

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.

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

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

6           WHEREAS, Congress is currently convened for its Fifth 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-First Congress of the Federated  
19 States of Micronesia, Fifth Special Session, 2020, that:

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

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

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

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

8 (3) The President shall discuss with the Governors of  
9 all the 4 states the terms of the social  
10 distancing requirements and other safety  
11 precautions that shall be mandated, within 30  
12 days, for the entire nation.

13 (4) The Public Health Emergency Declaration in the  
14 FSM dated January 31, 2020, is hereby further  
15 amended to read:

16 WHEREAS, the World Health Organization (WHO) has declared on  
17 January 30, 2020 (January 31<sup>st</sup> 2020 Pohnpei time) that the new  
18 Coronavirus (COVID-19) is a Public Health Emergency of  
19 International Concern (PHEIC); and

20 WHEREAS, the WHO has declared on March 11, 2020, (March 12,  
21 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred  
22 after Congress adopted it's March 11, 2020 amendment to the  
23 January 31, 2020 declaration; and

24 WHEREAS, the COVID-19 Pandemic exposes the FSM to an  
25 undeniable vulnerability from the imminent and likely entry of the

1 virus to the islands unless the FSM National Government and the  
2 State Governments resolves to implement effective and uniform  
3 counter measures to combat the spread of this rare and deadly  
4 virus across all of our states; and

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

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

18       WHEREAS, the citizens and residents of the FSM remain  
19 extremely vulnerable to this outbreak, taking into consideration  
20 the fact that airline travel routes connecting into the FSM  
21 already have confirmed cases of COVID-19 in Hawaii and Guam and  
22 COVID-19 may very likely cause massive and widespread illnesses  
23 and public health disasters that are beyond the ability and  
24 present resources of the FSM National and State Governments to  
25 contain; and

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

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

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

24                   (2) All National border and security personnel  
25                   (Customs, Immigration and Quarantine) are under a

1 duty to intensify monitoring of the borders of  
2 this Nation and work very closely with the  
3 National and State Task Forces to implement a  
4 unified response.

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

16 (4) Nationwide, unified travel bans must be enforced  
17 according to the terms of this declaration.  
18 Persons travelling from any infected country,  
19 state or territory, are prohibited from entering  
20 into the FSM for as long as the COVID-19 Pandemic  
21 persists. Rare exceptions may be granted on a  
22 case-by-case basis, for certified health experts,  
23 technicians and workers assigned to assist the  
24 FSM with respect to COVID-19, returning medical  
25 referral patients, [~~returning residents who were~~

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1 ~~traveling on official business, and students~~  
2 ~~attending school abroad who need to return home,~~  
3 ~~in this order of priority],~~ premised upon prior  
4 favorable advice, assessment and recommendation  
5 by the FSM Emergency Task Force, in consultation  
6 with the state task forces, and subject to all  
7 screening, detection, quarantine and isolation  
8 procedures and protocols of the State of  
9 destination.

10 (5) All FSM Citizens are banned from travelling to  
11 any country, state or territory with confirmed  
12 cases of COVID-19 until further notice and until  
13 such time that a determination is made that the  
14 COVID-19 Pandemic is effectively contained.  
15 Exceptions may be granted for FSM citizens who  
16 will be traveling to affected areas [~~out of~~  
17 ~~economic necessity, education,~~] who are legal  
18 residents of an affected area, and are returning  
19 to their homes or employment or for urgent  
20 medical treatment [~~or for immediate family~~  
21 ~~emergencies (e.g. returning to work, going to~~  
22 ~~school or death or terminal illness of an~~  
23 ~~immediate family member)~~] premised upon favorable  
24 advice, assessment and recommendation by the FSM  
25 Emergency Task Force.

- 1           (6) Other citizens, nationals and residents of the  
2           FSM are strongly advised against travel to any  
3           country, state or territory with confirmed cases  
4           of COVID-19, with the understanding that they may  
5           be prohibited from re-entry or may be subject to  
6           quarantine procedures upon return to the FSM.
- 7           (7) Travel by air or sea between and within the FSM  
8           states is permitted, as long as there are no  
9           confirmed cases of COVID-19 within any of the FSM  
10          states. Only air and sea travel that originates  
11          within the FSM states is permitted, travel that  
12          originates outside of the FSM is not permitted.  
13          ie, flights originating in Guam or Hawaii or any  
14          other affected area are not permitted and ships  
15          originating from any affected area are not  
16          permitted). All passengers will be screened at  
17          the airport or seaport prior to check in or  
18          boarding and are subject to health screening [~~and~~  
19          ~~quarantine~~] procedures in the FSM state of  
20          destination. Any passenger exhibiting symptoms of  
21          COVID-19 will not be permitted to board the plane  
22          or ship. Any passenger that develops symptoms  
23          during transit will be permitted to enter at  
24          their final destination, but will subject to  
25          quarantine/isolation requirements.



