



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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May 28, 2021

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. 22-06, C.D.1, which was adopted by the
Twenty-Second Congress of the Federated States of
Micronesia, First Regular Session, 2021.

Sincerely,

Jessicalynn Reyes
Chief Clerk
Congress of the
Federated States of Micronesia

Enclosures



TWENTY-SECOND CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FIRST REGULAR SESSION
MAY 11 – 30, 2021


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, JULY 10, 2020, AUGUST 20, 2020, NOVEMBER 25, 2020, JANUARY 29, 2021, AND MARCH 31, 2021.

INTRODUCED BY SENATOR: FERNY S. PERMAN

DATE: MAY 24, 2021

ADOPTED: MAY 27, 2021


Jessicalynn Reyes
Chief Clerk, FSM Congress

TWENTY-SECOND CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 2021 CONGRESSIONAL RESOLUTION NO. 22-06, C.D.1

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, July 10, 2020, August 20, 2020, November 25, 2020, January 29, 2021, and March 31, 2021.

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 First Regular
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-Second Congress of the Federated
19 States of Micronesia, First Regular Session, 2021, that:

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 is a 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, high

1 temperature (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

case-by-case basis, for certified health experts, technicians and workers assigned to assist the FSM with respect to COVID-19, returning medical referral patients, including if applicable, the remains of a deceased and the medical and/or family attendants and immediate family members and FSM governmental officials whose duties are critical, vital and indispensable to the functioning of any branch of any FSM state or the FSM national government and any person arriving in the FSM on an air or sea vessel, who is assessed by FSM medical personnel as needing urgent medical care, premised upon prior favorable advice, assessment and recommendation by the FSM Emergency Task Force, in consultation with the state task forces, and subject to all screening, detection, quarantine and isolation procedures and protocols of the State of destination.

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

1 (6) Travel by air or sea between and within the FSM
2 states is permitted for: essential personnel as
3 determined by the state for whom the personnel is
4 needed; people who are returning to their state
5 of residence, employment, or location of their
6 educational institution; or for a family
7 emergency. However, if there is a confirmed case
8 of COVID-19 within any FSM state, the National
9 Task Force, upon consultation with the State Task
10 Forces, may temporarily suspend interstate
11 travel. Only air and sea travel that originates
12 within the FSM states, by domestic air or sea
13 carriers, is permitted, and any travel that
14 originates outside of the FSM is not permitted,
15 except as provided in this Declaration. Flights
16 originating in Guam or Hawaii or any other
17 affected area are not permitted and ships
18 originating from any affected area are not
19 permitted. All passengers will be screened at the
20 airport or seaport prior to check in or boarding
21 and are subject to health screening procedures
22 in the FSM state of destination. Any passenger
23 exhibiting symptoms of COVID-19 will not be
24 permitted to board the plane or ship. Any
25 passenger that develops symptoms during transit

1 will be permitted to enter at their final
2 destination, but will subject to
3 quarantine/isolation requirements.

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

12 i. However, the National Task Force shall work
13 in consultation with each of the states for the
14 purpose of establishing and further developing
15 their quarantine and isolation facilities
16 standards and capabilities. When the facilities
17 within any of the states are developed to
18 acceptable standards, the states will work with
19 the National Task Force to develop a plan for
20 repatriation of FSM citizens, FSM students and
21 the return of FSM residents. The repatriation of
22 FSM citizens shall be prioritized and only after
23 our citizens have been repatriated, further plans
24 may be implemented to allow for non-citizens to
25 enter the FSM. However, after all FSM citizens

1 who are on medical referral or are receiving
2 medical treatment outside the FSM, and their
3 medical attendants have been repatriated, an
4 exception may be made to allow for the entry of
5 the ambassadors of foreign embassies and the
6 heads of missions of non-government organizations
7 with diplomatic status, on a case by case basis,
8 upon consultation and approval of the National
9 Task Force and State Task Force. Any diplomat
10 seeking entry into the FSM shall under go all
11 quarantine requirements, including the mandatory
12 14-day hotel pre-quarantine and including 2
13 negative COVID-19 tests prior to being able to
14 depart for the FSM. There shall be no
15 modifications or exceptions to these
16 requirements. The National Task Force shall work
17 with international air carriers to notify them of
18 the procedures that will be followed including
19 scheduling of arrivals, pre-screening, screening
20 upon arrival and quarantine and isolation
21 requirements.

22 ii. The authority to regulate foreign and
23 interstate commerce is expressly granted to
24 Congress in the Constitution, FSM Const. art. IX,
25 § 2(g). FSM Const. art. XIII§ 3. requires the

1 national and state governments to uphold the
2 provisions of the Constitution and to advance the
3 principles of unity upon which the Constitution
4 is founded. These travel restrictions may not be
5 amended by the states; they may only be amended
6 by Congressional Resolution if Congress is in
7 session, or by written communication signed by
8 the majority of the Committee of Health and
9 Social Affairs if Congress is not in session.

10 (8) Commercial sea vessels (defined as: fishing
11 vessels, cargo vessels and oil tankers) traveling
12 to the FSM for the purpose of trade and commerce,
13 are subject to the following:

14 a. Commercial sea vessels are required to abide
15 at all times with the precautionary measures
16 and protocols set by the FSM National
17 Government in coordination with the National
18 and State task forces.

19 (9) Fishing vessels, other than the domestic fleet, are
20 subject to the following:

21 a. All transshipment activities are to be
22 carried out in designated transshipment areas
23 to be identified by the National Oceanic
24 Resource Management Authority (NORMA). A
25 designated transshipment area will be in port

1 areas or in territorial waters beyond the
2 three nautical miles zone from baselines.
3 NORMA shall issue appropriate guidelines
4 regulating the transshipment.

