
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, August 20, 2020, [~~and~~] November 25, 2020, and January 29, 2021.

1 WHEREAS, on January, 31, 2020, the President issued a
2 Public Health Emergency Declaration; and

3 WHEREAS in accordance to Article X, Section 9 (c) of the
4 FSM Constitution, Congress has the sole authority to revoke,
5 amend or extend the Public Health Emergency Declaration; and

6 WHEREAS, Congress is currently convened for its [~~Sixth~~
7 ~~Regular~~] Tenth Special Session and therefore has the powers
8 under the Constitution to revoke, amend or extend the
9 Declaration; and

10 WHEREAS, Congress has reviewed the Declaration, the
11 amendments, the clarifications and the decrees issued by the
12 President and has reviewed updated information on the COVID-19
13 becoming a pandemic soon after the adoption of the March 11,
14 2020, amendment to the January 31, 2020, declaration, the facts
15 attending to the declaration, amendments, clarifications and
16 decrees, and has had several public hearings and has met and
17 conferred with the President and has considered the President's
18 requests for Congressional action; now, therefore,

19 BE IT RESOLVED by the Twenty-First Congress of the

1 Federated States of Micronesia, [~~Sixth Regular~~] Tenth Special
2 Session, 2021, that:

3 (1) Pursuant to Article X, Section 9 (c) of the FSM
4 Constitution, Congress has the exclusive
5 authority to revoke, amend or extend the
6 Emergency Declaration. The President may not
7 revoke, amend or extend the Emergency
8 Declaration. However, should there be a
9 confirmed case of COVID-19 within the FSM, the
10 President is authorized to amend the Declaration
11 to respond to this situation only.

12 (2) Pursuant to Article X, Section 9 (a) of the FSM
13 Constitution, the President may issue
14 appropriate decrees related to the Emergency
15 Declaration, other than to revoke, amend or
16 extend the Emergency Declaration. Unless and
17 until this Emergency Declaration is revoked by
18 Congress, or it expires of it's own term, the
19 President may not issue an additional or new
20 Emergency Declaration to address the ongoing
21 COVID-19 Pandemic. The purported declaration
22 issued on March 14, 2020 by the President is
23 null and void and all purported amendments,
24 decrees and clarifications made pursuant to the
25 purported declaration are also null and void.

1 Most of the contents of the purported March 14,
2 2020 declaration and subsequent decrees thereof
3 are incorporated herein for clarity and comity
4 purposes. The contents thereof which are not
5 inconsistent or contradictory to the January 31,
6 2020 declaration as amended and as further
7 amended hereinby Congress are hereby deemed
8 ratified as to their effectiveness and
9 implementation, relating back to their date of
10 issuance or implementation.

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

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

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

1 WHEREAS, the WHO has declared on March 11, 2020, (March 12,
2 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred
3 after Congress adopted its March 11, 2020 amendment to the
4 January 31, 2020 declaration; and

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

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

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

24 WHEREAS, the citizens and residents of the FSM remain
25 extremely vulnerable to this outbreak, taking into consideration

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

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

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

22 (1) Immediately, all ports of entry of the FSM shall
23 be strengthened and are immediately placed under
24 strict monitoring and surveillance to ensure
25 that the potential carriers of COVID-19 do not

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- 1 enter into the FSM. All travellers must be
2 screened thoroughly for any signs or symptoms of
3 COVID-19, such as feeling tired, difficulty
4 breathing, hightemperature (fever) and coughing
5 and/or sore throat.
- 6 (2) All National border and security personnel
7 (Customs, Immigration and Quarantine) are under
8 a duty to intensify monitoring of the borders of
9 this Nation and work very closely with the
10 National and State Task Forces to implement a
11 unified response.
- 12 (3) Given the severity of the situation, as a matter
13 of national security of this Nation and in the
14 interest of maintaining good health and safety
15 of our people, immediately upon its issuance,
16 this Decree shall be disseminated to the public
17 as widely as possible throughout the Nation, by
18 radio, print media and by digital media. The FSM
19 Emergency Task Force shall monitor the
20 implementation, enforcement and full compliance
21 of this emergency declaration and provide timely
22 reports to the President.
- 23 (4) Nationwide, unified travel bans must be
24 enforced according to the terms of this
25 declaration. Persons travelling from any