1           (8) Because of the lack of available quarantine and  
2           isolation facilities within the FSM, no  
3           passengers shall be permitted to disembark into  
4           the FSM from any air or sea vessel that  
5           originates outside the FSM, subject to the  
6           exceptions in Section 4, for FSM citizens  
7           international travel and Section (9) for  
8           commercial sea vessels. The authority to regulate  
9           foreign and interstate commerce is expressly  
10          granted to Congress in the Constitution, FSM  
11          Const. art. IX, § 2(g). FSM Const. art. XIII § 3.  
12          requires the national and state governments to  
13          uphold the provisions of the Constitution and to  
14          advance the principles of unity upon which the  
15          Constitution is founded. These travel  
16          restrictions may not be amended by the states;  
17          they may only be amended by Congressional  
18          Resolution if Congress is in session, or by  
19          written communication signed by the majority of  
20          the Committee of Health and Social Affairs if  
21          Congress is not in session.

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

- 1                   a. Commercial sea vessels are required to abide  
2                   at all times with the precautionary measures  
3                   and protocols set by the FSM National  
4                   Government in coordination with the National  
5                   and State task forces.
- 6                   (10) Fishing vessels, other than the domestic fleet,  
7                   are subject to the following:
- 8                   a. With the exception of transshipment  
9                   activities in Kosrae by purse seine fishing  
10                  vessels and of activities falling under  
11                  section (b) hereof, all transshipment  
12                  activities are to be carried out in  
13                  designated transshipment areas to be  
14                  identified by the National Oceanic Resource  
15                  and Management Authority (NORMA). A  
16                  designated transshipment area will be in the  
17                  territorial waters beyond the three nautical  
18                  miles zone from baselines. NORMA shall issue  
19                  appropriate guidelines regulating the  
20                  transshipment.
- 21                  b. Carrier vessels supporting transshipment  
22                  activities of the domestic fleets are  
23                  permitted to enter the anchorage area for  
24                  transshipping purposes only, subject to  
25                  state health screening procedures.

- 1                   c. Longline (LL) fishing vessels are allowed to  
2                   come to port for transshipment purposes,  
3                   subject to the additional measures  
4                   established by NORMA for the avoidance of  
5                   COVID-19, and observing the following  
6                   guidelines:
- 7                   i. Fresh LL fishing vessels are allowed to  
8                   transship at port; PROVIDED, THAT, there  
9                   shall be no contact at anytime prior to  
10                  the transshipment.
- 11                  ii. Frozen LL fishing vessels are allowed to  
12                  transship at port; PROVIDED, THAT, the  
13                  fishing vessels observe the 14-day  
14                  quarantine at sea, and no crewmembers are  
15                  allowed to disembark at port. The 14-day  
16                  quarantine is counted from the date of  
17                  last contact.
- 18                  iii. For the purpose of Section (b) hereof,  
19                  and any part of this decree where its  
20                  application is deemed relevant, "contact"  
21                  refers to human interaction of less than  
22                  four (4) feet between a crewmember of one  
23                  fishing vessel and another crewmember of  
24                  another fishing vessel, or any other  
25                  human to human contact external to

1 fishing vessel operations.

2 iv. Bartering, trading and local sale of fish  
3 are prohibited. No person is allowed to  
4 approach, in the transshipment and  
5 Anchorage area, any fishing vessel, or  
6 have any contact therewith, at any time  
7 during the effective period of this  
8 declaration.

