



*Office of the Chief Clerk*

**CONGRESS OF THE FEDERATED STATES OF MICRONESIA**

P.O. Box PS 3

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July 29, 2021

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. 22-33, C.D.1, C.D.2, which was adopted by the Twenty-Second Congress of the Federated States of Micronesia, First Special Session, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessicalynn Reyes", with a long horizontal flourish 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  
FIRST SPECIAL SESSION  
JULY 19 - 28, 2021

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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,  
JULY 10, 2020, AUGUST 20, 2020, NOVEMBER 25, 2020, JANUARY 29, 2021, MARCH  
31, 2021, AND MAY 27, 2021.

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INTRODUCED BY SENATOR: FLORENCIO S. HARPER (BY REQUEST)

DATE: JULY 20, 2021

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ADOPTED: JULY 28, 2021

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A handwritten signature in black ink, appearing to read "Jessicalynn Reyes", is written over a horizontal line.

Jessicalynn Reyes  
Chief Clerk, FSM Congress

TWENTY-SECOND CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST SPECIAL SESSION, 2021 CONGRESSIONAL RESOLUTION NO. 22-33, C.D.1,  
C.D.2

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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, July 10, 2020, August 20, 2020, November 25, 2020, January 29, 2021, March 31, 2021, and May 27, 2021.

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 First 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-Second Congress of the Federated  
19 States of Micronesia, First Special Session, 2021, that:

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 its own term, the President may not  
17          issue an additional or new Emergency Declaration  
18          to address the ongoing COVID-19 Pandemic. The  
19          purported declaration issued on March 14, 2020 by  
20          the President is null and void and all purported  
21          amendments, decrees and clarifications made  
22          pursuant to the purported declaration are also  
23          null and void. Most of the contents of the  
24          purported March 14, 2020 declaration and  
25          subsequent decrees thereof are incorporated

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

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



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; and

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

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

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

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



1 reports to the President.

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

1                   been infected with COVID-19 in the past but had  
2                   since fully recovered and determined to be non-  
3                   infectious according to established health  
4                   protocols and guideline of the National Task  
5                   Force.

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

12                  (6) Travel by air or sea between and within the FSM  
13                  states is permitted, as long as there are no  
14                  confirmed active cases of COVID-19 within any FSM  
15                  States. Any quarantine requirement for  
16                  interstate travel shall be in accordance with  
17                  established protocols and guidelines of the  
18                  National Task Force, upon consultation with the  
19                  State Task Force, and if quarantine is ever  
20                  applied, it shall be so applied without  
21                  discrimination. Interstate travel on  
22                  international commercial airlines shall be  
23                  permitted for personnel providing technical  
24                  assistance supporting the FSM's COVID-19  
25                  preparedness and response in accordance with the

1 established protocols and guideline of the  
2 National Task Force.

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

10 i. However, the National Task Force shall work  
11 in consultation with each of the states for the  
12 purpose of establishing and further developing  
13 their quarantine and isolation facilities  
14 standards and capabilities. When the facilities  
15 within any of the states are developed to  
16 acceptable standards, the states will work with  
17 the National Task Force to develop a plan for  
18 repatriation of stranded FSM citizens and FSM  
19 students and the return of stranded FSM  
20 residents. The repatriation of FSM citizens  
21 shall be prioritized and only after our citizens  
22 have been repatriated, further plans may be  
23 implemented to allow for non-citizens to enter  
24 the FSM. However, after all FSM citizens who are  
25 on medical referral or are receiving medical

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

22 ii. The authority to regulate foreign and  
23 interstate commerce is expressly granted to  
24 Congress in the Constitution, FSM Const. art. IX,  
25 § 2(g). FSM Const. art. XIII§ 3. requires the

1 national and state governments to uphold the  
2 provisions of the Constitution and to advance the  
3 principles of unity upon which the Constitution  
4 is founded. These travel restrictions may not be  
5 amended by the states; they may only be amended  
6 by Congressional Resolution if Congress is in  
7 session, or by written communication signed by  
8 the majority of the Committee of Health and  
9 Social Affairs if Congress is not in session.

10 (8) Commercial sea vessels (defined as: fishing  
11 vessels, cargo vessels and oil tankers) traveling  
12 to the FSM for the purpose of trade and commerce,  
13 are subject to the following:

14 a. Commercial sea vessels are required to abide  
15 at all times with the precautionary measures  
16 and protocols set by the FSM National  
17 Government in coordination with the National  
18 and State task forces.

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

21 a. All transshipment activities are to be  
22 carried out in designated transshipment areas  
23 to be identified by the National Oceanic  
24 Resource Management Authority (NORMA). A  
25 designated transshipment area will be in port

1 areas or in territorial waters beyond the  
2 three nautical miles zone from baselines.  
3 NORMA shall issue appropriate guidelines  
4 regulating the transshipment.

5 b. Carrier vessels supporting transshipment  
6 activities of the domestic fleets are  
7 permitted to enter the anchorage area for  
8 transshipping purposes only, subject to state  
9 health screening procedures.

10 c. Longline (LL) fishing vessels are allowed to  
11 come to port for transshipment purposes,  
12 subject to the additional measures  
13 established by NORMA for the avoidance of  
14 COVID-19, and observing the following  
15 guidelines:

16 i. Fresh LL fishing vessels are allowed to  
17 transship at port; PROVIDED, THAT, there  
18 shall be no contact at any time prior to  
19 the transshipment.

20 ii. Frozen LL fishing vessels are allowed to  
21 transship at port; PROVIDED, THAT, the  
22 fishing vessels observe the 14-day  
23 quarantine at sea, and no crewmembers are  
24 allowed to disembark at port. The 14-day  
25 quarantine is counted from the date of

1 last contact.

