



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

Palikir, Sokehs Pohnpei State, FM 96941

Tel: (691) 320-2324 / 2338 Fax: (691) 320-5122

July 14, 2020

The Honorable Wesley W. Simina
Speaker
FSM Congress
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

I transmit herewith a certified copy of Congressional Resolution No. 21-175, which was adopted by the Twenty-First Congress of the Federated States of Micronesia, Sixth Special Session, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis
Chief Clerk
Congress of the
Federated States of Micronesia

Enclosures



TWENTY-FIRST CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
SIXTH SPECIAL SESSION
JULY 1 - 10, 2020

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.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: JULY 10, 2020

ADOPTED: JULY 10, 2020

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis", is written over a horizontal line.

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress

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 Sixth 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, Sixth 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 its 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 hereinby 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 is urged to coordinate and consult
 9 with the state governors and their task forces,
 10 with a view towards setting a national standard
 11 of social distancing measures, and the National
 12 Task Force shall support the states mandated
 13 implementation of the guidelines. The social
 14 distancing standards and measures shall be widely
 15 publicized throughout the nation.

16 (4) The Public Health Emergency Declaration in the
 17 FSM dated January 31, 2020, is hereby further
 18 amended to read:

19 WHEREAS, the World Health Organization (WHO) has declared on
 20 January 30, 2020 (January 31st 2020 Pohnpei time) that the new
 21 Coronavirus (COVID-19) is a Public Health Emergency of
 22 International Concern (PHEIC); and

23 WHEREAS, the WHO has declared on March 11, 2020, (March 12,
 24 2020 Pohnpei time) that COVID-19 isa pandemic and this occurred
 25 after Congress adopted it's March 11, 2020 amendment to the

1 January 31, 2020 declaration; and

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

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

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

21 WHEREAS, the citizens and residents of the FSM remain
22 extremely vulnerable to this outbreak, taking into consideration
23 the fact that airline travel routes connecting into the FSM
24 already have confirmed cases of COVID-19 in Hawaii and Guam and
25 COVID-19 may very likely cause massive and widespread illnesses

1 and public health disasters that are beyond the ability and
 2 present resources of the FSM National and State Governments to
 3 contain; and

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

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

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

1 throat.

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

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

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

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

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

1 assessment and recommendation by the FSM
 2 Emergency Task Force.

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

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

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

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

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

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

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

25 (9) Commercial sea vessels (defined as: fishing

1 vessels, cargo vessels and oil tankers) traveling
2 to the FSM for the purpose of trade and commerce,
3 are subject to the following:

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

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

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

20 b. Carrier vessels supporting transshipment
21 activities of the domestic fleets are permitted
22 to enter the anchorage area for transshipping
23 purposes only, subject to state health screening
24 procedures.

25 c. Longline (LL) fishing vessels are allowed to

1 come to port for transshipment purposes, subject
2 to the additional measures established by NORMA
3 for the avoidance of COVID-19, and observing the
4 following guidelines:

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

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

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

25 iv. Bartering, trading and local sale of fish

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

7 d. Domestic fishing vessels are allowed to call
8 port in the FSM States for repair,
9 maintenance and provisioning purposes at the
10 Anchorage area, and shall remain in the
11 Anchorage area during repairs, maintenance
12 and provisioning. For the purposes of this
13 section, domestic fishing vessels are fishing
14 vessels that are flagged in the FSM or have a
15 base of operation anywhere in the FSM States.
16 On a case by case basis, NORMA may, in
17 consultation with the states, grant approval
18 for required repairs and maintenance to be
19 completed at the dock for any repairs or
20 maintenance that cannot be carried out at the
21 anchorage area, subject to no human-to-human
22 contact during said repairs. A written plan
23 outlining the safety procedures that will be
24 followed must be submitted to NORMA for
25 approval at least 72 hours prior to the

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

1 to transshipment. (at 72 hours, at 48 hours
2 and at 24 hours). Information on body
3 temperatures may be shared with the State
4 authorities for health assessment and
5 coordination purposes.

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

14 (11) A task force is hereby established to coordinate
15 all activities that need to be undertaken and
16 measures that must be formulated and uniformly
17 implemented in connection with the COVID-
18 19 Pandemic. The Department of Health and Social
19 Affairs is designated as the lead department and
20 chair of the Task Force, which will be
21 responsible for setting up plans to provide any
22 necessary measures that will ensure that the
23 movement of people and international travellers
24 do not cause the introduction of COVID-19
25 anywhere in the FSM. The members of the Task

1 Force are the following:

2 a. Department of Environment, Climate Change and

3 Emergency Management (DECCEM);

4 b. Department of Foreign Affairs;

5 c. Department of Finance and Administration;

6 d. Department of Transportation, Communications

7 and Infrastructure (TC&I);

8 e. Department of Justice;

9 f. Department of Resources and Development (R&D);

10 g. Department of Education;

11 h. FSM Division of Immigration;

12 i. Representatives of the Private Sector;

13 j. Representatives of State Governments as

14 recommended by the State Governors;

15 k. Development Partners;

16 l. Representatives of Faith Groups; and

17 m. Representatives of Traditional Leaders.

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

21 (13) Up to the sum of \$700,000, received as balance
22 and available under the Disaster Relief Fund
23 (DRF) accounts set up under Title 55 of the Code
24 of the Federated States of Micronesia
25 (Annotated), from prior declarations of

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

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

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

1 of funds, and shall submit the report to Congress
 2 no later than 30 days after the emergency is
 3 over.

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

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

15 (18) Unless sooner revoked by Congress, this Emergency
 16 Declaration is in effect until September 30, 2020.

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


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

24
 25

1 BE IT 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 presiding
5 officers of the four state legislatures, and the heads of the
6 airports and seaports in Chuuk, Kosrae Pohnpei and Yap.


7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ADOPTED: July 10, 2020



Wesley W. Simina
Speaker
FSM Congress

ATTEST:



Liwiana Ramon Ioanis
Chief Clerk
FSM Congress