
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, April 17, 2020, May 30, 2020, [and] July 10, 2020, and August 20, 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 Sixth Special
7 Session and therefore has the powers under the Constitution to
8 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-FirstCongress of the Federated
19 States of Micronesia, Sixth Special Session, 2020, that:

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- 1 (1) Pursuant to Article X, Section 9 (c) of the FSM
2 Constitution, Congress has the exclusive
3 authority to revoke, amend or extend the
4 Emergency Declaration. The President may not
5 revoke, amend or extend the Emergency
6 Declaration. However, should there be a
7 confirmed case of COVID-19 within the FSM, the
8 President is authorized to amend the Declaration
9 to respond to this situation only.
- 10 (2) Pursuant to Article X, Section 9 (a) of the FSM
11 Constitution, the President may issue appropriate
12 decrees related to the Emergency Declaration,
13 other than to revoke, amend or extend the
14 Emergency Declaration. Unless and until this
15 Emergency Declaration is revoked by Congress, or
16 it expires of it's own term, the President may
17 not issue an additional or new Emergency
18 Declaration to address the ongoing COVID-19
19 Pandemic. The purported declaration issued on
20 March 14, 2020 by the President is null and void
21 and all purported amendments, decrees and
22 clarifications made pursuant to the purported
23 declaration are also null and void. Most of the
24 contents of the purported March 14, 2020
25 declaration and subsequent decrees thereof are

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

9 (3) The President is urged to coordinate and consult
10 with the state governors and their task forces,
11 with a view towards setting a national standard
12 of social distancing measures, and the National
13 Task Force shall support the states mandated
14 implementation of the guidelines. The social
15 distancing standards and measures shall be widely
16 publicized throughout the nation.

17 (4) The Public Health Emergency Declaration in the
18 FSM dated January 31, 2020, is hereby further
19 amended to read:

20 WHEREAS, the World Health Organization (WHO) has declared on
21 January 30, 2020 (January 31st 2020 Pohnpei time) that the new
22 Coronavirus (COVID-19) is a Public Health Emergency of
23 International Concern (PHEIC); and

24 WHEREAS, the WHO has declared on March 11, 2020, (March 12,
25 2020 Pohnpei time) that COVID-19 isa pandemic and this occurred

1 after Congress adopted its March 11, 2020 amendment to the January
2 31, 2020 declaration; and

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

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

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

22 WHEREAS, the citizens and residents of the FSM remain
23 extremely vulnerable to this outbreak, taking into consideration
24 the fact that airline travel routes connecting into the FSM
25 already have confirmed cases of COVID-19 in Hawaii and Guam and

1 COVID-19 may very likely cause massive and widespread illnesses
2 and public health disasters that are beyond the ability and
3 present resources of the FSM National and State Governments to
4 contain; and

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

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

19 (1) Immediately, all ports of entry of the FSM shall
20 be strengthened and are immediately placed under
21 strict monitoring and surveillance to ensure that
22 the potential carriers of COVID-19 do not enter
23 into the FSM. All travellers must be screened
24 thoroughly for any signs or symptoms of COVID-19,
25 such as feeling tired, difficulty breathing,

1 hightemperature (fever) and coughing and/or sore
2 throat.

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

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

20 (4) Nationwide, unified travel bans must be enforced
21 according to the terms of this declaration.
22 Persons travelling from any infected country,
23 state or territory, are prohibited from entering
24 into the FSM for as long as the COVID-19 Pandemic
25 persists. Rare exceptions may be granted on a

1 case-by-case basis, for certified health experts,
2 technicians and workers assigned to assist the
3 FSM with respect to COVID-19, returning medical
4 referral patients, including if applicable, the
5 remains of a deceased and the medical and/or
6 family attendants and immediate family members
7 and FSM governmental officials whose duties are
8 critical, vital and indispensable to the
9 functioning of any branch of any FSM state or the
10 FSM national government, premised upon prior
11 favorable advice, assessment and recommendation
12 by the FSM Emergency Task Force, in consultation
13 with the state task forces, and subject to all
14 screening, detection, quarantine and isolation
15 procedures and protocols of the State of
16 destination.

