



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

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November 21, 2020

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear President Panuelo:

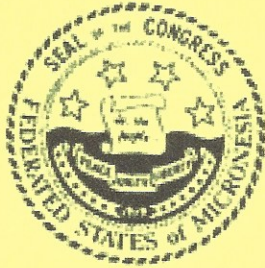
I transmit herewith a certified copy of Congressional Resolution No. 21-228, which was adopted by the Twenty-First Congress of the Federated States of Micronesia, Ninth Special Session, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis", with a long horizontal line extending to the right.

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

Enclosures



TWENTY-FIRST CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
NINTH SPECIAL SESSION  
NOVEMBER 16 - 25, 2020

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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, MAY 30, 2020,  
JULY 10, 2020, AND AUGUST 20, 2020.

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INTRODUCED BY SENATOR: FERNY S. PERMAN

DATE: NOVEMBER 25, 2020

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ADOPTED: NOVEMBER 25, 2020

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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



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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, May 30, 2020, July 10, 2020, and August 20, 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, Ninth 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 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



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

23 (6) Travel by air or sea between and within the FSM  
 24 states is permitted for: essential personnel as  
 25 determined by the state for whom the personnel is

1           needed; people who are returning to their state  
2           of residence, employment, or location of their  
3           educational institution; or for a family  
4           emergency, as long as there are no confirmed  
5           cases of COVID-19 within any of the FSM states.  
6           Only air and sea travel that originates within  
7           the FSM states, by domestic air or sea carriers,  
8           is permitted, and any travel that originates  
9           outside of the FSM is not permitted, except as  
10          provided in this Declaration. Flights  
11          originating in Guam or Hawaii or any other  
12          affected area are not permitted and ships  
13          originating from any affected area are not  
14          permitted. All passengers will be screened at the  
15          airport or seaport prior to check in or boarding  
16          and are subject to health screening procedures  
17          in the FSM state of destination. Any passenger  
18          exhibiting symptoms of COVID-19 will not be  
19          permitted to board the plane or ship. Any  
20          passenger that develops symptoms during transit  
21          will be permitted to enter at their final  
22          destination, but will be subject to  
23          quarantine/isolation requirements.

- 24           (7) Because of the lack of available quarantine and  
25           isolation facilities within the FSM, no

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1 passengers shall be permitted to disembark into  
2 the FSM from any air or sea vessel that  
3 originates outside the FSM, subject to the  
4 exceptions in Section 4, for FSM citizens  
5 international travel and Section (9) for  
6 commercial sea vessels.

7 i. However, the National Task Force shall work  
8 in consultation with each of the states for the  
9 purpose of establishing and further developing  
10 their quarantine and isolation facilities  
11 standards and capabilities. When the facilities  
12 within any of the states are developed to  
13 acceptable standards, the states will work with  
14 the National Task Force to develop a plan for  
15 repatriation of FSM citizens, FSM students and  
16 the return of FSM residents. The repatriation of  
17 FSM citizens shall be prioritized and only after  
18 our citizens have been repatriated, further plans  
19 may be implemented to allow for non-citizens to  
20 enter the FSM. However, after all FSM citizens  
21 who are on medical referral or are receiving  
22 medical treatment outside the FSM, and their  
23 medical attendants have been repatriated, an  
24 exception may be made to allow for the entry of  
25 the ambassadors of foreign embassies and the



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1 heads of missions of non-government organizations  
2 with diplomatic status, on a case by case basis,  
3 upon consultation and approval of the National  
4 Task Force and State Task Force. Any diplomat  
5 seeking entry into the FSM shall under go all  
6 quarantine requirements, including the mandatory  
7 14-day hotel pre-quarantine and including 2  
8 negative COVID-19 tests prior to being able to  
9 depart for the FSM. There shall be no  
10 modifications or exceptions to these  
11 requirements. The National Task Force shall work  
12 with international air carriers to notify them of  
13 the procedures that will be followed including  
14 scheduling of arrivals, pre-screening, screening  
15 upon arrival and quarantine and isolation  
16 requirements.

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

1 by Congressional Resolution if Congress is in  
2 session, or by written communication signed by  
3 the majority of the Committee of Health and  
4 Social Affairs if Congress is not in session.

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

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

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

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

23 NORMA shall issue appropriate guidelines  
24 regulating the transshipment.

25 b. Carrier vessels supporting transshipment

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



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1 four (4) feet between a crewmember of one  
2 fishing vessel and another crewmember of  
3 another fishing vessel, or any other  
4 human to human contact external to  
5 fishing vessel operations.

