

A RESOLUTION

To amend the President's Public Health Emergency Declaration dated January 31, 2020.

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

3           WHEREAS, the President issued a Clarification on the Public  
4 Health Emergency Declaration on February 1, 2020; and

5           WHEREAS, the President issued an Amendment to the Public  
6 Health Emergency Declaration on February 4, 2020; and

7           WHEREAS, on February 7, 2020, an unsigned and not on official  
8 letterhead Clarification of the Public Health Emergency  
9 Declaration was issued by the President's office; and

10          WHEREAS, by Congressional Resolution No. 21-117, Congress  
11 further amended the Public Health Emergency Declaration on  
12 February 12, 2020; and

13          WHEREAS, the President issued an Amendment to the Public  
14 Health Emergency Declaration on February 14, 2020, with an  
15 attached Clarification of the Public Health Emergency Declaration;  
16 and

17          WHEREAS, the President issued a Decree in relation to the  
18 Public Health Emergency Declaration on February 28, 2020; and

19          WHEREAS in accordance to Article X, section 9 of the FSM  
20 Constitution, Congress has the sole authority to revoke, amend or

1 extend the Public Health Emergency Declaration; and

2 WHEREAS, Congress is currently convened for its Fourth  
3 Special Session and therefore has the powers under the  
4 Constitution to revoke, amend or extend the Declaration; and

5 WHEREAS, Congress has reviewed the Declaration, the  
6 amendments, the clarifications and the decrees issued by the  
7 President and has reviewed the facts attending to the Declaration,  
8 amendments, clarifications and decrees, and has had several public  
9 hearings and has met and conferred with the President and has  
10 considered the President's requests for Congressional action; and

11 WHEREAS, the World Health Organization (WHO) has published  
12 guidelines in response to the outbreak and within those guidelines  
13 has defined "affected areas" as areas that are considered those  
14 countries, provinces, territories or cities experiencing ongoing  
15 transmission of COVID-19, in contrast to areas reporting only  
16 imported cases; and

17 WHEREAS, the WHO published guidelines note that control  
18 measures that focus on prevention, particularly through regular  
19 hand washing and cough hygiene, and on active surveillance for the  
20 early detection and isolation of cases, the rapid identification  
21 and close monitoring of persons in contact with cases, and the  
22 rapid access to clinical care, particularly for severe cases, are  
23 effective to contain most outbreaks of COVID-19; and

24 WHEREAS, the WHO published guidelines continue to advise  
25 against the application of travel or trade restrictions to

1 countries experiencing COVID-19 outbreaks; and

2 WHEREAS, the WHO published guidelines note that in general,  
3 evidence shows that restricting the movement of people and goods  
4 during public health emergencies is ineffective in most situations  
5 and may divert resources from other interventions and furthermore,  
6 restrictions may interrupt needed aid and technical support, may  
7 disrupt businesses, and may have negative social and economic  
8 effects on the affected countries; and

9 WHEREAS, the WHO published guidelines note that travel  
10 measures that significantly interfere with international traffic  
11 may only be justified at the beginning of an outbreak, as they may  
12 allow countries to gain time, even if only a few days, to rapidly  
13 implement effective preparedness measures and such restrictions  
14 must be based on a careful risk assessment, be proportionate to  
15 the public health risk, be short in duration, and be reconsidered  
16 regularly as the situation evolves; and

17 WHEREAS, the WHO published guidelines advise that travel bans  
18 to affected areas or denial of entry to passengers coming from  
19 affected areas are usually not effective in preventing the  
20 importation of cases but may have a significant economic and  
21 social impact; and

22 WHEREAS, the WHO published guidelines recommend that  
23 countries should intensify surveillance for unusual outbreaks of  
24 influenza-like illness and severe pneumonia and monitor carefully  
25 the evolution of COVID-19 outbreaks, reinforcing epidemiological

1 surveillance and should continue to enhance awareness through  
2 effective risk communication concerning COVID-19 to the general  
3 public, health professionals, and policy makers, and to avoid  
4 actions that promote stigma or discrimination; now, therefore,

5 BE IT RESOLVED by the Twenty-First Congress of the Federated  
6 States of Micronesia, Fourth Special Session, 2020, that:

7 (1) Sections 5 and 6 of C.R. No. 21-117 are hereby  
8 revoked.

