



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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April 20, 2020

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. 21-138, C.D.1, C.D.2, which was adopted
by the Twenty-First Congress of the Federated States of
Micronesia, Fifth Special Session, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis".

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

Enclosures



TWENTY-FIRST CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
FIFTH SPECIAL SESSION
APRIL 13 - 17, 2020

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.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: APRIL 13, 2020

ADOPTED: APRIL 17, 2020

A handwritten signature in black ink, appearing to read "Liwiana Ramon Ioanis", is written over a horizontal line.

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress

TWENTY-FIRST CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIFTH SPECIAL SESSION, 2020 CONGRESSIONAL RESOLUTION NO. 21-138, C.D.1,
C.D.2

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.

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 Fifth Special
7 Session and therefore has the powers under the Constitution to
8 revoke, amend or extend the Declaration; and

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

18 BE IT RESOLVED by the Twenty-First Congress of the Federated
19 States of Micronesia, Fifth Special Session, 2020, that:

20 (1) Pursuant to Article X, Section 9 (c) of the FSM

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

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

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

8 (3) The President shall discuss with the Governors of
9 all the 4 states the terms of the social
10 distancing requirements and other safety
11 precautions that shall be mandated, within 30
12 days, for the entire nation.

13 (4) The Public Health Emergency Declaration in the
14 FSM dated January 31, 2020, is hereby further
15 amended to read:

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

20 WHEREAS, the WHO has declared on March 11, 2020, (March 12,
21 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred
22 after Congress adopted it's March 11, 2020 amendment to the
23 January 31, 2020 declaration; and

24 WHEREAS, the COVID-19 Pandemic exposes the FSM to an
25 undeniable vulnerability from the imminent and likely entry of the

1 virus to the islands unless the FSM National Government and the
2 State Governments resolves to implement effective and uniform
3 counter measures to combat the spread of this rare and deadly
4 virus across all of our states; and

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

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

18 WHEREAS, the citizens and residents of the FSM remain
19 extremely vulnerable to this outbreak, taking into consideration
20 the fact that airline travel routes connecting into the FSM
21 already have confirmed cases of COVID-19 in Hawaii and Guam and
22 COVID-19 may very likely cause massive and widespread illnesses
23 and public health disasters that are beyond the ability and
24 present resources of the FSM National and State Governments to
25 contain; and

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

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

15 (1) Immediately, all ports of entry of the FSM shall
16 be strengthened and are immediately placed under
17 strict monitoring and surveillance to ensure that
18 the potential carriers of COVID-19 do not enter
19 into the FSM. All travellers must be screened
20 thoroughly for any signs or symptoms of COVID-19,
21 such as feeling tired, difficulty breathing, high
22 temperature (fever) and coughing and/or sore
23 throat.

24 (2) All National border and security personnel
25 (Customs, Immigration and Quarantine) are under a

1 duty to intensify monitoring of the borders of
2 this Nation and work very closely with the
3 National and State Task Forces to implement a
4 unified response.

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

16 (4) Nationwide, unified travel bans must be enforced
17 according to the terms of this declaration.
18 Persons travelling from any infected country,
19 state or territory, are prohibited from entering
20 into the FSM for as long as the COVID-19 Pandemic
21 persists. Rare exceptions may be granted on a
22 case-by-case basis, for certified health experts,
23 technicians and workers assigned to assist the
24 FSM with respect to COVID-19, returning medical
25 referral patients, premised upon prior favorable

1 advice, assessment and recommendation by the FSM
2 Emergency Task Force, in consultation with the
3 state task forces, and subject to all screening,
4 detection, quarantine and isolation procedures
5 and protocols of the State of destination.

6 (5) All FSM Citizens are banned from travelling to
7 any country, state or territory with confirmed
8 cases of COVID-19 until further notice and until
9 such time that a determination is made that the
10 COVID-19 Pandemic is effectively contained.
11 Exceptions may be granted for FSM citizens who
12 will be traveling to affected areas, who are
13 legal residents of an affected area, and are
14 returning to their homes or employment or for
15 urgent medical treatment premised upon favorable
16 advice, assessment and recommendation by the FSM
17 Emergency Task Force.

