



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

Palikir, Sokehs Pohnpei State, FM 96941

Tel: (691) 320-2324 / 2338 Fax: (691) 320-5122

May 21, 2022

The Honorable Wesley W. Simina
Speaker
FSM Congress
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

I transmit herewith a certified copy of Congressional
Resolution No. 22-125, which was adopted by the Twenty-
Second Congress of the Federated States of Micronesia,
Fourth Regular Session, 2022.

Sincerely,

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

Jessicalynn Reyes
Chief Clerk
Congress of the
Federated States of Micronesia

Enclosures



TWENTY-SECOND CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FOURTH REGULAR SESSION
MAY 04 – [23] 27, 2022
(EXTENDED BY C.R. NO. 22-130, ADOPTED 05/23/22)

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, NOVEMBER 25, 2020, JANUARY 29, 2021, MARCH 31, 2021, MAY 27, 2021, JULY 28, 2021, SEPTEMBER 24, 2021 AND JANUARY 27, 2022.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: MAY 19, 2022

ADOPTED: MAY 27, 2022

A stylized, handwritten signature in black ink, appearing to read "JR", with a long horizontal flourish extending to the right.

Jessicalynn Reyes
Chief Clerk, FSM Congress

TWENTY-SECOND CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FOURTH REGULAR SESSION, 2022

CONGRESSIONAL RESOLUTION NO. 22-125

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, November 25, 2020, January 29, 2021, March 31, 2021, May 27, 2021, July 28, 2021, September 24, 2021 and January 27, 2022.

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 First
7 Special 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,
13 2020, 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-Second Congress of the
19 Federated States of Micronesia, Fourth Regular Session, 2022,

1 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
 13 appropriate decrees related to the Emergency
 14 Declaration, other than to revoke, amend or
 15 extend the Emergency Declaration. Unless and
 16 until this Emergency Declaration is revoked by
 17 Congress, or it expires of its own term, the
 18 President may not issue an additional or new
 19 Emergency Declaration to address the ongoing
 20 COVID-19 Pandemic. The purported declaration
 21 issued on March 14, 2020 by the President is
 22 null and void and all purported amendments,
 23 decrees and clarifications made pursuant to the
 24 purported declaration are also null and void.
 25 Most of the contents of the purported March 14,

1 2020 declaration and subsequent decrees thereof
2 are 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 herein by 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
17 widely 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
22 on 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
3 January 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
6 the virus to the islands unless the FSM National Government and
7 the State Governments resolves to implement effective and
8 uniform counter measures to combat the spread of this rare and
9 deadly 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-
13 track nationwide, unified capacity building efforts - which
14 remain in 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
18 COVID-19 as other countries around the world are doing; and

19 WHEREAS, the number of countries with confirmed and
20 suspected cases of COVID-19 keeps increasing and the number of
21 deaths due to COVID-19 have intensified with no signs of
22 receding in the near 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,
7 and the reality that is already a pandemic, it becomes a matter
8 of legal duty and obligation of the National Government of the
9 FSM, its leadership and all officials of this Nation, to take
10 all the emergency precautions, measures and interventions as a
11 matter of acute emergency and necessity, in order to protect and
12 save lives of our citizens, especially the most vulnerable
13 members of our population, the elderly, the sick and the
14 children; and

15 WHEREAS, as of July 25, 2021, 49.6% of the eligible adult
16 population (18 years and up) have been fully vaccinated. FSM's
17 COVID-19 Vaccination goal is to transition from COVID-19 Free to
18 COVID-19 Protected with at least 70% vaccination coverage; and

19 WHEREAS, as of July 19, 2021, more than 348 stranded
20 citizens and residents have been safely repatriated to the FSM
21 using its repatriation protocols; and

22 NOW THEREFORE, I, David W. Panuelo, President of the
23 Federated States of Micronesia, pursuant to the authority vested
24 upon me under Article X, Section 9 of the FSM Constitution, do
25 hereby place the entire territory of the Federated States of

