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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, March 31, 2021, May 27, 2021, July 28, 2021, September 24, 2021 and January 27, 2022.

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

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

6           WHEREAS, Congress is currently convened for its First  
7 Special Session and therefore has the powers under the  
8 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,  
13 2020, 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

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1 Federated States of Micronesia, [~~Third~~] Fourth Regular Session,  
2 2022, that:

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

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1                   purported declaration are also null and void.  
2                   Most of the contents of the purported March 14,  
3                   2020 declaration and subsequent decrees thereof  
4                   are incorporated herein for clarity and comity  
5                   purposes. The contents thereof which are not  
6                   inconsistent or contradictory to the January  
7                   31, 2020, declaration as amended and as further  
8                   amended herein by Congress are hereby deemed  
9                   ratified as to their effectiveness and  
10                  implementation, relating back to their date of  
11                  issuance or implementation.

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

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

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

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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 its 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  
9 the virus to the islands unless the FSM National Government and  
10 the State Governments resolves to implement effective and  
11 uniform counter measures to combat the spread of this rare and  
12 deadly 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-  
16 track nationwide, unified capacity building efforts - which  
17 remain in 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  
21 COVID-19 as other countries around the world are doing; and

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

1 receding in the near future; and

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

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

19       WHEREAS, as of July 25, 2021, 49.6% of the eligible adult  
20 population (18 years and up) have been fully vaccinated. FSM's  
21 COVID-19 Vaccination goal is to transition from COVID-19 Free to  
22 COVID-19 Protected with at least 70% vaccination coverage; and

23       WHEREAS, as of July 19, 2021, more than 348 stranded  
24 citizens and residents have been safely repatriated to the FSM

1 using its repatriation protocols; and

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 COVID-19 and order as follows:

8           (1) Immediately, all ports of entry of the FSM  
9           shall be strengthened and are immediately  
10          placed under strict monitoring and surveillance  
11          to ensure that the potential carriers of COVID-  
12          19 do not enter into the FSM. All travelers  
13          must be screened thoroughly for any signs or  
14          symptoms of COVID-19, such as feeling tired,  
15          difficulty breathing, high temperature (fever)  
16          and coughing and/or sore throat.

17          (2) All National border and security personnel  
18          (Customs, Immigration and Quarantine) are under  
19          a duty to intensify monitoring of the borders  
20          of this Nation and work very closely with the  
21          National and State Task Forces to implement a  
22          unified response.

23          (3) Given the severity of the situation, as a  
24          matter of national security of this Nation and

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1 in the interest of maintaining good health and  
2 safety of our people, immediately upon its  
3 issuance, this Decree shall be disseminated to  
4 the public as widely as possible throughout the  
5 Nation, by radio, print media and by digital  
6 media. The FSM Emergency Task Force shall  
7 monitor the implementation, enforcement and  
8 full compliance of this emergency declaration  
9 and provide timely reports to the President.

10 (4) Nationwide, unified travel bans must be  
11 enforced according to the terms of this  
12 declaration. (a.) Persons travelling from any  
13 infected country, state or territory, are  
14 prohibited from entering into the FSM for as  
15 long as the COVID-19 Pandemic persists. Rare  
16 exceptions may be granted on a case-by-case  
17 basis, for certified health experts,  
18 technicians and workers assigned to assist the  
19 FSM with respect to COVID-19, returning medical  
20 referral patients, including if applicable, the  
21 remains of a deceased and the medical and/or  
22 family attendants and immediate family members,  
23 government employees or workers hired to assist  
24 the National and State Government with

1 essential services, and FSM governmental  
2 officials whose duties are critical, vital and  
3 indispensable to the functioning of any branch  
4 of any FSM state or the FSM national  
5 government, persons requiring emergency medical  
6 services, and local fishing crews of domestic  
7 fishing vessels in accordance with established  
8 national and state protocols.

9 (b) Permitted travel in the exception under  
10 paragraph (4)(a) will apply to persons  
11 presently free of COVID-19 and also persons who  
12 might have been infected with COVID-19 in the  
13 past but had since fully recovered and  
14 determined to be non-infectious according to  
15 established health protocols and guideline of  
16 the National Task Force.

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

24 (6) Travel by air or sea between and within the FSM



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1 states is permitted, as long as there are no  
2 confirmed active cases of COVID-19 within any  
3 FSM States. Any quarantine requirement for  
4 interstate travel shall be in accordance with  
5 established protocols and guidelines of the  
6 National Task Force, upon consultation with the  
7 State Task Force, and if quarantine is ever  
8 applied, it shall be so applied without  
9 discrimination. Interstate travel on  
10 international commercial airlines shall be  
11 permitted for personnel providing technical  
12 assistance supporting the FSM's COVID-19  
13 preparedness and response in accordance with  
14 the established protocols and guideline of the  
15 National Task Force.