18 (6) 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 (7) Travel by air or sea between and within the FSM
25 states is permitted, as long as there are no

1 confirmed cases of COVID-19 within any of the FSM
2 states. Only air and sea travel that originates
3 within the FSM states is permitted, travel that
4 originates outside of the FSM is not permitted.
5 (ie. flights originating in Guam or Hawaii or any
6 other affected area are not permitted and ships
7 originating from any affected area are not
8 permitted). All passengers will be screened at
9 the airport or seaport prior to check in or
10 boarding and are subject to health screening
11 procedures in the FSM state of destination. Any
12 passenger exhibiting symptoms of COVID-19 will
13 not be permitted to board the plane or ship. Any
14 passenger that develops symptoms during transit
15 will be permitted to enter at their final
16 destination, but will subject to
17 quarantine/isolation requirements.

18 (8) Because of the lack of available quarantine and
19 isolation facilities within the FSM, no
20 passengers shall be permitted to disembark into
21 the FSM from any air or sea vessel that
22 originates outside the FSM, subject to the
23 exceptions in Section 4, for FSM citizens
24 international travel and Section (9) for
25 commercial sea vessels. The authority to

- 1 regulate foreign and interstate commerce is
2 expressly granted to Congress in the
3 Constitution, FSM Const. art. IX, § 2(g). FSM
4 Const. art. XIII § 3. requires the national and
5 state governments to uphold the provisions of the
6 Constitution and to advance the principles of
7 unity upon which the Constitution is founded.
8 These travel restrictions may not be amended by
9 the states; they may only be amended by
10 Congressional Resolution if Congress is in
11 session, or by written communication signed by
12 the majority of the Committee of Health and
13 Social Affairs if Congress is not in session.
- 14 (9) Commercial sea vessels (defined as: fishing
15 vessels, cargo vessels and oil tankers) traveling
16 to the FSM for the purpose of trade and commerce,
17 are subject to the following:
- 18 a. Commercial sea vessels are required to abide
19 at all times with the precautionary measures
20 and protocols set by the FSM National
21 Government in coordination with the National
22 and State task forces.
- 23 (10) Fishing vessels, other than the domestic fleet,
24 are subject to the following:
- 25 a. With the exception of transshipment

1 activities in Kosrae by purse seine fishing
2 vessels and of activities falling under
3 section (b) hereof, all transshipment
4 activities are to be carried out in
5 designated transshipment areas to be
6 identified by the National Oceanic Resource
7 and Management Authority (NORMA). A
8 designated transshipment area will be in the
9 territorial waters beyond the three nautical
10 miles zone from baselines. NORMA shall
11 issue appropriate guidelines regulating the
12 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
17 state 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

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.

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

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

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

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

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

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

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

1 Emergency Task Force shall develop suitable
2 criteria for the mitigation of costs for
3 President's approval.

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

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

23 (16) The Department of Finance shall identify sources
24 of replenishment for the decreed funds and
25 recommend to the President, as soon as practical,

1 additional supplemental budget request to
2 Congress.

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

9 (18) Unless sooner revoked by Congress, this Emergency
10 Declaration is in effect until May 31, 2020.

11 (19) All previous amendments and clarifications to the
12 Public Health Emergency Declaration are hereby
13 revoked.

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

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1 BE IT FURTHER RESOLVED, that certified copies of this
2 resolution be transmitted to the President of the Federated States
3 of 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.

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10 ADOPTED: April 17, 2020

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ATTEST:

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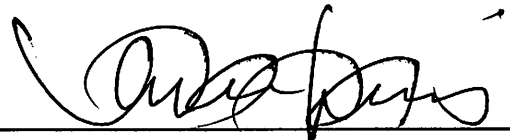
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Wesley W. Simina
Speaker
FSM Congress



Liwiana Ramon Ioanis
Chief Clerk
FSM Congress