

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 and April 17, 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 Fourth
7 Regular 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, 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, Fourth Regular 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 is urged to coordinate and consult
9 with the state governors and their task forces,
10 with a view towards setting a national standard
11 of social distancing measures, and the National
12 Task Force shall support the states mandated
13 implementation of the guidelines. The social
14 distancing standards and measures shall be widely
15 publicized throughout the nation.

16 (4) The Public Health Emergency Declaration in the
17 FSM dated January 31, 2020, is hereby further
18 amended to read:

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

23 WHEREAS, the WHO has declared on March 11, 2020, (March 12,
24 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred
25 after Congress adopted it's March 11, 2020 amendment to the

1 January 31, 2020 declaration; and

2 WHEREAS, the COVID-19 Pandemic exposes the FSM to an
3 undeniable vulnerability from the imminent and likely entry of the
4 virus to the islands unless the FSM National Government and the
5 State Governments resolves to implement effective and uniform
6 counter measures to combat the spread of this rare and deadly
7 virus across all of our states; and

8 WHEREAS, the National Government must mitigate the risk
9 factors associated with the undesirable spread of COVID-19
10 anywhere in the FSM, and for this purpose, the FSM must fast-track
11 nationwide, unified capacity building efforts - which remain in
12 progress, intensify the surveillance and monitoring of
13 international airports and seaports in the country, and maintain
14 quarantine and travel restrictions, together and as a whole,
15 comprising the national efforts of combatting the spread of COVID-
16 19 as other countries around the world are doing; and

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

21 WHEREAS, the citizens and residents of the FSM remain
22 extremely vulnerable to this outbreak, taking into consideration
23 the fact that airline travel routes connecting into the FSM
24 already have confirmed cases of COVID-19 in Hawaii and Guam and
25 COVID-19 may very likely cause massive and widespread illnesses

1 and public health disasters that are beyond the ability and
2 present resources of the FSM National and State Governments to
3 contain; and

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

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

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

1 throat.

2 (2) All National border and security personnel
3 (Customs, Immigration and Quarantine) are under a
4 duty to intensify monitoring of the borders of
5 this Nation and work very closely with the
6 National and State Task Forces to implement a
7 unified response.

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

19 (4) Nationwide, unified travel bans must be enforced
20 according to the terms of this declaration.
21 Persons travelling from any infected country,
22 state or territory, are prohibited from entering
23 into the FSM for as long as the COVID-19 Pandemic
24 persists. Rare exceptions may be granted on a
25 case-by-case basis, for certified health experts,

1 technicians and workers assigned to assist the
 2 FSM with respect to COVID-19, returning medical
 3 referral patients, including if applicable, the
 4 remains of a deceased and the medical and/or
 5 family attendants and immediate family members
 6 and governmental officials whose duties are
 7 critical, vital and indispensable to the
 8 functioning of any branch of any state or
 9 national government, premised upon prior
 10 favorable advice, assessment and recommendation
 11 by the FSM Emergency Task Force, in consultation
 12 with the state task forces, and subject to all
 13 screening, detection, quarantine and isolation
 14 procedures and protocols of the State of
 15 destination.

- 16 (5) All FSM Citizens are banned from travelling to
 17 any country, state or territory with confirmed
 18 cases of COVID-19 until further notice and until
 19 such time that a determination is made that the
 20 COVID-19 Pandemic is effectively contained.
 21 Exceptions may be granted for FSM citizens who
 22 will be traveling to affected areas, who are
 23 legal residents of an affected area, and are
 24 returning to their homes or employment or for
 25 urgent medical treatment premised upon favorable

1 advice, assessment and recommendation by the FSM
2 Emergency Task Force.

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

9 (7) Travel by air or sea between and within the FSM
10 states is permitted for: essential personnel as
11 determined by the state for whom the personnel is
12 needed; people who are returning to their state
13 of residence, employment, or location of their
14 educational institution; or for a family
15 emergency, as long as there are no confirmed
16 cases of COVID-19 within any of the FSM states.
17 Only air and sea travel that originates within
18 the FSM states, by domestic air or sea carriers,
19 is permitted, and any travel that originates
20 outside of the FSM is not permitted, except as
21 provided in this Declaration. Flights originating
22 in Guam or Hawaii or any other affected area are
23 not permitted and ships originating from any
24 affected area are not permitted. All passengers
25 will be screened at the airport or seaport prior

1 to check in or boarding and are subject to health
 2 screening procedures in the FSM state of
 3 destination. Any passenger exhibiting symptoms of
 4 COVID-19 will not be permitted to board the plane
 5 or ship. Any passenger that develops symptoms
 6 during transit will be permitted to enter at
 7 their final destination, but will subject to
 8 quarantine/isolation requirements.

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

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

1 the return of FSM residents, to include FSM
2 government officials and members of the FSM
3 diplomatic corps. The National Task Force shall
4 work with international air carriers to notify
5 them of the procedures that will be followed
6 including scheduling of arrivals, pre-screening,
7 screening upon arrival and quarantine and
8 isolation requirements.

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

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

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

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

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

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

22 c. Longline (LL) fishing vessels are allowed to
23 come to port for transshipment purposes, subject
24 to the additional measures established by NORMA
25 for the avoidance of COVID-19, and observing the

1 following guidelines:

2 i. Fresh LL fishing vessels are allowed to
3 transship at port; PROVIDED, THAT, there
4 shall be no contact at anytime prior to
5 the transshipment.

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

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

22 iv. Bartering, trading and local sale of fish
23 are prohibited. No person is allowed to
24 approach, in the transshipment and
25 Anchorage area, any fishing vessel, or

1 have any contact therewith, at any time
2 during the effective period of this
3 declaration.

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

24 e. With respect to transshipment at sea,
25 Immigration and Customs clearance procedures

1 shall be conducted electronically with the
 2 intention of avoiding or minimizing contact.
 3 For the duration of the emergency procedure
 4 concerning transshipment at sea, quarantine
 5 procedures are suspended until further notice.

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

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

1 authorities for health assessment and
2 coordination purposes.

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

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

24 a. Department of Environment, Climate Change and
25 Emergency Management (DECCEM);

- 1 b. Department of Foreign Affairs;
 - 2 c. Department of Finance and Administration;
 - 3 d. Department of Transportation, Communications
 - 4 and Infrastructure (TC&I);
 - 5 e. Department of Justice;
 - 6 f. Department of Resources and Development (R&D);
 - 7 g. Department of Education;
 - 8 h. FSM Division of Immigration;
 - 9 i. Representatives of the Private Sector;
 - 10 j. Representatives of State Governments as
 - 11 recommended by the State Governors;
 - 12 k. Development Partners;
 - 13 l. Representatives of Faith Groups; and
 - 14 m. Representatives of Traditional Leaders.
- 15 (12) The Task Force shall convene immediately upon
- 16 issuance of this order and provide the President
- 17 with timely reports and updates.
- 18 (13) Up to the sum of \$700,000, received as balance
- 19 and available under the Disaster Relief Fund
- 20 (DRF) accounts set up under Title 55 of the Code
- 21 of the Federated States of Micronesia
- 22 (Annotated), from prior declarations of
- 23 emergencies, is hereby decreed for this Public
- 24 Health Emergency Declaration. This fund shall be
- 25 used in any manner necessary to deal with the

1 public health emergency, including the mitigation
 2 of costs for people affected by the travel ban
 3 instituted by the emergency declaration. The
 4 Emergency Task Force shall develop suitable
 5 criteria for the mitigation of costs for
 6 President's approval.

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

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