16 (7) Because of the limited available quarantine and  
17 isolation facilities within the FSM, no  
18 passengers shall be permitted to disembark into  
19 the FSM from any air or sea vessel that  
20 originates outside the FSM, subject to the  
21 exceptions in Sections (4) and (6), and Section  
22 (9) for commercial sea vessels.

23 i. However, the National Task Force shall  
24 work in consultation with each of the states

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1 for the purpose of establishing and further  
2 developing their quarantine and isolation  
3 facilities standards and capabilities. When  
4 the facilities within any of the states are  
5 developed to acceptable standards, the states  
6 will work with the National Task Force to  
7 develop a plan for repatriation of stranded FSM  
8 citizens and FSM students and the return of  
9 stranded FSM residents. The repatriation of  
10 FSM citizens shall be prioritized and only  
11 after our citizens have been repatriated,  
12 further plans may be implemented to allow for  
13 non-citizens to enter the FSM. However, after  
14 all FSM citizens who are on medical referral or  
15 are receiving medical treatment outside the  
16 FSM, and their medical attendants have been  
17 repatriated, an exception may be made to allow  
18 for the entry of the ambassadors key staff of  
19 foreign embassies, the heads and key staff of  
20 missions of non-government organizations with  
21 diplomatic status, and essential workers, on a  
22 case-by-case basis, upon consultation and  
23 approval of the National Task Force and State  
24 Task Force. Any travelers to the FSM shall be

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1 fully vaccinated, quarantined and tested  
2 negative for COVID-19 within 72 hours prior to  
3 entry into the FSM or have medical  
4 documentation confirming recovery of prior  
5 infection and deemed non-infectious in  
6 accordance with established protocols and  
7 guideline of the National Task Force. The  
8 National Task Force shall work with  
9 international air carriers to notify them of  
10 the procedures that will be followed including  
11 scheduling of arrivals, pre-screening,  
12 screening upon arrival and quarantine and  
13 isolation requirements.

14 ii. The authority to regulate foreign and  
15 interstate commerce is expressly granted to  
16 Congress in the Constitution, FSM Const. art.  
17 IX, §2(g). FSM Const. art. XIII §3. requires  
18 the national and state governments to uphold  
19 the provisions of the Constitution and to  
20 advance the principles of unity upon which the  
21 Constitution is founded. These travel  
22 restrictions may not be amended by the states;  
23 they may only be amended by Congressional  
24 Resolution if Congress is in session, or by

1 written communication signed by the majority of  
2 the Committee of Health and Social Affairs if  
3 Congress is not in session.

4 (8) Commercial sea vessels (defined as: fishing  
5 vessels, cargo vessels and oil tankers)  
6 traveling to the FSM for the purpose of trade  
7 and commerce, are subject to the following:

8 a. Commercial sea vessels are required to  
9 abide at all times with the precautionary  
10 measures and protocols set by the FSM  
11 National Government in coordination with  
12 the National and State task forces.

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

15 a. All transshipment activities are to be  
16 carried out in designated transshipment  
17 areas to be identified by the National  
18 Oceanic Resource Management Authority  
19 (NORMA). A designated transshipment area  
20 will be in port areas or in territorial  
21 waters beyond the three nautical miles zone  
22 from baselines. NORMA shall issue  
23 appropriate guidelines regulating the  
24 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  
7                    to 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,  
14                    there shall be no contact at any time  
15                    prior to the transshipment.
- 16                    ii. Frozen LL fishing vessels are allowed  
17                    to transship at port; PROVIDED, THAT,  
18                    the fishing vessels observe the 14-day  
19                    quarantine at sea, and no crewmembers  
20                    are allowed to disembark at port. The  
21                    14-day quarantine is counted from the  
22                    date of last contact.
- 23                    iii. For the purpose of Section (b) hereof,  
24                    and any part of this decree where its

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

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

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

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1 FSM States. On a case-by-case basis, NORMA  
2 may, in consultation with the states, grant  
3 approval for required repairs and  
4 maintenance to be completed at the dock for  
5 any repairs or maintenance that cannot be  
6 carried out at the anchorage area, subject  
7 to no human-to-human contact during said  
8 repairs. A written plan outlining the  
9 safety procedures that will be followed  
10 must be submitted to NORMA and the  
11 established Maritime working Group of the  
12 National Task Force for approval at least  
13 72 hours prior to the requested repairs.

