
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 and July 10, 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-FirstCongress of the Federated
19 States of Micronesia, Sixth Special Session, 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

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 31st 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

1 after Congress adopted its March 11, 2020 amendment to the January
2 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

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,

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

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

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

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

1 the National Task Force to develop a plan for
2 repatriation of FSM citizens, FSM students and
3 the return of FSM residents. The repatriation of
4 FSM citizens shall begin on the first United
5 Airlines flight in September, 2020. The
6 repatriation of FSM citizens shall be prioritized
7 and only after our citizens have been
8 repatriated, further plans may be implemented to
9 allow for non-citizens to enter the FSM. However,
10 after all FSM citizens who are on medical
11 referral or are receiving medical treatment
12 outside the FSM, and their medical attendants
13 have been repatriated, an exception may be made
14 to allow for the entry of the ambassadors of
15 foreign embassies and the heads of missions of
16 non-government organizations with diplomatic
17 status, on a case by case basis, upon
18 consultation and approval of the National Task
19 Force and State Task Force. The National Task
20 Force shall work with international air carriers
21 to notify them of the procedures that will be
22 followed including scheduling of arrivals, pre-
23 screening, screening upon arrival and quarantine
24 and isolation requirements.

25 ii. The authority to regulate foreign and

1 interstate commerce is expressly granted to
2 Congress in the Constitution, FSM Const. art. IX,
3 § 2(g). FSM Const. art. XIII§ 3. requires the
4 national and state governments to uphold the
5 provisions of the Constitution and to advance the
6 principles of unity upon which the Constitution
7 is founded. These travel restrictions may not be
8 amended by the states; they may only be amended
9 by Congressional Resolution if Congress is in
10 session, or by written communication signed by
11 the majority of the Committee of Health and
12 Social Affairs if Congress is not in session.

13 (9) Commercial sea vessels (defined as: fishing
14 vessels, cargo vessels and oil tankers) traveling
15 to the FSM for the purpose of trade and commerce,
16 are subject to the following:

17 a. Commercial sea vessels are required to abide
18 at all times with the precautionary measures and
19 protocols set by the FSM National Government in
20 coordination with the National and State task
21 forces.

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

24 a. All transshipment activities are to be
25 carried out in designated transshipment areas to

1 be identified by the National Oceanic Resource
2 Management Authority (NORMA). A designated
3 transshipment area will be in port areas or in
4 territorial waters beyond the three nautical
5 miles zone from baselines. NORMA shall issue
6 appropriate guidelines regulating the
7 transshipment.

8 b. Carrier vessels supporting transshipment
9 activities of the domestic fleets are permitted
10 to enter the anchorage area for transshipping
11 purposes only, subject to state health screening
12 procedures.

13 c. Longline (LL) fishing vessels are allowed to
14 come to port for transshipment purposes, subject
15 to the additional measures established by NORMA
16 for the avoidance of COVID-19, and observing the
17 following guidelines:

18 i. Fresh LL fishing vessels are allowed to
19 transship at port; PROVIDED, THAT, there
20 shall be no contact at anytime prior to
21 the transshipment.

22 ii. Frozen LL fishing vessels are allowed to
23 transship at port; PROVIDED, THAT, the
24 fishing vessels observe the 14-day
25 quarantine at sea, and no crewmembers are

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- 1 allowed to disembark at port. The 14-day
2 quarantine is counted from the date of
3 last contact.
- 4 iii. For the purpose of Section (b) hereof,
5 and any part of this decree where its
6 application is deemed relevant, "contact"
7 refers to human interaction of less than
8 four (4) feet between a crewmember of one
9 fishing vessel and another crewmember of
10 another fishing vessel, or any other
11 human to human contact external to
12 fishing vessel operations.
- 13 iv. Bartering, trading and local sale of fish
14 are prohibited. No person is allowed to
15 approach, in the transshipment and
16 Anchorage area, any fishing vessel, or
17 have any contact therewith, at any time
18 during the effective period of this
19 declaration.
- 20 d. Domestic fishing vessels are allowed to call
21 port in the FSM States for repair,
22 maintenance and provisioning purposes at the
23 Anchorage area, and shall remain in the
24 Anchorage area during repairs, maintenance
25 and provisioning. For the purposes of this

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

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

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

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

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

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

1 enforcement of these restrictions.

- 2 (11) A task force is hereby established to coordinate
3 all activities that need to be undertaken and
4 measures that must be formulated and uniformly
5 implemented in connection with the COVID-
6 19Pandemic. The Department of Health and Social
7 Affairs is designated as the lead department and
8 chair of the Task Force, which will be
9 responsible for setting up plans to provide any
10 necessary measures that will ensure that the
11 movement of people and international travellers
12 do not cause the introduction of COVID-19
13 anywhere in the FSM. The members of the Task
14 Force are the following:
- 15 a. Department of Environment, Climate Change and
16 Emergency Management (DECCEM);
 - 17 b. Department of Foreign Affairs;
 - 18 c. Department of Finance and Administration;
 - 19 d. Department of Transportation, Communications
20 and Infrastructure (TC&I);
 - 21 e. Department of Justice;
 - 22 f. Department of Resources and Development (R&D);
 - 23 g. Department of Education;
 - 24 h. FSM Division of Immigration;
 - 25 i. Representatives of the Private Sector;

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- 1 j. Representatives of State Governments as
2 recommended by the State Governors;
3 k. Development Partners;
4 l. Representatives of Faith Groups; and
5 m. Representatives of Traditional Leaders.

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

9 (13) Up to the sum of \$700,000, received as balance
10 and available under the Disaster Relief Fund
11 (DRF) accounts set up under Title 55 of the Code
12 of the Federated States of Micronesia
13 (Annotated), from prior declarations of
14 emergencies, is hereby decreed for this Public
15 Health Emergency Declaration. This fund shall be
16 used in any manner necessary to deal with the
17 public health emergency, including the mitigation
18 of costs for people affected by the travel ban
19 instituted by the emergency declaration. The
20 Emergency Task Force shall develop suitable
21 criteria for the mitigation of costs for
22 President's approval.

23 (14) Other funds received from foreign donors,
24 including the United States, that are
25 specifically related to the FSM national response

1 to the COVID-19 Pandemic may be used for
2 nationwide capacity building, intensifying the
3 surveillance and monitoring of international
4 airports and seaports in the FSM, expanding and
5 maintaining quarantine and travel restrictions,
6 and other national efforts to combat the spread
7 of COVID-19.

8 (15) Expenditures of the decreed funds are subject to
9 full accounting. Within 20 days after the end of
10 the emergency, the Chair of the Task Force, with
11 the assistance of the Secretary of Finance and
12 Administration and staff, shall provide the
13 President with a full report on the expenditure
14 of funds, and shall submit the report to Congress
15 no later than 30 days after the emergency is
16 over.

17 (16) The Department of Finance shall identify sources
18 of replenishment for the decreed funds and
19 recommend to the President, as soon as practical,
20 additional supplemental budget request to
21 Congress.

22 (17) During the emergency, a civil right may be
23 impaired only to the extent actually required for
24 the preservation of peace, health or safety. The
25 normal requirement of competitive bidding is