5 b. Carrier vessels supporting transshipment
6 activities of the domestic fleets are
7 permitted to enter the anchorage area for
8 transshipping purposes only, subject to state
9 health screening procedures.

10 c. Longline (LL) fishing vessels are allowed to
11 come to port for transshipment purposes,
12 subject to the additional measures
13 established by NORMA for the avoidance of
14 COVID-19, and observing the following
15 guidelines:

16 i. Fresh LL fishing vessels are allowed to
17 transship at port; PROVIDED, THAT, there
18 shall be no contact at anytime prior to
19 the transshipment.

20 ii. Frozen LL fishing vessels are allowed to
21 transship at port; PROVIDED, THAT, the
22 fishing vessels observe the 14-day
23 quarantine at sea, and no crewmembers are
24 allowed to disembark at port. The 14-day
25 quarantine is counted from the date of

1 last contact.

2 iii. For the purpose of Section (b) hereof,
3 and any part of this decree where its
4 application is deemed relevant, "contact"
5 refers to human interaction of less than
6 four (4) feet between a crewmember of one
7 fishing vessel and another crewmember of
8 another fishing vessel, or any other
9 human to human contact external to
10 fishing vessel operations.

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

18 d. Domestic fishing vessels are allowed to call
19 port in the FSM States for repair,
20 maintenance and provisioning purposes at the
21 Anchorage area, and shall remain in the
22 Anchorage area during repairs, maintenance
23 and provisioning. For the purposes of this
24 section, domestic fishing vessels are fishing
25 vessels that are flagged in the FSM or have a

1 base of operation anywhere in the FSM States.
 2 On a case by case basis, NORMA may, in
 3 consultation with the states, grant approval
 4 for required repairs and maintenance to be
 5 completed at the dock for any repairs or
 6 maintenance that cannot be carried out at the
 7 anchorage area, subject to no human-to-human
 8 contact during said repairs. A written plan
 9 outlining the safety procedures that will be
 10 followed must be submitted to NORMA for
 11 approval at least 72 hours prior to the
 12 requested repairs.

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

20 f. Transshipment at sea shall be monitored
 21 thoroughly by the relevant national department
 22 or agency, in particular, the Department of
 23 Justice (DOJ) and NORMA, to ensure compliance
 24 with this directive. NORMA and DOJ, on behalf
 25 of the National Emergency Task Force, shall

1 coordinate with the State authorities to
 2 ensure that the transshipment activities are
 3 not unduly delayed or interfered with by any
 4 State-mandated procedures.

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

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

25 (10) A task force is hereby established to coordinate

all activities that need to be undertaken and measures that must be formulated and uniformly implemented in connection with the COVID-19 Pandemic. The Department of Health and Social Affairs is 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 COVID-19 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;
- i. Representatives of the Private Sector;
- j. Representatives of State Governments as

1 recommended by the State Governors;

2 k. Development Partners;

3 l. Representatives of Faith Groups; and

4 m. Representatives of Traditional Leaders.

5 (11) The Task Force shall convene immediately upon
6 issuance of this order and provide the President
7 with timely reports and updates.

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

22 (13) Other funds received from foreign donors,
23 including the United States, that are
24 specifically related to the FSM national response
25 to the COVID-19 Pandemic may be used for

1 nationwide capacity building, intensifying the
2 surveillance and monitoring of international
3 airports and seaports in the FSM, expanding and
4 maintaining quarantine and travel restrictions,
5 and other national efforts to combat the spread
6 of COVID-19.

7 (14) Expenditures of the decreed funds are subject to
8 full accounting. Within 20 days after the end of
9 the emergency, the Chair of the Task Force, with
10 the assistance of the Secretary of Finance and
11 Administration and staff, shall provide the
12 President with a full report on the expenditure
13 of funds, and shall submit the report to Congress
14 no later than 30 days after the emergency is
15 over.

16 (15) The Department of Finance shall identify sources
17 of replenishment for the decreed funds and
18 recommend to the President, as soon as practical,
19 additional supplemental budget request to
20 Congress.

21 (16) During the emergency, a civil right may be
22 impaired only to the extent actually required for
23 the preservation of peace, health or safety. The
24 normal requirement of competitive bidding is
25 waived for any procurement made in connection

1 with this declaration of emergency.

2 (17) Unless sooner revoked by Congress, this Emergency
3 Declaration is in effect until September 30,
4 2021.

5 (18) All previous amendments and clarifications to the
6 Public Health Emergency Declaration are hereby
7 revoked.

8 BE IT FURTHER RESOLVED, that the President shall disseminate
9 widely the Public Health Declaration of Emergency as amended by
10 Congress, and any subsequent decrees and clarifications made by
11 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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10 ADOPTED: May 27, 2021

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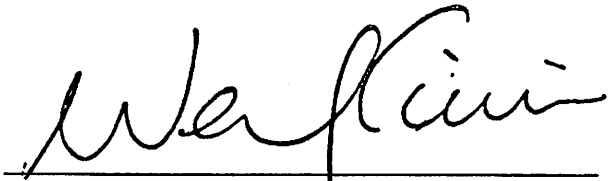
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ATTEST:


Wesley W. Simira
Speaker
FSM Congress

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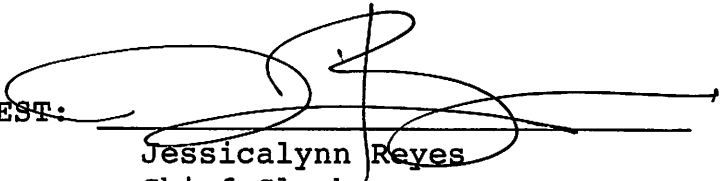
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Jessicalynn Reyes
Chief Clerk
FSM Congress