2 iii. For the purpose of Section (b) hereof,  
3 and any part of this decree where its  
4 application is deemed relevant, "contact"  
5 refers to human interaction of less than  
6 four (4) feet between a crewmember of one  
7 fishing vessel and another crewmember of  
8 another fishing vessel, or any other  
9 human to human contact external to  
10 fishing vessel operations.

11 iv. Bartering, trading and local sale of fish  
12 are prohibited. No person is allowed to  
13 approach, in the transshipment and  
14 Anchorage area, any fishing vessel, or  
15 have any contact therewith, at any time  
16 during the effective period of this  
17 declaration.

18 d. Domestic fishing vessels are allowed to call  
19 port in the FSM States for repair,  
20 maintenance and provisioning purposes at the  
21 Anchorage area, and shall remain in the  
22 Anchorage area during repairs, maintenance  
23 and provisioning. For the purposes of this  
24 section, domestic fishing vessels are fishing  
25 vessels that are flagged in the FSM or have a



1 base of operation anywhere in the FSM States.  
2 On a case-by-case basis, NORMA may, in  
3 consultation with the states, grant approval  
4 for required repairs and maintenance to be  
5 completed at the dock for any repairs or  
6 maintenance that cannot be carried out at the  
7 anchorage area, subject to no human-to-human  
8 contact during said repairs. A written plan  
9 outlining the safety procedures that will be  
10 followed must be submitted to NORMA and the  
11 established Maritime working Group of the  
12 National Taxk Force for approval at least 72  
13 hours prior to the requested repairs.

14 e. With respect to transshipment at sea,  
15 Immigration and Customs clearance procedures  
16 shall be conducted electronically with the  
17 intention of avoiding or minimizing contact. For  
18 the duration of the emergency procedure  
19 concerning transshipment at sea, quarantine  
20 procedures are suspended until further notice.

21 f. Transshipment at sea shall be monitored  
22 thoroughly by the relevant national department  
23 or agency, in particular, the Department of  
24 Justice (DOJ) and NORMA, to ensure compliance  
25 with this directive. NORMA and DOJ, on behalf

1 of the National Emergency Task Force, shall  
2 coordinate with the State authorities to ensure  
3 that the transshipment activities are not unduly  
4 delayed or interfered with by any State-mandated  
5 procedures.

6 g. It is part of these requirements that 72 hours  
7 prior to transshipment, notice shall be provided  
8 in advance to NORMA and DOJ using applicable  
9 forms of reporting. Included in the notice are  
10 the body temperatures of all crewmembers of the  
11 fishing vessels intending to transship, taken at  
12 24-hour intervals prior to transshipment. (at 72  
13 hours, at 48 hours and at 24 hours).

14 Information on body temperatures may be shared  
15 with the State authorities for health assessment  
16 and coordination purposes.

17 h. These restrictions are a temporary emergency  
18 measure, which shall remain in effect until  
19 further notice. Any violation of these  
20 restrictions shall be subject to penalty set by  
21 law pursuant to 11 F.S.M.C. §803. The Secretary  
22 of Justice is ordered to take all measures  
23 available within the law to ensure enforcement  
24 of these restrictions.

25 (10) A task force is hereby established to

1 coordinate all activities that need to be  
2 undertaken and measures that must be formulated  
3 and uniformly implemented in connection with the  
4 COVID-19 Pandemic. The Department of Health and  
5 Social Affairs is designated as the lead  
6 department and chair of the Task Force, which  
7 will be responsible for setting up plans to  
8 provide any necessary measures that will ensure  
9 that the movement of people and international  
10 travelers do not cause the introduction of COVID-  
11 19 anywhere in the FSM. The members of the Task  
12 Force are the following:

- 13 a. Department of Environment, Climate Change  
14 and Emergency Management (DECCEM);
- 15 b. Department of Foreign Affairs;
- 16 c. Department of Finance and Administration;
- 17 d. Department of Transportation,  
18 Communications and Infrastructure (TC&I);
- 19 e. Department of Justice;
- 20 f. Department of Resources and Development  
21 (R&D);
- 22 g. Department of Education;
- 23 h. FSM Division of Immigration;
- 24 i. Representatives of the Private Sector;
- 25 j. Representatives of State Governments as

recommended by the State Governors;

k. Development Partners;

l. Representatives of Faith Groups; and

m. Representatives of Traditional Leaders.

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

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

1 Task Force. Said Guidelines and Protocols are  
2 duly incorporated herein by reference. The  
3 Task Force shall inform Congress of any updates  
4 to the Guidelines and Protocols in a timely  
5 manner.

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

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

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

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

20                  (18) The Department of Finance shall identify  
21                  sources of replenishment for the decreed funds  
22                  and recommend to the President, as soon as  
23                  practical, additional supplemental budget request  
24                  to Congress.

25                  (19) During the emergency, a civil right may be

1           impaired only to the extent actually required for  
2           the preservation of peace, health or safety. The  
3           normal requirement of competitive bidding is  
4           waived for any procurement made in connection  
5           with this declaration of emergency.

6           (20) Unless sooner revoked by Congress, this  
7           Emergency Declaration is in effect until  
8           September 30, 2021.

9           (21) All previous amendments and clarifications  
10          to the Public Health Emergency Declaration are  
11          hereby revoked.

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



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: July 28, 2021

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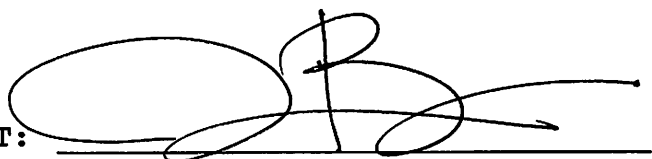
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ATTEST:

  
Jessicalynn Reyes  
Chief Clerk  
FSM Congress

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