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

13 d. Domestic fishing vessels are allowed to call  
14 port in the FSM States for repair,  
15 maintenance and provisioning purposes at the  
16 Anchorage area, and shall remain in the  
17 Anchorage area during repairs, maintenance  
18 and provisioning. For the purposes of this  
19 section, domestic fishing vessels are fishing  
20 vessels that are flagged in the FSM or have a  
21 base of operation anywhere in the FSM States.  
22 On a case by case basis, NORMA may, in  
23 consultation with the states, grant approval  
24 for required repairs and maintenance to be  
25 completed at the dock for any repairs or

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1 maintenance that cannot be carried out at the  
2 anchorage area, subject to no human-to-human  
3 contact during said repairs. A written plan  
4 outlining the safety procedures that will be  
5 followed must be submitted to NORMA for  
6 approval at least 72 hours prior to the  
7 requested repairs.

8 e. With respect to transshipment at sea,  
9 Immigration and Customs clearance procedures  
10 shall be conducted electronically with the  
11 intention of avoiding or minimizing contact.  
12 For the duration of the emergency procedure  
13 concerning transshipment at sea, quarantine  
14 procedures are suspended until further notice.

15 f. Transshipment at sea shall be monitored  
16 thoroughly by the relevant national department  
17 or agency, in particular, the Department of  
18 Justice (DOJ) and NORMA, to ensure compliance  
19 with this directive. NORMA and DOJ, on behalf  
20 of the National Emergency Task Force, shall  
21 coordinate with the State authorities to  
22 ensure that the transshipment activities are  
23 not unduly delayed or interfered with by any  
24 State-mandated procedures.

25 g. It is part of these requirements that 72 hours

1 prior to transshipment, notice shall be  
 2 provided in advance to NORMA and DOJ using  
 3 applicable forms of reporting. Included in  
 4 the notice are the body temperatures of all  
 5 crewmembers of the fishing vessels intending  
 6 to transship, taken at 24-hour intervals prior  
 7 to transshipment. (at 72 hours, at 48 hours  
 8 and at 24 hours). Information on body  
 9 temperatures may be shared with the State  
 10 authorities for health assessment and  
 11 coordination purposes.

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

20 (10) A task force is hereby established to coordinate  
 21 all activities that need to be undertaken and  
 22 measures that must be formulated and uniformly  
 23 implemented in connection with the COVID-  
 24 19Pandemic. The Department of Health and Social  
 25 Affairs is designated as the lead department and



1 chair of the Task Force, which will be  
 2 responsible for setting up plans to provide any  
 3 necessary measures that will ensure that the  
 4 movement of people and international travellers  
 5 do not cause the introduction of COVID-19  
 6 anywhere in the FSM. The members of the Task  
 7 Force are the following:

- 8 a. Department of Environment, Climate Change  
 9 and Emergency Management (DECCEM);
- 10 b. Department of Foreign Affairs;
- 11 c. Department of Finance and Administration;
- 12 d. Department of Transportation,  
 13 Communications and Infrastructure (TC&I);
- 14 e. Department of Justice;
- 15 f. Department of Resources and Development  
 16 (R&D);
- 17 g. Department of Education;
- 18 h. FSM Division of Immigration;
- 19 i. Representatives of the Private Sector;
- 20 j. Representatives of State Governments as  
 21 recommended by the State Governors;
- 22 k. Development Partners;
- 23 l. Representatives of Faith Groups; and
- 24 m. Representatives of Traditional Leaders.

25 (11) The Task Force shall convene immediately upon

1 issuance of this order and provide the President  
 2 with timely reports and updates.

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

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

1 of COVID-19.

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

11 (15) The Department of Finance shall identify sources  
 12 of replenishment for the decreed funds and  
 13 recommend to the President, as soon as practical,  
 14 additional supplemental budget request to  
 15 Congress.

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

22 (17) Unless sooner revoked by Congress, this Emergency  
 23 Declaration is in effect until January 31, 2021.

24 (18) All previous amendments and clarifications to the  
 25 Public Health Emergency Declaration are hereby



1                   revoked.

2           BE IT FURTHER RESOLVED, that the President shall disseminate  
3 widely the Public Health Declaration of Emergency as amended by  
4 Congress, and any subsequent decrees and clarifications made by  
5 the President pursuant to this Resolution; and

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

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15 ADOPTED: November 25, 2020

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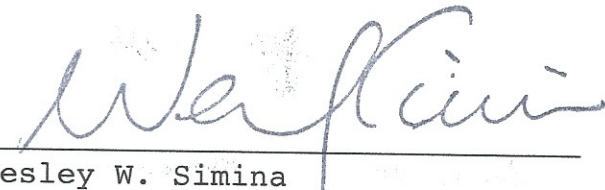
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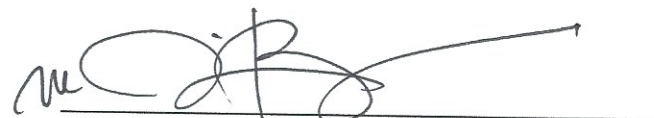
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Wesley W. Simina  
Speaker  
FSM Congress

ATTEST:   
Liwiana Ramon Ioanis  
Chief Clerk  
FSM Congress