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

1 ~~medical treatment premised upon favorable advice,~~
2 ~~assessment and recommendation by the FSM~~
3 ~~Emergency Task Force.]~~

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

11 [~~(7)~~](6) Travel by air or sea between and within the
12 FSM states is permitted for: essential personnel
13 as determined by the state for whom the personnel
14 is needed; people who are returning to their
15 state of residence, employment, or location of
16 their educational institution; or for a family
17 emergency, as long as there are no confirmed
18 cases of COVID-19 within any of the FSM states.
19 Only air and sea travel that originates within
20 the FSM states, by domestic air or sea carriers,
21 is permitted, and any travel that originates
22 outside of the FSM is not permitted, except as
23 provided in this Declaration. Flights
24 originating in Guam or Hawaii or any other
25 affected area are not permitted and ships

1 originating from any affected area are not
2 permitted. All passengers will be screened at the
3 airport or seaport prior to check in or boarding
4 and are subject to health screening procedures
5 in the FSM state of destination. Any passenger
6 exhibiting symptoms of COVID-19 will not be
7 permitted to board the plane or ship. Any
8 passenger that develops symptoms during transit
9 will be permitted to enter at their final
10 destination, but will subject to
11 quarantine/isolation requirements.

12 [~~(8)~~](7) Because of the lack of available quarantine
13 and isolation facilities within the FSM, no
14 passengers shall be permitted to disembark into
15 the FSM from any air or sea vessel that
16 originates outside the FSM, subject to the
17 exceptions in Section 4, for FSM citizens
18 international travel and Section (9) for
19 commercial sea vessels.

20 i. However, the National Task Force shall work
21 in consultation with each of the states for the
22 purpose of establishing and further developing
23 their quarantine and isolation facilities
24 standards and capabilities. When the facilities
25 within any of the states are developed to

1 acceptable standards, the states will work with
2 the National Task Force to develop a plan for
3 repatriation of FSM citizens, FSM students and
4 the return of FSM residents. The repatriation of
5 FSM citizens shall be prioritized and only after
6 our citizens have been repatriated, further plans
7 may be implemented to allow for non-citizens to
8 enter the FSM. However, after all FSM citizens
9 who are on medical referral or are receiving
10 medical treatment outside the FSM, and their
11 medical attendants have been repatriated, an
12 exception may be made to allow for the entry of
13 the ambassadors of foreign embassies and the
14 heads of missions of non-government organizations
15 with diplomatic status, on a case by case basis,
16 upon consultation and approval of the National
17 Task Force and State Task Force. Any diplomat
18 seeking entry into the FSM shall under go all
19 quarantine requirements, including the mandatory
20 14-day hotel pre-quarantine and including 2
21 negative COVID-19 tests prior to being able to
22 depart for the FSM. There shall be no
23 modifications or exceptions to these
24 requirements. The National Task Force shall work
25 with international air carriers to notify them of

1 the procedures that will be followed including
2 scheduling of arrivals, pre-screening, screening
3 upon arrival and quarantine and isolation
4 requirements.

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

18 [~~(9)~~](8) Commercial sea vessels (defined as: fishing
19 vessels, cargo vessels and oil tankers) traveling
20 to the FSM for the purpose of trade and commerce,
21 are subject to the following:

22 a. Commercial sea vessels are required to abide
23 at all times with the precautionary measures
24 and protocols set by the FSM National
25 Government in coordination with the National

1 and State task forces.

