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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 and May 30, 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 [~~Fourth~~  
7 ~~Regular~~] Sixth Special Session and therefore has the powers under  
8 the 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, 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, [~~Fourth Regular~~] Sixth Special Session,  
20 2020, that:

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

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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 31<sup>st</sup> 2020 Pohnpei time) that the new  
22 Coronavirus (COVID-19) is a Public Health Emergency of  
23 International Concern (PHEIC); and

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

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1 after Congress adopted it's March 11, 2020 amendment to the  
2 January 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

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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,

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

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

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

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

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

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

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

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

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



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

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

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

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1           the National Task Force to develop a plan for  
2           repatriation of FSM citizens, FSM students and  
3           the return of FSM residents[~~, to include FSM~~  
4           ~~government officials and members of the FSM~~  
5           ~~diplomatic corps~~]. The repatriation of FSM  
6           citizens shall be prioritized and only after our  
7           citizens have been repatriated, further plans may  
8           be implemented to allow for non-citizens to enter  
9           the FSM. The National Task Force shall work with  
10          international air carriers to notify them of the  
11          procedures that will be followed including  
12          scheduling of arrivals, pre-screening, screening  
13          upon arrival and quarantine and isolation  
14          requirements.

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

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

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

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

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

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

23                  b. Carrier vessels supporting transshipment  
24                  activities of the domestic fleets are permitted  
25                  to enter the anchorage area for transshipping

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1 purposes only, subject to state health screening  
2 procedures.

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

8 i. Fresh LL fishing vessels are allowed to  
9 transship at port; PROVIDED, THAT, there  
10 shall be no contact at anytime prior to  
11 the transshipment.

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

19 iii. For the purpose of Section (b) hereof,  
20 and any part of this decree where its  
21 application is deemed relevant, "contact"  
22 refers to human interaction of less than  
23 four (4) feet between a crewmember of one  
24 fishing vessel and another crewmember of  
25 another fishing vessel, or any other

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1 human to human contact external to  
2 fishing vessel operations.

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

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

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

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

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

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

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



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1 (DRF) accounts set up under Title 55 of the Code  
2 of the Federated States of Micronesia  
3 (Annotated), from prior declarations of  
4 emergencies, is hereby decreed for this Public  
5 Health Emergency Declaration. This fund shall be  
6 used in any manner necessary to deal with the  
7 public health emergency, including the mitigation  
8 of costs for people affected by the travel ban  
9 instituted by the emergency declaration. The  
10 Emergency Task Force shall develop suitable  
11 criteria for the mitigation of costs for  
12 President's approval.

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

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

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

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

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

18          (18) Unless sooner revoked by Congress, this Emergency  
19          Declaration is in effect until [~~July 31~~] September  
20          30, 2020.

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

24          BE IT FURTHER RESOLVED, that the President shall disseminate  
25          widely the Public Health Declaration of Emergency as amended by

1 Congress, and any subsequent decrees and clarifications made by  
2 the President pursuant to this Resolution; and

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

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10 Date: 7/10/20

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

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