1 Micronesia under a state of emergency to address the effects of
2 COVID-19 and order as follows:

- 3 (1) Immediately, all ports of entry of the FSM shall
4 be strengthened and are immediately placed under
5 strict monitoring and surveillance to ensure
6 that the potential carriers of COVID-19 do not
7 enter into the FSM. All travelers must be
8 screened thoroughly for any signs or symptoms of
9 COVID-19, such as feeling tired, difficulty
10 breathing, high temperature (fever) and coughing
11 and/or sore throat.
- 12 (2) All National border and security personnel
13 (Customs, Immigration and Quarantine) are under
14 a duty to intensify monitoring of the borders of
15 this Nation and work very closely with the
16 National and State Task Forces to implement a
17 unified response.
- 18 (3) Given the severity of the situation, as a matter
19 of national security of this Nation and in the
20 interest of maintaining good health and safety
21 of our people, immediately upon its issuance,
22 this Decree shall be disseminated to the public
23 as widely as possible throughout the Nation, by
24 radio, print media and by digital media. The FSM
25 Emergency Task Force shall monitor the

1 implementation, enforcement and full compliance
2 of this emergency declaration and provide timely
3 reports to the President.

4 (4) Nationwide, unified travel bans must be enforced
5 according to the terms of this declaration. (a.)
6 Persons travelling from any infected country,
7 state or territory, are prohibited from entering
8 into the FSM for as long as the COVID-19
9 Pandemic persists. Rare exceptions may be
10 granted on a case-by-case basis, for certified
11 health experts, technicians and workers assigned
12 to assist the FSM with respect to COVID-19,
13 returning medical referral patients, including
14 if applicable, the remains of a deceased and the
15 medical and/or family attendants and immediate
16 family members, government employees or workers
17 hired to assist the National and State
18 Government with essential services, and FSM
19 governmental officials whose duties are
20 critical, vital and indispensable to the
21 functioning of any branch of any FSM state or
22 the FSM national government, persons requiring
23 emergency medical services, and local fishing
24 crews of domestic fishing vessels in accordance
25 with established national and state protocols.

- 1 (b) Permitted travel in the exception under
 2 paragraph (4)(a) will apply to persons presently
 3 free of COVID-19 and also persons who might have
 4 been infected with COVID-19 in the past but had
 5 since fully recovered and determined to be non-
 6 infectious according to established health
 7 protocols and guideline of the National Task
 8 Force.
- 9 (5) Other citizens, nationals and residents of the
 10 FSM are strongly advised against travel to any
 11 country, state or territory with confirmed cases
 12 of COVID-19, with the understanding that they
 13 may be prohibited from re-entry or may be
 14 subject to quarantine procedures upon return to
 15 the FSM.
- 16 (6) Travel by air or sea between and within the FSM
 17 states is permitted, as long as there are no
 18 confirmed active cases of COVID-19 within any
 19 FSM States. Any quarantine requirement for
 20 interstate travel shall be in accordance with
 21 established protocols and guidelines of the
 22 National Task Force, upon consultation with the
 23 State Task Force, and if quarantine is ever
 24 applied, it shall be so applied without
 25 discrimination. Interstate travel on

international commercial airlines shall be permitted for personnel providing technical assistance supporting the FSM's COVID-19 preparedness and response in accordance with the established protocols and guideline of the National Task Force.

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

i. However, the National Task Force shall work in consultation with each of the states for the purpose of establishing and further developing their quarantine and isolation facilities standards and capabilities. When the facilities within any of the states are developed to acceptable standards, the states will work with the National Task Force to develop a plan for repatriation of stranded FSM citizens and FSM students and the return of stranded FSM residents. The repatriation of FSM citizens shall be prioritized and only after our citizens

1 have been repatriated, further plans may be
2 implemented to allow for non-citizens to enter
3 the FSM. However, after all FSM citizens who
4 are on medical referral or are receiving medical
5 treatment outside the FSM, and their medical
6 attendants have been repatriated, an exception
7 may be made to allow for the entry of the
8 ambassadors key staff of foreign embassies, the
9 heads and key staff of missions of non-
10 government organizations with diplomatic status,
11 and essential workers, on a case-by-case basis,
12 upon consultation and approval of the National
13 Task Force and State Task Force. Any travelers
14 to the FSM shall be fully vaccinated,
15 quarantined and tested negative for COVID-19
16 within 72 hours prior to entry into the FSM or
17 have medical documentation confirming recovery
18 of prior infection and deemed non-infectious in
19 accordance with established protocols and
20 guideline of the National Task Force. The
21 National Task Force shall work with
22 international air carriers to notify them of the
23 procedures that will be followed including
24 scheduling of arrivals, pre-screening, screening
25 upon arrival and quarantine and isolation

1 requirements.