2 [~~(10)~~](9) Fishing vessels, other than the domestic
3 fleet, are subject to the following:

- 4 a. All transshipment activities are to be
5 carried out in designated transshipment areas
6 to be identified by the National Oceanic
7 Resource Management Authority (NORMA). A
8 designated transshipment area will be in port
9 areas or in territorial waters beyond the
10 three nautical miles zone from baselines.
11 NORMA shall issue appropriate guidelines
12 regulating the transshipment.
- 13 b. Carrier vessels supporting transshipment
14 activities of the domestic fleets are
15 permitted to enter the anchorage area for
16 transshipping purposes only, subject to state
17 health screening procedures.
- 18 c. Longline (LL) fishing vessels are allowed to
19 come to port for transshipment purposes,
20 subject to the additional measures
21 established by NORMA for the avoidance of
22 COVID-19, and observing the following
23 guidelines:
- 24 i. Fresh LL fishing vessels are allowed to
25 transship at port; PROVIDED, THAT, there

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- 1 shall be no contact at anytime prior to
2 the transshipment.
- 3 ii. Frozen LL fishing vessels are allowed to
4 transship at port; PROVIDED, THAT, the
5 fishing vessels observe the 14-day
6 quarantine at sea, and no crewmembers are
7 allowed to disembark at port. The 14-day
8 quarantine is counted from the date of
9 last contact.
- 10 iii. For the purpose of Section (b) hereof,
11 and any part of this decree where its
12 application is deemed relevant, "contact"
13 refers to human interaction of less than
14 four (4) feet between a crewmember of one
15 fishing vessel and another crewmember of
16 another fishing vessel, or any other
17 human to human contact external to
18 fishing vessel operations.
- 19 iv. Bartering, trading and local sale of fish
20 are prohibited. No person is allowed to
21 approach, in the transshipment and
22 Anchorage area, any fishing vessel, or
23 have any contact therewith, at any time
24 during the effective period of this
25 declaration.

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- 1 d. Domestic fishing vessels are allowed to call
2 port in the FSM States for repair,
3 maintenance and provisioning purposes at the
4 Anchorage area, and shall remain in the
5 Anchorage area during repairs, maintenance
6 and provisioning. For the purposes of this
7 section, domestic fishing vessels are fishing
8 vessels that are flagged in the FSM or have a
9 base of operation anywhere in the FSM States.
10 On a case by case basis, NORMA may, in
11 consultation with the states, grant approval
12 for required repairs and maintenance to be
13 completed at the dock for any repairs or
14 maintenance that cannot be carried out at the
15 anchorage area, subject to no human-to-human
16 contact during said repairs. A written plan
17 outlining the safety procedures that will be
18 followed must be submitted to NORMA for
19 approval at least 72 hours prior to the
20 requested repairs.
- 21 e. With respect to transshipment at sea,
22 Immigration and Customs clearance procedures
23 shall be conducted electronically with the
24 intention of avoiding or minimizing contact.
25 For the duration of the emergency procedure

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- 1 concerning transshipment at sea, quarantine
2 procedures are suspended until further notice.
- 3 f. Transshipment at sea shall be monitored
4 thoroughly by the relevant national department
5 or agency, in particular, the Department of
6 Justice (DOJ) and NORMA, to ensure compliance
7 with this directive. NORMA and DOJ, on behalf
8 of the National Emergency Task Force, shall
9 coordinate with the State authorities to
10 ensure that the transshipment activities are
11 not unduly delayed or interfered with by any
12 State-mandated procedures.
- 13 g. It is part of these requirements that 72 hours
14 prior to transshipment, notice shall be
15 provided in advance to NORMA and DOJ using
16 applicable forms of reporting. Included in
17 the notice are the body temperatures of all
18 crewmembers of the fishing vessels intending
19 to transship, taken at 24-hour intervals prior
20 to transshipment. (at 72 hours, at 48 hours
21 and at 24 hours). Information on body
22 temperatures may be shared with the State
23 authorities for health assessment and
24 coordination purposes.
- 25 h. These restrictions are a temporary emergency

1 measure, which shall remain in effect until
2 further notice. Any violation of these
3 restrictions shall be subject to penalty set
4 by law pursuant to 11 F.S.M.C. §803. The
5 Secretary of Justice is ordered to take all
6 measures available within the law to ensure
7 enforcement of these restrictions.