1 infected country, state or territory, are
2 prohibited from entering into the FSM for as
3 long as the COVID-19 Pandemic persists. Rare
4 exceptions may be granted on a case-by-case
5 basis, for certified health experts,
6 technicians and workers assigned to assist the
7 FSM with respect to COVID-19, returning medical
8 referral patients, including if applicable, the
9 remains of a deceased and the medical and/or
10 family attendants and immediate family members
11 and FSM governmental officials whose duties are
12 critical, vital and indispensable to the
13 functioning of any branch of any FSM state or
14 the FSM national government and any person
15 arriving in the FSM on an air or sea vessel,
16 who is assessed by FSM medical personnel as
17 needing urgent medical care, premised upon
18 prior favorable advice, assessment and
19 recommendation by the FSM Emergency Task Force,
20 in consultation with the state task forces, and
21 subject to all screening, detection, quarantine
22 and isolation procedures and protocols of the
23 State of destination.

24 (5) Other citizens, nationals and residents of the
25 FSM are strongly advised against travel to any

1 country, state or territory with confirmed
2 cases of COVID-19, with the understanding that
3 they may be prohibited from re-entry or may be
4 subject to quarantine procedures upon return to
5 the FSM.

6 (6) Travel by air or sea between and within the FSM
7 states is permitted for: essential personnel as
8 determined by the state for whom the personnel
9 is needed; people who are returning to their
10 state of residence, employment, or location of
11 their educational institution; or for a family
12 emergency. However, if there is a confirmed
13 case of COVID-19 within any FSM state, the
14 National Task Force, upon consultation with the
15 State Task Forces, may temporarily suspend
16 interstate travel. Only air and sea travel that
17 originates within the FSM states, by domestic
18 air or sea carriers, is permitted, and any
19 travel that originates outside of the FSM is not
20 permitted, except as provided in this
21 Declaration. Flights originating in Guam or
22 Hawaii or any other affected area are not
23 permitted and ships originating from any
24 affected area are not permitted. All passengers
25 will be screened at the airport or seaport

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

10 (7) 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
23 facilities within any of the states are
24 developed to acceptable standards, the states
25 will work with the National Task Force to

1 develop a plan for repatriation of FSM
2 citizens, FSM students and the return of FSM
3 residents. The repatriation of FSM citizens
4 shall be prioritized and only after our
5 citizens have been repatriated, further plans
6 may be implemented to allow for non-citizens to
7 enter the FSM. However, after all FSM citizens
8 who are on medical referral or are receiving
9 medical treatment outside the FSM, and their
10 medical attendants have been repatriated, an
11 exception may be made to allow for the entry of
12 the ambassadors of foreign embassies and the
13 heads of missions of non-government
14 organizations with diplomatic status, on a case
15 by case basis, upon consultation and approval
16 of the National Task Force and State Task
17 Force. Any diplomat seeking entry into the FSM
18 shall under go all quarantine requirements,
19 including the mandatory 14-day hotel pre-
20 quarantine and including 2 negative COVID-19
21 tests prior to being able to depart for the
22 FSM. There shall be no modifications or
23 exceptions to these requirements. The National
24 Task Force shall work with international air
25 carriers to notify them of the procedures that

1 will be followed including scheduling of
2 arrivals, pre-screening, screening upon arrival
3 and quarantine and isolation requirements.

