
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, and November 25, 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
7 [~~Special~~] Regular Session and therefore has the powers under the
8 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, [~~Ninth-Special~~] Sixth Regular Session,

1 [2020] 2021, that:

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

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

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

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

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

25 WHEREAS, the WHO has declared on March 11, 2020, (March 12,

1 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred
2 after Congress adopted its March 11, 2020 amendment to the January
3 31, 2020 declaration; and

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

10 WHEREAS, the National Government must mitigate the risk
11 factors associated with the undesirable spread of COVID-19
12 anywhere in the FSM, and for this purpose, the FSM must fast-track
13 nationwide, unified capacity building efforts - which remain in
14 progress, intensify the surveillance and monitoring of
15 international airports and seaports in the country, and maintain
16 quarantine and travel restrictions, together and as a whole,
17 comprising the national efforts of combatting the spread of COVID-
18 19 as other countries around the world are doing; and

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

23 WHEREAS, the citizens and residents of the FSM remain
24 extremely vulnerable to this outbreak, taking into consideration
25 the fact that airline travel routes connecting into the FSM

1 already have confirmed cases of COVID-19 in Hawaii and Guam and
2 COVID-19 may very likely cause massive and widespread illnesses
3 and public health disasters that are beyond the ability and
4 present resources of the FSM National and State Governments to
5 contain; and

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

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

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

1 such as feeling tired, difficulty breathing,
2 hightemperature (fever) and coughing and/or sore
3 throat.

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

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

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

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

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

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

1 determined by the state for whom the personnel is
2 needed; people who are returning to their state
3 of residence, employment, or location of their
4 educational institution; or for a family
5 emergency. [~~, as long as there are no confirmed~~
6 ~~cases of COVID-19 within any of the FSM states]~~
7 However, if there is a confirmed case of COVID-19
8 within any FSM state, the National Task Force,
9 upon consultation with the State Task Forces, may
10 temporarily suspend interstate travel. Only air
11 and sea travel that originates within the FSM
12 states, by domestic air or sea carriers, is
13 permitted, and any travel that originates outside
14 of the FSM is not permitted, except as provided in
15 this Declaration. Flights originating in Guam or
16 Hawaii or any other affected area are not
17 permitted and ships originating from any affected
18 area are not permitted. All passengers will be
19 screened at the airport or seaport prior to check
20 in or boarding and are subject to health
21 screening procedures in the FSM state of
22 destination. Any passenger exhibiting symptoms
23 of COVID-19 will not be permitted to board the
24 plane or ship. Any passenger that develops
25 symptoms during transit will be permitted to

1 enter at their final destination, but will
2 subject to quarantine/isolation requirements.

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

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

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

21 ii. The authority to regulate foreign and
22 interstate commerce is expressly granted to
23 Congress in the Constitution, FSM Const. art. IX,
24 § 2(g). FSM Const. art. XIII§ 3. requires the
25 national and state governments to uphold the

1 provisions of the Constitution and to advance the
2 principles of unity upon which the Constitution
3 is founded. These travel restrictions may not be
4 amended by the states; they may only be amended
5 by Congressional Resolution if Congress is in
6 session, or by written communication signed by
7 the majority of the Committee of Health and
8 Social Affairs if Congress is not in session.

9 (8) Commercial sea vessels (defined as: fishing
10 vessels, cargo vessels and oil tankers) traveling
11 to the FSM for the purpose of trade and commerce,
12 are subject to the following:

13 a. Commercial sea vessels are required to abide
14 at all times with the precautionary measures
15 and protocols set by the FSM National
16 Government in coordination with the National
17 and State task forces.

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

20 a. All transshipment activities are to be
21 carried out in designated transshipment areas
22 to be identified by the National Oceanic
23 Resource Management Authority (NORMA). A
24 designated transshipment area will be in port
25 areas or in territorial waters beyond the

1 three nautical miles zone from baselines.

2 NORMA shall issue appropriate guidelines
3 regulating the transshipment.

4 b. Carrier vessels supporting transshipment
5 activities of the domestic fleets are
6 permitted to enter the anchorage area for
7 transshipping purposes only, subject to state
8 health screening procedures.

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

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

19 ii. Frozen LL fishing vessels are allowed to
20 transship at port; PROVIDED, THAT, the
21 fishing vessels observe the 14-day
22 quarantine at sea, and no crewmembers are
23 allowed to disembark at port. The 14-day
24 quarantine is counted from the date of
25 last contact.

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

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

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

19 f. Transshipment at sea shall be monitored
20 thoroughly by the relevant national department
21 or agency, in particular, the Department of
22 Justice (DOJ) and NORMA, to ensure compliance
23 with this directive. NORMA and DOJ, on behalf
24 of the National Emergency Task Force, shall
25 coordinate with the State authorities to

1 ensure that the transshipment activities are
2 not unduly delayed or interfered with by any
3 State-mandated procedures.

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

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

24 (10) A task force is hereby established to coordinate
25 all activities that need to be undertaken and

1 measures that must be formulated and uniformly
2 implemented in connection with the COVID-
3 19Pandemic. The Department of Health and Social
4 Affairs is designated as the lead department and
5 chair of the Task Force, which will be
6 responsible for setting up plans to provide any
7 necessary measures that will ensure that the
8 movement of people and international travellers
9 do not cause the introduction of COVID-19
10 anywhere in the FSM. The members of the Task
11 Force are the following:

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

- 1 k. Development Partners;
- 2 l. Representatives of Faith Groups; and
- 3 m. Representatives of Traditional Leaders.

4 (11) The Task Force shall convene immediately upon
5 issuance of this order and provide the President
6 with timely reports and updates.

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

21 (13) Other funds received from foreign donors,
22 including the United States, that are
23 specifically related to the FSM national response
24 to the COVID-19 Pandemic may be used for
25 nationwide capacity building, intensifying the

1 surveillance and monitoring of international
2 airports and seaports in the FSM, expanding and
3 maintaining quarantine and travel restrictions,
4 and other national efforts to combat the spread
5 of COVID-19.

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

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

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

1 (17) Unless sooner revoked by Congress, this Emergency
2 Declaration is in effect until [~~January 31~~] May
3 31, 2021.

4 (18) All previous amendments and clarifications to the
5 Public Health Emergency Declaration are hereby
6 revoked.

7 BE IT FURTHER RESOLVED, that the President shall disseminate
8 widely the Public Health Declaration of Emergency as amended by
9 Congress, and any subsequent decrees and clarifications made by
10 the President pursuant to this Resolution; and

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

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18 Date: 1/22/21

Introduced by: /s/ Ferny S. Perman

Ferny S. Perman

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