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

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

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

25 (9) Fishing vessels, other than the domestic

1 fleet, are subject to the following:

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

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

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

23 i. Fresh LL fishing vessels are allowed to
24 transship at port; PROVIDED, THAT, there
25 shall be no contact at any time prior to

1 the transshipment.

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

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

19 iv. Bartering, trading and local sale of
20 fish are prohibited. No person is
21 allowed to approach, in the
22 transshipment and Anchorage area, any
23 fishing vessel, or have any contact
24 therewith, at any time during the
25 effective period of this declaration.

- 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
- 8 fishing vessels that are flagged in the FSM
- 9 or have a base of operation anywhere in the
- 10 FSM States. On a case-by-case basis, NORMA
- 11 may, in consultation with the states, grant
- 12 approval for required repairs and
- 13 maintenance to be completed at the dock for
- 14 any repairs or maintenance that cannot be
- 15 carried out at the anchorage area, subject
- 16 to no human-to-human contact during said
- 17 repairs. A written plan outlining the
- 18 safety procedures that will be followed must
- 19 be submitted to NORMA and the established
- 20 Maritime working Group of the National Taxk
- 21 Force for approval at least 72 hours prior
- 22 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 notice.

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

15 g. It is part of these requirements that 72 hours
 16 prior to transshipment, notice shall be
 17 provided in advance to NORMA and DOJ using
 18 applicable forms of reporting. Included in the
 19 notice are the body temperatures of all
 20 crewmembers of the fishing vessels intending to
 21 transship, taken at 24-hour intervals prior to
 22 transshipment. (at 72 hours, at 48 hours and at
 23 24 hours). Information on body temperatures
 24 may be shared with the State authorities for
 25 health assessment and coordination purposes.

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

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

22 a. Department of Environment, Climate Change
23 and Emergency Management (DECCEM);

24 b. Department of Foreign Affairs;

25 c. Department of Finance and Administration;

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

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

17 (12) The Task Force is mandated to intensify the
18 nationwide vaccination efforts with a view
19 towards achieving herd immunity across the
20 nation through a diligently coordinated
21 nationwide public awareness and information
22 campaign on the merits of a timely COVID-19
23 vaccination. All FSM citizens residing in the
24 FSM, are required to undergo COVID-19
25 vaccination subject to the protocol of the

Task Force. Any employee of the National Government and its offices or agencies who fails to comply with this requirement within 30 days, absent reasonable justification, shall be placed on leave without pay.

(13) The operational details in implementing this emergency declaration are contained in the Guidelines and Protocols, and any updates thereof, as established or sanctioned by the Task Force. Said Guidelines and Protocols are duly incorporated herein by reference. The Task Force shall inform Congress of any updates to the Guidelines and Protocols in a timely manner.

(14) The Task Force shall be granted reasonable flexibility with respect to the implementing details of this emergency declaration, in recognition of the scientific expertise and capacity available to the Task Force in enforcing its Guidelines and Protocols.

(15) Up to the sum of \$700,000, received as balance and available under the Disaster Relief Fund (DRF) accounts set up under Title 55 of the Code of the Federated States of Micronesia (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 the
4 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 (16) 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 (17) Expenditures of the decreed funds are
21 subject to full accounting. Within 20 days
22 after the end of the emergency, the Chair of the
23 Task Force, with the assistance of the Secretary
24 of Finance and Administration and staff, shall
25 provide the President with a full report on the

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

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

9 (19) During the emergency, a civil right may
10 be 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 (20) Unless sooner revoked by Congress, this
16 Emergency Declaration is in effect until August
17 1, 2022.

18 (21) 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

1 FURTHER RESOLVED, that certified copies of this resolution
2 be transmitted to the President of the Federated States of
3 Micronesia, the Chief Justice of the FSM Supreme Court, the
4 Governors of Chuuk, Kosrae, Pohnpei and Yap States, the presiding
5 officers of the four state legislatures, and the heads of the
6 airports and seaports in Chuuk, Kosrae, Pohnpei and Yap.

7

8

9

10 ADOPTED: May 27, 2022

11

12


13

14

15

16

ATTEST:



Wesley W. Simina
Speaker
FSM Congress

17

18

19

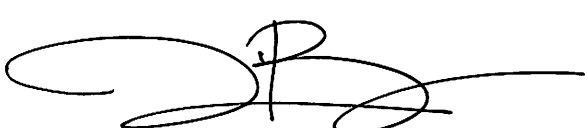
20

21

22

23

24



Jessicalynn Reyes
Chief Clerk
FSM Congress