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

21 f. Transshipment at sea shall be monitored  
22 thoroughly by the relevant national department  
23 or agency, in particular, the Department of  
24 Justice (DOJ) and NORMA, to ensure compliance

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- 1 with this directive. NORMA and DOJ, on behalf  
2 of the National Emergency Task Force, shall  
3 coordinate with the State authorities to  
4 ensure that the transshipment activities are  
5 not unduly delayed or interfered with by any  
6 State-mandated procedures.
- 7 g. It is part of these requirements that 72 hours  
8 prior to transshipment, notice shall be  
9 provided in advance to NORMA and DOJ using  
10 applicable forms of reporting. Included in  
11 the notice are the body temperatures of all  
12 crewmembers of the fishing vessels intending  
13 to transship, taken at 24-hour intervals prior  
14 to transshipment. (at 72 hours, at 48 hours  
15 and at 24 hours). Information on body  
16 temperatures may be shared with the State  
17 authorities for health assessment and  
18 coordination purposes.
- 19 h. These restrictions are a temporary emergency  
20 measure, which shall remain in effect until  
21 further notice. Any violation of these  
22 restrictions shall be subject to penalty set  
23 by law pursuant to 11 F.S.M.C. §803. The  
24 Secretary of Justice is ordered to take all



1                   measures available within the law to ensure  
2                   enforcement of these restrictions.

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

- 17                  a. Department of Environment, Climate Change  
18                  and Emergency Management (DECCEM);
- 19                  b. Department of Foreign Affairs;
- 20                  c. Department of Finance and Administration;
- 21                  d. Department of Transportation,  
22                  Communications and Infrastructure (TC&I);
- 23                  e. Department of Justice;
- 24                  f. Department of Resources and Development

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

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

13 (12) The Task Force is mandated to intensify  
14 the nationwide vaccination efforts with a  
15 view towards achieving herd immunity across  
16 the nation through a diligently coordinated  
17 nationwide public awareness and information  
18 campaign on the merits of a timely COVID-19  
19 vaccination. All FSM citizens residing in  
20 the FSM, are required to undergo COVID-19  
21 vaccination subject to the protocol of the  
22 Task Force. Any employee of the National  
23 Government and its offices or agencies who  
24 fails to comply with this requirement within

1                   30 days, absent reasonable justification,  
2                   shall be placed on leave without pay.

3                   (13) The operational details in implementing  
4                   this emergency declaration are contained in  
5                   the Guidelines and Protocols, and any updates  
6                   thereof, as established or sanctioned by the  
7                   Task Force. Said Guidelines and Protocols  
8                   are duly incorporated herein by reference.  
9                   The Task Force shall inform Congress of any  
10                  updates to the Guidelines and Protocols in a  
11                  timely manner.

12                  (14) The Task Force shall be granted reasonable  
13                  flexibility with respect to the implementing  
14                  details of this emergency declaration, in  
15                  recognition of the scientific expertise and  
16                  capacity available to the Task Force in  
17                  enforcing its Guidelines and Protocols.

18                  (15) Up to the sum of \$700,000, received as  
19                  balance and available under the Disaster Relief  
20                  Fund (DRF) accounts set up under Title 55 of  
21                  the Code of the Federated States of Micronesia  
22                  (Annotated), from prior declarations of  
23                  emergencies, is hereby decreed for this Public  
24                  Health Emergency Declaration. This fund shall

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1                   be used in any manner necessary to deal with  
2                   the public health emergency, including the  
3                   mitigation of costs for people affected by the  
4                   travel ban instituted by the emergency  
5                   declaration. The Emergency Task Force shall  
6                   develop suitable criteria for the mitigation of  
7                   costs for President's approval.

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

18                  (17) Expenditures of the decreed funds are  
19                  subject to full accounting. Within 20 days  
20                  after the end of the emergency, the Chair of  
21                  the Task Force, with the assistance of the  
22                  Secretary of Finance and Administration and  
23                  staff, shall provide the President with a full  
24                  report on the expenditure of funds, and shall

1 submit the report to Congress no later than 30  
2 days after the emergency is over.

3 (18) The Department of Finance shall identify  
4 sources of replenishment for the decreed funds  
5 and recommend to the President, as soon as  
6 practical, additional supplemental budget  
7 request to Congress.

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

15 (20) Unless sooner revoked by Congress, this  
16 Emergency Declaration is in effect until ~~May~~  
17 ~~30, 2022~~ August 1, 2022.

18 (21) All previous amendments and clarifications to  
19 the Public Health Emergency Declaration are  
20 hereby revoked.

21 BE IT FURTHER RESOLVED, that the President shall  
22 disseminate widely the Public Health Declaration of Emergency as  
23 amended by Congress, and any subsequent decrees and  
24 clarifications made by the President pursuant to this

1 Resolution; and

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

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9 Date: 5/19/22

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

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