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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, [and] 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-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

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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

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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

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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,

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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

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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~~

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1                   ~~medical treatment premised upon favorable advice,~~  
2                   ~~assessment and recommendation by the FSM~~  
3                   ~~Emergency Task Force.]~~

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

11                  [~~(7)~~](6) Travel by air or sea between and within the  
12                  FSM states is permitted for: essential personnel  
13                  as determined by the state for whom the personnel  
14                  is needed; people who are returning to their  
15                  state of residence, employment, or location of  
16                  their educational institution; or for a family  
17                  emergency, as long as there are no confirmed  
18                  cases of COVID-19 within any of the FSM states.  
19                  Only air and sea travel that originates within  
20                  the FSM states, by domestic air or sea carriers,  
21                  is permitted, and any travel that originates  
22                  outside of the FSM is not permitted, except as  
23                  provided in this Declaration. Flights  
24                  originating in Guam or Hawaii or any other  
25                  affected area are not permitted and ships

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

12                  [~~(8)~~](7) Because of the lack of available quarantine  
13                  and isolation facilities within the FSM, no  
14                  passengers shall be permitted to disembark into  
15                  the FSM from any air or sea vessel that  
16                  originates outside the FSM, subject to the  
17                  exceptions in Section 4, for FSM citizens  
18                  international travel and Section (9) for  
19                  commercial sea vessels.

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

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

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

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

18 [~~(9)~~](8) Commercial sea vessels (defined as: fishing  
19 vessels, cargo vessels and oil tankers) traveling  
20 to the FSM for the purpose of trade and commerce,  
21 are subject to the following:

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

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1 and State task forces.

2 [~~(10)~~](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 areas  
6 to be identified by the National Oceanic  
7 Resource Management Authority (NORMA). A  
8 designated transshipment area will be in port  
9 areas or in territorial waters beyond the  
10 three nautical miles zone from baselines.  
11 NORMA shall issue appropriate guidelines  
12 regulating the transshipment.
- 13 b. Carrier vessels supporting transshipment  
14 activities of the domestic fleets are  
15 permitted to enter the anchorage area for  
16 transshipping purposes only, subject to state  
17 health screening procedures.
- 18 c. Longline (LL) fishing vessels are allowed to  
19 come to port for transshipment purposes,  
20 subject to the additional measures  
21 established by NORMA for the avoidance of  
22 COVID-19, and observing the following  
23 guidelines:
- 24 i. Fresh LL fishing vessels are allowed to  
25 transship at port; PROVIDED, THAT, there

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

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

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- 1                   concerning transshipment at sea, quarantine  
2                   procedures are suspended until further notice.
- 3           f. Transshipment at sea shall be monitored  
4           thoroughly by the relevant national department  
5           or agency, in particular, the Department of  
6           Justice (DOJ) and NORMA, to ensure compliance  
7           with this directive. NORMA and DOJ, on behalf  
8           of the National Emergency Task Force, shall  
9           coordinate with the State authorities to  
10          ensure that the transshipment activities are  
11          not unduly delayed or interfered with by any  
12          State-mandated procedures.
- 13          g. It is part of these requirements that 72 hours  
14          prior to transshipment, notice shall be  
15          provided in advance to NORMA and DOJ using  
16          applicable forms of reporting. Included in  
17          the notice are the body temperatures of all  
18          crewmembers of the fishing vessels intending  
19          to transship, taken at 24-hour intervals prior  
20          to transshipment. (at 72 hours, at 48 hours  
21          and at 24 hours). Information on body  
22          temperatures may be shared with the State  
23          authorities for health assessment and  
24          coordination purposes.
- 25          h. These restrictions are a temporary emergency

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1 measure, which shall remain in effect until  
2 further notice. Any violation of these  
3 restrictions shall be subject to penalty set  
4 by law pursuant to 11 F.S.M.C. §803. The  
5 Secretary of Justice is ordered to take all  
6 measures available within the law to ensure  
7 enforcement of these restrictions.