8 [~~(11)~~](10) A task force is hereby established to
9 coordinate all activities that need to be
10 undertaken and measures that must be formulated
11 and uniformly implemented in connection with the
12 COVID-19 Pandemic. The Department of Health and
13 Social Affairs is designated as the lead
14 department and chair of the Task Force, which
15 will be responsible for setting up plans to
16 provide any necessary measures that will ensure
17 that the movement of people and international
18 travellers do not cause the introduction of
19 COVID-19 anywhere in the FSM. The members of the
20 Task Force are the following:

- 21 a. Department of Environment, Climate Change
22 and Emergency Management (DECCEM);
- 23 b. Department of Foreign Affairs;
- 24 c. Department of Finance and Administration;
- 25 d. Department of Transportation,

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- 1 Communications and Infrastructure (TC&I);
2 e. Department of Justice;
3 f. Department of Resources and Development
4 (R&D);
5 g. Department of Education;
6 h. FSM Division of Immigration;
7 i. Representatives of the Private Sector;
8 j. Representatives of State Governments as
9 recommended by the State Governors;
10 k. Development Partners;
11 l. Representatives of Faith Groups; and
12 m. Representatives of Traditional Leaders.

13 ~~[(12)]~~(11) The Task Force shall convene immediately
14 upon issuance of this order and provide the
15 President with timely reports and updates.

16 ~~[(13)]~~(12) Up to the sum of \$700,000, received as
17 balance and available under the Disaster Relief
18 Fund (DRF) accounts set up under Title 55 of the
19 Code of the Federated States of Micronesia
20 (Annotated), from prior declarations of
21 emergencies, is hereby decreed for this Public
22 Health Emergency Declaration. This fund shall be
23 used in any manner necessary to deal with the
24 public health emergency, including the mitigation
25 of costs for people affected by the travel ban

1 instituted by the emergency declaration. The
2 Emergency Task Force shall develop suitable
3 criteria for the mitigation of costs for
4 President's approval.

5 ~~(14)~~(13) Other funds received from foreign donors,
6 including the United States, that are
7 specifically related to the FSM national response
8 to the COVID-19 Pandemic may be used for
9 nationwide capacity building, intensifying the
10 surveillance and monitoring of international
11 airports and seaports in the FSM, expanding and
12 maintaining quarantine and travel restrictions,
13 and other national efforts to combat the spread
14 of COVID-19.

15 ~~(15)~~(14) Expenditures of the decreed funds are
16 subject to full accounting. Within 20 days after
17 the end of the emergency, the Chair of the Task
18 Force, with the assistance of the Secretary of
19 Finance and Administration and staff, shall
20 provide the President with a full report on the
21 expenditure of funds, and shall submit the report
22 to Congress no later than 30 days after the
23 emergency is over.

24 ~~(16)~~(15) The Department of Finance shall identify
25 sources of replenishment for the decreed funds

1 and recommend to the President, as soon as
2 practical, additional supplemental budget request
3 to Congress.

4 [~~(17)~~](16) During the emergency, a civil right may be
5 impaired only to the extent actually required for
6 the preservation of peace, health or safety. The
7 normal requirement of competitive bidding is
8 waived for any procurement made in connection
9 with this declaration of emergency.

10 [~~(18)~~](17) Unless sooner revoked by Congress, this
11 Emergency Declaration is in effect until January
12 31, 202[0]1.

13 [~~(19)~~](18) All previous amendments and clarifications to
14 the Public Health Emergency Declaration are
15 hereby revoked.

16 BE IT FURTHER RESOLVED, that the President shall disseminate
17 widely the Public Health Declaration of Emergency as amended by
18 Congress, and any subsequent decrees and clarifications made by
19 the President pursuant to this Resolution; and

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1 BE IT FURTHER RESOLVED, that certified copies of this
2 resolution be transmitted to the President of the Federated States
3 of Micronesia, the Chief Justice of the FSM Supreme Court, the
4 Governors of Chuuk, Kosrae, Pohnpei and Yap States, the presiding
5 officers of the four state legislatures, and the heads of the
6 airports and seaports in Chuuk, Kosrae Pohnpei and Yap.

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8 Date: 11/25/20

Introduced by: /s/ Ferny S. Perman

Ferny S. Perman

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