7 to transship, taken at 24-hour intervals prior  
8 to transshipment. (at 72 hours, at 48 hours  
9 and at 24 hours). Information on body  
10 temperatures may be shared with the State  
11 authorities for health assessment and  
12 coordination purposes.

13 h. These restrictions are a temporary emergency  
14 measure, which shall remain in effect until  
15 further notice. Any violation of these  
16 restrictions shall be subject to penalty set  
17 by law pursuant to 11 F.S.M.C. §803. The  
18 Secretary of Justice is ordered to take all  
19 measures available within the law to ensure  
20 enforcement of these restrictions.

21 (11) A task force is hereby established to coordinate  
22 all activities that need to be undertaken and  
23 measures that must be formulated and uniformly  
24 implemented in connection with the COVID-19  
25 Pandemic. The Department of Health and Social

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1 Affairs is designated as the lead department and  
2 chair of the Task Force, which will be  
3 responsible for setting up plans to provide any  
4 necessary measures that will ensure that the  
5 movement of people and international travellers  
6 do not cause the introduction of COVID-19  
7 anywhere in the FSM. The members of the Task  
8 Force are the following:

- 9 a. Department of Environment, Climate Change and  
10 Emergency Management (DECCEM);
- 11 b. Department of Foreign Affairs;
- 12 c. Department of Finance and Administration;
- 13 d. Department of Transportation, Communications  
14 and Infrastructure (TC&I);
- 15 e. Department of Justice;
- 16 f. Department of Resources and Development (R&D);
- 17 g. Department of Education;
- 18 h. FSM Division of Immigration;
- 19 i. Representatives of the Private Sector;
- 20 j. Representatives of State Governments as  
21 recommended by the State Governors;
- 22 k. Development Partners;
- 23 l. Representatives of Faith Groups; and
- 24 m. Representatives of Traditional Leaders.

25 (12) The Task Force shall convene immediately upon



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1 issuance of this order and provide the President  
2 with timely reports and updates.

3 (13) Up to the sum of \$700,000, received as balance  
4 and available under the Disaster Relief Fund  
5 (DRF) accounts set up under Title 55 of the Code  
6 of the Federated States of Micronesia  
7 (Annotated), from prior declarations of  
8 emergencies, is hereby decreed for this Public  
9 Health Emergency Declaration. This fund shall be  
10 used in any manner necessary to deal with the  
11 public health emergency, including the mitigation  
12 of costs for people affected by the travel ban  
13 instituted by the emergency declaration. The  
14 Emergency Task Force shall develop suitable  
15 criteria for the mitigation of costs for  
16 President's approval.

17 (14) Other funds received from foreign donors,  
18 including the United States, that are  
19 specifically related to the FSM national response  
20 to the COVID-19 Pandemic may be used for  
21 nationwide capacity building, intensifying the  
22 surveillance and monitoring of international  
23 airports and seaports in the FSM, expanding and  
24 maintaining quarantine and travel restrictions,  
25 and other national efforts to combat the spread

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- 1 of COVID-19.
- 2 (15) Expenditures of the decreed funds are subject to  
3 full accounting. Within 20 days after the end of  
4 the emergency, the Chair of the Task Force, with  
5 the assistance of the Secretary of Finance and  
6 Administration and staff, shall provide the  
7 President with a full report on the expenditure  
8 of funds, and shall submit the report to Congress  
9 no later than 30 days after the emergency is  
10 over.
- 11 (16) The Department of Finance shall identify sources  
12 of replenishment for the decreed funds and  
13 recommend to the President, as soon as practical,  
14 additional supplemental budget request to  
15 Congress.
- 16 (17) During the emergency, a civil right may be  
17 impaired only to the extent actually required for  
18 the preservation of peace, health or safety. The  
19 normal requirement of competitive bidding is  
20 waived for any procurement made in connection  
21 with this declaration of emergency.
- 22 (18) Unless sooner revoked by Congress, this Emergency  
23 Declaration is in effect until [~~May~~] July 31,  
24 2020.
- 25 (19) All previous amendments and clarifications to the

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1                   Public Health Emergency Declaration are hereby  
2                   revoked.

3           BE IT FURTHER RESOLVED, that the President shall disseminate  
4 widely the Public Health Declaration of Emergency as amended by  
5 Congress, and any subsequent decrees and clarifications made by  
6 the President pursuant to this Resolution; and

7           BE IT FURTHER RESOLVED, that certified copies of this  
8 resolution be transmitted to the President of the Federated States  
9 of Micronesia, the Chief Justice of the FSM Supreme Court, the  
10 Governors of Chuuk, Kosrae, Pohnpei and Yap States, the presiding  
11 officers of the four state legislatures, and the heads of the  
12 airports and seaports in Chuuk, Kosrae Pohnpei and Yap.

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14 Date: 5/26/20

Introduced by: /s/ Wesley W. Simina  
Wesley W. Simina

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