



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

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March 31, 2021

His Excellency David W. Panuelo
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

RECEIVED
2021
Office of the
President / FSM

Dear President Panuelo:

I transmit herewith a certified copy of Congressional Resolution No. 21-252, which was adopted by the Twenty-First Congress of the Federated States of Micronesia, Tenth 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-FIRST CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
TENTH SPECIAL SESSION
MARCH 22 – 31, 2021

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, AND JANUARY 29, 2021.

INTRODUCED BY SENATOR: FERNY S. PERMAN

DATE: MARCH 22, 2021

ADOPTED: MARCH 31, 2021

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

Jessicalyn Reyes
Chief Clerk, FSM Congress

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, and January 29, 2021.

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

3 WHEREAS in accordance to Article X, Section 9 (c) of the
4 FSM Constitution, Congress has the sole authority to revoke,
5 amend or extend the Public Health Emergency Declaration; and

6 WHEREAS, Congress is currently convened for its Tenth
7 Special 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,
13 2020, 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
19 Federated States of Micronesia, Tenth Special Session, 2021,

1 that:

- 2 (1) Pursuant to Article X, Section 9 (c) of the FSM
3 Constitution, Congress has the exclusive
4 authority to revoke, amend or extend the
5 Emergency Declaration. The President may not
6 revoke, amend or extend the Emergency
7 Declaration. However, should there be a
8 confirmed case of COVID-19 within the FSM, the
9 President is authorized to amend the Declaration
10 to respond to this situation only.
- 11 (2) Pursuant to Article X, Section 9 (a) of the FSM
12 Constitution, the President may issue
13 appropriate decrees related to the Emergency
14 Declaration, other than to revoke, amend or
15 extend the Emergency Declaration. Unless and
16 until this Emergency Declaration is revoked by
17 Congress, or it expires of it's own term, the
18 President may not issue an additional or new
19 Emergency Declaration to address the ongoing
20 COVID-19 Pandemic. The purported declaration
21 issued on March 14, 2020 by the President is
22 null and void and all purported amendments,
23 decrees and clarifications made pursuant to the
24 purported declaration are also null and void.
25 Most of the contents of the purported March 14,

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

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

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

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

25 WHEREAS, the WHO has declared on March 11, 2020, (March 12,

1 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred
2 after Congress adopted its March 11, 2020 amendment to the
3 January 31, 2020 declaration; and

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

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

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

23 WHEREAS, the citizens and residents of the FSM remain
24 extremely vulnerable to this outbreak, taking into consideration
25 the fact that airline travel routes connecting into the FSM

1 already have confirmed cases of COVID-19 in Hawaii and Guam and
2 COVID-19 may very likely cause massive and widespread illnesses
3 and public health disasters that are beyond the ability and
4 present resources of the FSM National and State Governments to
5 contain; and

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

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

21 (1) Immediately, all ports of entry of the FSM shall
22 be strengthened and are immediately placed under
23 strict monitoring and surveillance to ensure
24 that the potential carriers of COVID-19 do not
25 enter into the FSM. All travellers must be

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- 1 screened thoroughly for any signs or symptoms of
2 COVID-19, such as feeling tired, difficulty
3 breathing, hightemperature (fever) and coughing
4 and/or sore throat.
- 5 (2) All National border and security personnel
6 (Customs, Immigration and Quarantine) are under
7 a duty to intensify monitoring of the borders of
8 this Nation and work very closely with the
9 National and State Task Forces to implement a
10 unified response.
- 11 (3) Given the severity of the situation, as a matter
12 of national security of this Nation and in the
13 interest of maintaining good health and safety
14 of our people, immediately upon its issuance,
15 this Decree shall be disseminated to the public
16 as widely as possible throughout the Nation, by
17 radio, print media and by digital media. The FSM
18 Emergency Task Force shall monitor the
19 implementation, enforcement and full compliance
20 of this emergency declaration and provide timely
21 reports to the President.
- 22 (4) Nationwide, unified travel bans must be
23 enforced according to the terms of this
24 declaration. Persons travelling from any
25 infected country, state or territory, are