9 (2) The Public Health Emergency Declaration in the FSM  
10 dated January 31, 2020, is hereby amended to read:

11 WHEREAS, the World Health Organization has declared on  
12 January 30, 2020 (January 31<sup>st</sup> 2020 Pohnpei time) that the new  
13 Coronavirus is a Public Health Emergency of International Concern  
14 (PHEIC); and

15 WHEREAS, the ongoing spread of the Coronavirus is  
16 threatening the safety and public security of citizens, nationals  
17 and residents of the Federated States of Micronesia; and

18 WHEREAS, as of today, over 8,100 cases of Coronavirus have  
19 been confirmed in mainland China with 171 deaths prompting the  
20 PHEIC Declaration by the World Health Organization; and

21 WHEREAS, it is imperative that immediate precautionary  
22 measures are put in place in the FSM in order to protect the lives  
23 and safety of it's citizens, nationals and residents by initiating  
24 a ban, restrictions and/or advisory with respect to unnecessary  
25 international travel that could intensify the risk of spreading

1 the virus into the FSM territory;

2 NOW THEREFORE, I David W. Panuelo, President of the  
3 Federated States of Micronesia, pursuant to the authority vested  
4 upon me under Article X, Section 9 of the FSM Constitution, do  
5 hereby place the entire territory of the Federated States of  
6 Micronesia under a state of emergency to address the effects of  
7 Coronavirus and order as follows:

8 (1) All citizens of the Federated States of Micronesia are  
9 banned from traveling to Hubei Province, China, until further  
10 notice and until such time that a determination is made that the  
11 Coronavirus is effectively contained.

12 (2) Other citizens, nationals and residents in the FSM are  
13 strongly advised against taking unnecessary travel to any country,  
14 state or territory considered to be an affected area as defined  
15 above, until the situation is reassessed and found to be under  
16 control, making it safe to resume international travel.

17 (3) Persons traveling directly or indirectly, either by air or  
18 sea transport from Hubei Province, China, since January 6, 2020,  
19 are banned from entering into the FSM until further notice.

20 (4) As food security is a high priority for the nation, all  
21 commercial sea vessels (cargo, tankers and fishing vessels) shall  
22 all be subject to normal Customs, Immigration and Quarantine (CIQ)  
23 and additional health screening and inspection procedures as  
24 determined necessary by national and state health authorities.  
25 Commercial vessel crews originating from or transiting through

1 Hubei Province are allowed to disembark their vessels only in the  
2 performance of required operational duties and only within the  
3 immediate dock facilities. Fishing vessel crews may be allowed to  
4 disembark provided they are assessed as healthy by designated  
5 health authorities.

6 (5) For commercial airlines conducting regular transit service  
7 through the FSM, crewmembers and technical support personnel on  
8 board the aircraft may exit the aircraft in order to carry out  
9 inspection and regular duties around the aircraft, but they are  
10 not permitted to enter any airport facilities except for those  
11 necessary for the safe operation of the airplane.

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

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

1           d. Department of Transportation, Communications and  
2 Infrastructure (TC&I);

3           e. Department of Justice;

4           f. Department of Resources and Development (R&D);

5           g. Department of Education;

6           h. FSM Division of Immigration;

7           j. Representatives of the Private Sector; and

8 Representatives of State Governments as recommended by the State  
9 Governors;

10       (7) The Task Force shall coordinate with the task forces  
11 established by the FSM States and work together with international  
12 partners such as the World Health Organization and the United  
13 States Centers for Disease Control and Prevention (CDC), and  
14 provide the President with timely reports, updates and appropriate  
15 recommendations.

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

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

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

13 (11) Unless sooner revoked by Congress, this Emergency  
14 Declaration is valid until May 15, 2020.

15 (12) The 14-day travel restrictions requiring persons traveling  
16 into the FSM from countries, states or territories with confirmed  
17 cases of the Coronavirus (other than Hubei Province, China) to  
18 remain in a country, state or territory with no confirmed cases of  
19 the Coronavirus for a period of no less than 14 days immediately  
20 prior to their entry into the FSM, are hereby lifted upon the  
21 adoption of this Resolution, for all countries, states and  
22 territories other than Hubei Province, China. The travel  
23 restriction requiring a stay in an unaffected country, state or  
24 territory shall not be extended or reinstated except by  
25 authorization of Congress by resolution if Congress is in session



1 or by written communication signed by the majority of the  
2 Committee of Health and Social Affairs if Congress is not in  
3 session.

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

6 BE IT FURTHER RESOLVED, that the President shall disseminate  
7 widely the Public Health Declaration of Emergency as amended by  
8 Congress, and any subsequent amendments made by the President  
9 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 in Chuuk, Kosrae Pohnpei and Yap.

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10 ADOPTED: March 11, 2020

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Wesley W. Simina  
Speaker  
FSM Congress

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ATTEST:

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Liwiana Ramon Ioanis  
Chief Clerk  
FSM Congress

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