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

18 (8) Commercial sea vessels (defined as: fishing
19 vessels, cargo vessels and oil tankers)
20 traveling to the FSM for the purpose of trade
21 and commerce, are subject to the following:

22 a. Commercial sea vessels are required to
23 abide at all times with the precautionary
24 measures and protocols set by the FSM
25 National Government in coordination with the

1 National and State task forces.

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

4 a. All transshipment activities are to be
5 carried out in designated transshipment
6 areas to be identified by the National
7 Oceanic Resource Management Authority
8 (NORMA). A designated transshipment area
9 will be in port areas or in territorial
10 waters beyond the three nautical miles zone
11 from baselines. NORMA shall issue
12 appropriate guidelines regulating the
13 transshipment.

14 b. Carrier vessels supporting transshipment
15 activities of the domestic fleets are
16 permitted to enter the anchorage area for
17 transshipping purposes only, subject to
18 state health screening procedures.

19 c. Longline (LL) fishing vessels are allowed
20 to come to port for transshipment purposes,
21 subject to the additional measures
22 established by NORMA for the avoidance of
23 COVID-19, and observing the following
24 guidelines:

25 i. Fresh LL fishing vessels are allowed to

1 transship at port; PROVIDED, THAT, there
2 shall be no contact at anytime prior to
3 the transshipment.

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

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

21 iv. Bartering, trading and local sale of
22 fish are prohibited. No person is
23 allowed to approach, in the
24 transshipment and Anchorage area, any
25 fishing vessel, or have any contact

1 therewith, at any time during the
2 effective period of this declaration.

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

23 e. With respect to transshipment at sea,
24 Immigration and Customs clearance procedures
25 shall be conducted electronically with the

1 intention of avoiding or minimizing contact.
2 For the duration of the emergency procedure
3 concerning transshipment at sea, quarantine
4 procedures are suspended until further
5 notice.

6 f. Transshipment at sea shall be monitored
7 thoroughly by the relevant national
8 department or agency, in particular, the
9 Department of Justice (DOJ) and NORMA, to
10 ensure compliance with this directive.
11 NORMA and DOJ, on behalf of the National
12 Emergency Task Force, shall coordinate with
13 the State authorities to ensure that the
14 transshipment activities are not unduly
15 delayed or interfered with by any State-
16 mandated procedures.

17 g. It is part of these requirements that 72
18 hours prior to transshipment, notice shall
19 be provided in advance to NORMA and DOJ
20 using applicable forms of reporting.
21 Included in the notice are the body
22 temperatures of all crewmembers of the
23 fishing vessels intending to transship,
24 taken at 24-hour intervals prior to
25 transshipment. (at 72 hours, at 48 hours and

1 at 24 hours). Information on body
2 temperatures may be shared with the State
3 authorities for health assessment and
4 coordination purposes.

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

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

- 1 a. Department of Environment, Climate Change
- 2 and Emergency Management (DECCEM);
- 3 b. Department of Foreign Affairs;
- 4 c. Department of Finance and Administration;
- 5 d. Department of Transportation,
- 6 Communications and Infrastructure (TC&I);
- 7 e. Department of Justice;
- 8 f. Department of Resources and Development
- 9 (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 (11) The Task Force shall convene immediately upon
19 issuance of this order and provide the
20 President with timely reports and updates.

21 (12) 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
24 Code 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
3 be used in any manner necessary to deal with
4 the public health emergency, including the
5 mitigation of costs for people affected by the
6 travel ban instituted by the emergency
7 declaration. The Emergency Task Force shall
8 develop suitable criteria for the mitigation of
9 costs for President's approval.

10 (13) Other funds received from foreign donors,
11 including the United States, that are
12 specifically related to the FSM national
13 response to the COVID-19 Pandemic may be used
14 for nationwide capacity building, intensifying
15 the 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 (14) Expenditures of the decreed funds are subject to
21 full accounting. Within 20 days after the end
22 of the emergency, the Chair of the Task Force,
23 with the assistance of the Secretary of Finance
24 and Administration and staff, shall provide the
25 President with a full report on the expenditure

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

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

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

15 (17) Unless sooner revoked by Congress, this
16 Emergency Declaration is in effect until [~~March~~
17 ~~31~~] May 31, 2021.

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

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

