
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 and July 28, 2021.

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
19 Federated States of Micronesia, Second Regular Session, 2021,

1 that:

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

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

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

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

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

1 International Concern (PHEIC); and

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

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

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

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

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

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

22 WHEREAS, as of July 19, 2021, more than 348 stranded
23 citizens and residents have been safely repatriated to the FSM
24 using its repatriation protocols; and

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

- 7 (1) Immediately, all ports of entry of the FSM
8 shall be strengthened and are immediately
9 placed under strict monitoring and surveillance
10 to ensure that the potential carriers of COVID-
11 19 do not enter into the FSM. All travelers
12 must be screened thoroughly for any signs or
13 symptoms of COVID-19, such as feeling tired,
14 difficulty breathing, high temperature (fever)
15 and coughing and/or sore throat.
- 16 (2) All National border and security personnel
17 (Customs, Immigration and Quarantine) are under
18 a duty to intensify monitoring of the borders
19 of this Nation and work very closely with the
20 National and State Task Forces to implement a
21 unified response.
- 22 (3) Given the severity of the situation, as a
23 matter of national security of this Nation and
24 in the interest of maintaining good health and

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

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

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

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

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

23 (6) Travel by air or sea between and within the FSM
24 states is permitted, as long as there are no

1 confirmed active cases of COVID-19 within any
2 FSM States. Any quarantine requirement for
3 interstate travel shall be in accordance with
4 established protocols and guidelines of the
5 National Task Force, upon consultation with the
6 State Task Force, and if quarantine is ever
7 applied, it shall be so applied without
8 discrimination. Interstate travel on
9 international commercial airlines shall be
10 permitted for personnel providing technical
11 assistance supporting the FSM's COVID-19
12 preparedness and response in accordance with
13 the established protocols and guideline of the
14 National Task Force.

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

22 i. However, the National Task Force shall
23 work in consultation with each of the states
24 for the purpose of establishing and further

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

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

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

1 the Committee of Health and Social Affairs if
2 Congress is not in session.

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

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

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

14 a. All transshipment activities are to be
15 carried out in designated transshipment
16 areas to be identified by the National
17 Oceanic Resource Management Authority
18 (NORMA). A designated transshipment area
19 will be in port areas or in territorial
20 waters beyond the three nautical miles zone
21 from baselines. NORMA shall issue
22 appropriate guidelines regulating the
23 transshipment.

24 b. Carrier vessels supporting transshipment

1 activities of the domestic fleets are
2 permitted to enter the anchorage area for
3 transshipping purposes only, subject to
4 state health screening procedures.

5 c. Longline (LL) fishing vessels are allowed
6 to come to port for transshipment purposes,
7 subject to the additional measures
8 established by NORMA for the avoidance of
9 COVID-19, and observing the following
10 guidelines:

11 i. Fresh LL fishing vessels are allowed to
12 transship at port; PROVIDED, THAT,
13 there shall be no contact at any time
14 prior to the transshipment.

15 ii. Frozen LL fishing vessels are allowed
16 to transship at port; PROVIDED, THAT,
17 the fishing vessels observe the 14-day
18 quarantine at sea, and no crewmembers
19 are allowed to disembark at port. The
20 14-day quarantine is counted from the
21 date of last contact.

22 iii. For the purpose of Section (b) hereof,
23 and any part of this decree where its
24 application is deemed relevant,

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

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

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

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

1 of the National Emergency Task Force, shall
2 coordinate with the State authorities to
3 ensure that the transshipment activities are
4 not unduly delayed or interfered with by any
5 State-mandated procedures.

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

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

1 enforcement of these restrictions.

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

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

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

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

12 (12) The Task Force is mandated to intensify
13 the nationwide vaccination efforts with a
14 view towards achieving herd immunity across
15 the nation through a diligently coordinated
16 nationwide public awareness and information
17 campaign on the merits of a timely COVID-19
18 vaccination. All FSM citizens residing in
19 the FSM, are required to undergo COVID-19
20 vaccination subject to the protocol of the
21 Task Force. Any employee of the National
22 Government and its offices or agencies who
23 fails to comply with this requirement within
24 30 days, absent reasonable justification,

1 shall be placed on leave without pay.

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

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

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

1 the public health emergency, including the
2 mitigation of costs for people affected by the
3 travel ban instituted by the emergency
4 declaration. The Emergency Task Force shall
5 develop suitable criteria for the mitigation of
6 costs for President's approval.

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

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

1 days after the emergency is over.

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

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

14 (20) Unless sooner revoked by Congress, this
15 Emergency Declaration is in effect until
16 [~~September 30, 2021~~] January 31, 2022.

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

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

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

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8 Date: 9/24/21

Introduced by: /s/ Ferny S. Perman

Ferny S. Perman

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