8 [~~(11)~~](10) A task force is hereby established to  
9 coordinate all activities that need to be  
10 undertaken and measures that must be formulated  
11 and uniformly implemented in connection with the  
12 COVID-19 Pandemic. The Department of Health and  
13 Social Affairs is designated as the lead  
14 department and chair of the Task Force, which  
15 will be responsible for setting up plans to  
16 provide any necessary measures that will ensure  
17 that the movement of people and international  
18 travellers do not cause the introduction of  
19 COVID-19 anywhere in the FSM. The members of the  
20 Task Force are the following:

- 21 a. Department of Environment, Climate Change  
22 and Emergency Management (DECCEM);
- 23 b. Department of Foreign Affairs;
- 24 c. Department of Finance and Administration;
- 25 d. Department of Transportation,

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- 1                    Communications and Infrastructure (TC&I);  
2                    e. Department of Justice;  
3                    f. Department of Resources and Development  
4                    (R&D);  
5                    g. Department of Education;  
6                    h. FSM Division of Immigration;  
7                    i. Representatives of the Private Sector;  
8                    j. Representatives of State Governments as  
9                    recommended by the State Governors;  
10                   k. Development Partners;  
11                   l. Representatives of Faith Groups; and  
12                   m. Representatives of Traditional Leaders.

13                   ~~[(12)]~~(11) The Task Force shall convene immediately  
14                   upon issuance of this order and provide the  
15                   President with timely reports and updates.

16                   ~~[(13)]~~(12) Up to the sum of \$700,000, received as  
17                   balance and available under the Disaster Relief  
18                   Fund (DRF) accounts set up under Title 55 of the  
19                   Code of the Federated States of Micronesia  
20                   (Annotated), from prior declarations of  
21                   emergencies, is hereby decreed for this Public  
22                   Health Emergency Declaration. This fund shall be  
23                   used in any manner necessary to deal with the  
24                   public health emergency, including the mitigation  
25                   of costs for people affected by the travel ban

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1                   instituted by the emergency declaration. The  
2                   Emergency Task Force shall develop suitable  
3                   criteria for the mitigation of costs for  
4                   President's approval.

5                   ~~(14)~~(13) Other funds received from foreign donors,  
6                   including the United States, that are  
7                   specifically related to the FSM national response  
8                   to the COVID-19 Pandemic may be used for  
9                   nationwide capacity building, intensifying the  
10                  surveillance and monitoring of international  
11                  airports and seaports in the FSM, expanding and  
12                  maintaining quarantine and travel restrictions,  
13                  and other national efforts to combat the spread  
14                  of COVID-19.

15                  ~~(15)~~(14) Expenditures of the decreed funds are  
16                  subject to full accounting. Within 20 days after  
17                  the end of the emergency, the Chair of the Task  
18                  Force, with the assistance of the Secretary of  
19                  Finance and Administration and staff, shall  
20                  provide the President with a full report on the  
21                  expenditure of funds, and shall submit the report  
22                  to Congress no later than 30 days after the  
23                  emergency is over.

24                  ~~(16)~~(15) The Department of Finance shall identify  
25                  sources of replenishment for the decreed funds

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1                   and recommend to the President, as soon as  
2                   practical, additional supplemental budget request  
3                   to Congress.

4                   [~~(17)~~](16) During the emergency, a civil right may be  
5                   impaired only to the extent actually required for  
6                   the preservation of peace, health or safety. The  
7                   normal requirement of competitive bidding is  
8                   waived for any procurement made in connection  
9                   with this declaration of emergency.

10                  [~~(18)~~](17) Unless sooner revoked by Congress, this  
11                  Emergency Declaration is in effect until January  
12                  31, 202[0]1.

13                  [~~(19)~~](18) All previous amendments and clarifications to  
14                  the Public Health Emergency Declaration are  
15                  hereby revoked.

16                  BE IT FURTHER RESOLVED, that the President shall disseminate  
17                  widely the Public Health Declaration of Emergency as amended by  
18                  Congress, and any subsequent decrees and clarifications made by  
19                  the President pursuant to this Resolution; and

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