
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, [~~and~~] 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 Regular
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 Regular Session, 2021, 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

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 31st 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 10, 2021, 47% 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 12, 2021, more than 200 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:

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- 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 travellers 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, [~~and any person~~
20 ~~arriving in FSM on an air or sea vessel, who is~~
21 ~~assessed by FSM medical personnel as needing~~
22 ~~urgen medical care] persons requiring emergency
23 medical services, and local fishing crews of
24 domestic fishing vessels in accordance with
25 national and state protocols [~~premised upon prior~~~~

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

7 (b) Permitted travel in the exception under
8 paragraph (4)(a) will apply to persons presently
9 free of COVID-19 and also persons who might have
10 been infected with COVID-19 in the past but had
11 since fully recovered and determined to be non-
12 infestious according to established health
13 protocols of the National Task Force.

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

20 (6) Travel by air or sea between and within the FSM
21 states is permitted [~~for: essential personnel as~~
22 ~~determined by the state for whom the personnel is~~
23 ~~needed; people who are returning to their state~~
24 ~~of residence, employment, or location of their~~
25 ~~educational institution; or for a family~~

1 ~~emergency~~ However, if there is a confirmed case
2 of COVID-19 within any FSM State the National
3 Task Force, upon consultation with State Task
4 Forces, may temporarily suspend interstate
5 travel.], as long as there are no confirmed cases
6 of COVID-19 within any FSM States. Any
7 quarantine requirement for interstate travel
8 shall be in accordance with the protocols and
9 guidelines of the National Task Force, upon
10 consultation with the State Task Force, and if
11 quarantine is ever applied, it shall be so
12 applied without discrimination. [~~Only air and~~
13 ~~sea travel that originates within the FSM states,~~
14 ~~by domestic air or sea carriers, is permitted,~~
15 ~~and any travel that originates outside of the~~
16 ~~FSM is not permitted, except as provided in this~~
17 ~~Declaration. Flights originating in Guam or~~
18 ~~Hawaii or any other affected area are not~~
19 ~~permitted and ships originating from any affected~~
20 ~~area are not permitted. All passengers will be~~
21 ~~screened at the airport or seaport prior to check~~
22 ~~in or boarding and are subject to health~~
23 ~~screening procedures in the FSM state of~~
24 ~~destination]. Interstate travel on international
25 commercial airlines shall be permitted for~~

1 personnel providing technical assistance
2 supporting the FSM's COVID-19 preparedness and
3 response in accordance with the national
4 protocol.

5 ~~[Any passenger exhibiting symptoms of COVID-19~~
6 ~~will not be permitted to board the plane or ship.~~
7 ~~Any passenger that develops symptoms during~~
8 ~~transit will be permitted to enter at their final~~
9 ~~destination, but will subject to~~
10 ~~quarantine/isolation requirements.]~~

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

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

1 the National Task Force to develop a plan for
2 repatriation of FSM citizens, FSM students and
3 the return of FSM residents. The repatriation of
4 FSM citizens shall be prioritized and only after
5 our citizens have been repatriated, further plans
6 may be implemented to allow for non-citizens to
7 enter the FSM. However, after all FSM citizens
8 who are on medical referral or are receiving
9 medical treatment outside the FSM, and their
10 medical attendants have been repatriated, an
11 exception may be made to allow for the entry of
12 the ambassadors of foreign embassies and the
13 heads of missions of non-government organizations
14 with diplomatic status, on a case by case basis,
15 upon consultation and approval of the National
16 Task Force and State Task Force. Any ~~[diplomat]~~
17 ~~travellers [seeking entry into]~~ to the FSM shall
18 be fully vaccinated, quarantined and tested
19 negative for COVID-19 72 hours prior to entry
20 into the FSM or have medical documentation
21 confirming recovery of prior infection and deemed
22 non-infectious in accordance with FSM protocol.
23 ~~[under go all quarantine requirements, the~~
24 ~~mandatory 14 day hotel pre quarantine and~~
25 ~~including 2 negative COVID-19 tests prior to~~

1 ~~being able to depart for the FSM or according to~~
2 ~~the National Task Force protocol. There shall be~~
3 ~~no modifications or exceptions to these~~
4 ~~requirements].~~ The National Task Force shall
5 work with international air carriers to notify
6 them of the procedures that will be followed
7 including scheduling of arrivals, pre-screening,
8 screening upon arrival and quarantine and
9 isolation requirements.