9 d. Domestic fishing vessels are [~~not~~] allowed to  
10 call port in the FSM States for repair,  
11 maintenance and provisioning purposes at the  
12 Anchorage area, and shall remain in the  
13 Anchorage area during repairs, maintenance  
14 and provisioning. For the purposes of this  
15 section, domestic fishing vessels are fishing  
16 vessels that are flagged in the FSM or have a  
17 base of operation anywhere in the FSM States.  
18 On a case by case basis, NORMA may, in  
19 consultation with the states, grant approval  
20 for required repairs and maintenance to be  
21 completed at the dock for any repairs or  
22 maintenance that cannot be carried out at the  
23 anchorage area, subject to no human-to-human  
24 contact during said repairs. A written plan  
25 outlining the safety procedures that will be

- 1                   followed must be submitted to NORMA for  
2                   approval at least 72 hours prior to the  
3                   requested repairs.
- 4                   e. With respect to transshipment at sea,  
5                   Immigration and Customs clearance procedures  
6                   shall be conducted electronically with the  
7                   intention of avoiding or minimizing contact.  
8                   For the duration of the emergency procedure  
9                   concerning transshipment at sea, quarantine  
10                  procedures are suspended until further notice.
- 11                  f. Transshipment at sea shall be monitored  
12                  thoroughly by the relevant national department  
13                  or agency, in particular, the Department of  
14                  Justice (DOJ) and NORMA, to ensure compliance  
15                  with this directive. NORMA and DOJ, on behalf  
16                  of the National Emergency Task Force, shall  
17                  coordinate with the State authorities to  
18                  ensure that the transshipment activities are  
19                  not unduly delayed or interfered with by any  
20                  State-mandated procedures.
- 21                  g. It is part of these requirements that 72 hours  
22                  prior to transshipment, notice shall be  
23                  provided in advance to NORMA and DOJ using  
24                  applicable forms of reporting. Included in  
25                  the notice are the body temperatures of all

1 crewmembers of the fishing vessels intending  
2 to transship, taken at 24-hour intervals prior  
3 to transshipment. (at 72 hours, at 48 hours  
4 and at 24 hours). Information on body  
5 temperatures may be shared with the State  
6 authorities for health assessment and  
7 coordination purposes.

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

16 (11) A task force is hereby established to coordinate  
17 all activities that need to be undertaken and  
18 measures that must be formulated and uniformly  
19 implemented in connection with the COVID-19  
20 Pandemic. The Department of Health and Social  
21 Affairs is designated as the lead department and  
22 chair of the Task Force, which will be  
23 responsible for setting up plans to provide any  
24 necessary measures that will ensure that the  
25 movement of people and international travellers

- 1 do not cause the introduction of COVID-19  
2 anywhere in the FSM. The members of the Task  
3 Force are the following:
- 4 a. Department of Environment, Climate Change and  
5 Emergency Management (DECCEM);
  - 6 b. Department of Foreign Affairs;
  - 7 c. Department of Finance and Administration;
  - 8 d. Department of Transportation, Communications  
9 and Infrastructure (TC&I);
  - 10 e. Department of Justice;
  - 11 f. Department of Resources and Development (R&D);
  - 12 g. Department of Education;
  - 13 h. FSM Division of Immigration;
  - 14 i. Representatives of the Private Sector;
  - 15 j. Representatives of State Governments as  
16 recommended by the State Governors;
  - 17 k. Development Partners;
  - 18 l. Representatives of Faith Groups; and
  - 19 m. Representatives of Traditional Leaders.
- 20 (12) The Task Force shall convene immediately upon  
21 issuance of this order and provide the President  
22 with timely reports and updates.
- 23 (13) Up to the sum of \$700,000, received as balance  
24 and available under the Disaster Relief Fund  
25 (DRF) accounts set up under Title 55 of the Code

1 of the Federated States of Micronesia  
2 (Annotated), from prior declarations of  
3 emergencies, is hereby decreed for this Public  
4 Health Emergency Declaration. This fund shall be  
5 used in any manner necessary to deal with the  
6 public health emergency, including the mitigation  
7 of costs for people affected by the travel ban  
8 instituted by the emergency declaration. The  
9 Emergency Task Force shall develop suitable  
10 criteria for the mitigation of costs for  
11 President's approval.

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

22 (15) Expenditures of the decreed funds are subject to  
23 full accounting. Within 20 days after the end of  
24 the emergency, the Chair of the Task Force, with  
25 the assistance of the Secretary of Finance and



1 Administration and staff, shall provide the  
2 President with a full report on the expenditure  
3 of funds, and shall submit the report to Congress  
4 no later than 30 days after the emergency is  
5 over.

6 (16) The Department of Finance shall identify sources  
7 of replenishment for the decreed funds and  
8 recommend to the President, as soon as practical,  
9 additional supplemental budget request to  
10 Congress.

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

17 (18) Unless sooner revoked by Congress, this Emergency  
18 Declaration is in effect until May 31, 2020.

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

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

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 Dated: 4/13/20

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

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