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

23 (8) Commercial sea vessels (defined as: fishing
24 vessels, cargo vessels and oil tankers) traveling
25 to the FSM for the purpose of trade and commerce,

1 are subject to the following:

2 a. Commercial sea vessels are required to abide
3 at all times with the precautionary measures
4 and protocols set by the FSM National
5 Government in coordination with the National
6 and State task forces.

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

9 a. All transshipment activities are to be
10 carried out in designated transshipment areas
11 to be identified by the National Oceanic
12 Resource Management Authority (NORMA). A
13 designated transshipment area will be in port
14 areas or in territorial waters beyond the
15 three nautical miles zone from baselines.
16 NORMA shall issue appropriate guidelines
17 regulating the transshipment.

18 b. Carrier vessels supporting transshipment
19 activities of the domestic fleets are
20 permitted to enter the anchorage area for
21 transshipping purposes only, subject to state
22 health screening procedures.

23 c. Longline (LL) fishing vessels are allowed to
24 come to port for transshipment purposes,
25 subject to the additional measures

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

1 approach, in the transshipment and
2 Anchorage area, any fishing vessel, or
3 have any contact therewith, at any time
4 during the effective period of this
5 declaration.

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

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

1 Information on body temperatures may be shared
2 with the State authorities for health assessment
3 and coordination purposes.

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

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

25 a. Department of Environment, Climate Change

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- 1 and Emergency Management (DECCEM);
- 2 b. Department of Foreign Affairs;
- 3 c. Department of Finance and Administration;
- 4 d. Department of Transportation,
- 5 Communications and Infrastructure (TC&I);
- 6 e. Department of Justice;
- 7 f. Department of Resources and Development
- 8 (R&D);
- 9 g. Department of Education;
- 10 h. FSM Division of Immigration;
- 11 i. Representatives of the Private Sector;
- 12 j. Representatives of State Governments as
- 13 recommended by the State Governors;
- 14 k. Development Partners;
- 15 l. Representatives of Faith Groups; and
- 16 m. Representatives of Traditional Leaders.
- 17 (11) The Task Force shall convene immediately
- 18 upon issuance of this order and provide the
- 19 President with timely reports and updates.
- 20 (12) The Task Force is mandated to intensify the
- 21 nationwide vaccination efforts with a view
- 22 towards achieving herd immunity across the
- 23 nation through a diligently coordinated
- 24 nationwide public awareness and information
- 25 campaign on the merits of a timely COVID-19

1 vaccination. All government employees,
2 including job applicants, are required to
3 undergo COVID-19 vaccination subject to the
4 protocol of the Task Force.

5 ~~(12)~~ (13) Up to the sum of \$700,000, received as
6 balance and available under the Disaster Relief
7 Fund (DRF) accounts set up under Title 55 of the
8 Code of the Federated States of Micronesia
9 (Annotated), from prior declarations of
10 emergencies, is hereby decreed for this Public
11 Health Emergency Declaration. This fund shall be
12 used in any manner necessary to deal with the
13 public health emergency, including the mitigation
14 of costs for people affected by the travel ban
15 instituted by the emergency declaration. The
16 Emergency Task Force shall develop suitable
17 criteria for the mitigation of costs for
18 President's approval.

19 ~~(13)~~ (14) Other funds received from foreign donors,
20 including the United States, that are
21 specifically related to the FSM national response
22 to the COVID-19 Pandemic may be used for
23 nationwide capacity building, intensifying the
24 surveillance and monitoring of international
25 airports and seaports in the FSM, expanding and

1 maintaining quarantine and travel restrictions,
2 and other national efforts to combat the spread
3 of COVID-19.

4 ~~[(14)]~~ (15) Expenditures of the decreed funds are
5 subject to full accounting. Within 20 days after
6 the end of the emergency, the Chair of the Task
7 Force, with the assistance of the Secretary of
8 Finance and Administration and staff, shall
9 provide the President with a full report on the
10 expenditure of funds, and shall submit the report
11 to Congress no later than 30 days after the
12 emergency is over.

13 ~~[(15)]~~ (16) The Department of Finance shall identify
14 sources of replenishment for the decreed funds
15 and recommend to the President, as soon as
16 practical, additional supplemental budget request
17 to Congress.

18 ~~[(16)]~~ (17) During the emergency, a civil right may be
19 impaired only to the extent actually required for
20 the preservation of peace, health or safety. The
21 normal requirement of competitive bidding is
22 waived for any procurement made in connection
23 with this declaration of emergency.

24 ~~[(17)]~~ (18) Unless sooner revoked by Congress, this
25 Emergency Declaration is in effect until