1 prohibited from entering into the FSM for as
2 long as the COVID-19 Pandemic persists. Rare
3 exceptions may be granted on a case-by-case
4 basis, for certified health experts,
5 technicians and workers assigned to assist the
6 FSM with respect to COVID-19, returning medical
7 referral patients, including if applicable, the
8 remains of a deceased and the medical and/or
9 family attendants and immediate family members
10 and FSM governmental officials whose duties are
11 critical, vital and indispensable to the
12 functioning of any branch of any FSM state or
13 the FSM national government and any person
14 arriving in the FSM on an air or sea vessel,
15 who is assessed by FSM medical personnel as
16 needing urgent medical care, premised upon
17 prior favorable advice, assessment and
18 recommendation by the FSM Emergency Task Force,
19 in consultation with the state task forces, and
20 subject to all screening, detection, quarantine
21 and isolation procedures and protocols of the
22 State of destination.

- 23 (5) Other citizens, nationals and residents of the
24 FSM are strongly advised against travel to any
25 country, state or territory with confirmed

1 cases of COVID-19, with the understanding that
2 they may be prohibited from re-entry or may be
3 subject to quarantine procedures upon return to
4 the FSM.

5 (6) Travel by air or sea between and within the FSM
6 states is permitted for: essential personnel as
7 determined by the state for whom the personnel
8 is needed; people who are returning to their
9 state of residence, employment, or location of
10 their educational institution; or for a family
11 emergency. However, if there is a confirmed
12 case of COVID-19 within any FSM state, the
13 National Task Force, upon consultation with the
14 State Task Forces, may temporarily suspend
15 interstate travel. Only air and sea travel that
16 originates within the FSM states, by domestic
17 air or sea carriers, is permitted, and any
18 travel that originates outside of the FSM is not
19 permitted, except as provided in this
20 Declaration. Flights originating in Guam or
21 Hawaii or any other affected area are not
22 permitted and ships originating from any
23 affected area are not permitted. All passengers
24 will be screened at the airport or seaport
25 prior to check in or boarding and are subject

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

9 (7) 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
22 facilities within any of the states are
23 developed to acceptable standards, the states
24 will work with the National Task Force to
25 develop a plan for repatriation of FSM

1 citizens, FSM students and the return of FSM
2 residents. The repatriation of FSM citizens
3 shall be prioritized and only after our
4 citizens have been repatriated, further plans
5 may be implemented to allow for non-citizens to
6 enter the FSM. However, after all FSM citizens
7 who are on medical referral or are receiving
8 medical treatment outside the FSM, and their
9 medical attendants have been repatriated, an
10 exception may be made to allow for the entry of
11 the ambassadors of foreign embassies and the
12 heads of missions of non-government
13 organizations with diplomatic status, on a case
14 by case basis, upon consultation and approval
15 of the National Task Force and State Task
16 Force. Any diplomat seeking entry into the FSM
17 shall under go all quarantine requirements,
18 including the mandatory 14-day hotel pre-
19 quarantine and including 2 negative COVID-19
20 tests prior to being able to depart for the
21 FSM. There shall be no modifications or
22 exceptions to these requirements. The National
23 Task Force shall work with international air
24 carriers to notify them of the procedures that
25 will be followed including scheduling of

1 arrivals, pre-screening, screening upon arrival
 2 and quarantine and isolation requirements.

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

17 (8) Commercial sea vessels (defined as: fishing
 18 vessels, cargo vessels and oil tankers)
 19 traveling to the FSM for the purpose of trade
 20 and commerce, are subject to the following:

21 a. Commercial sea vessels are required to
 22 abide at all times with the precautionary
 23 measures and protocols set by the FSM
 24 National Government in coordination with the
 25 National and State task forces.

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- 1 (9) Fishing vessels, other than the domestic
 2 fleet, are subject to the following:
- 3 a. All transshipment activities are to be
 4 carried out in designated transshipment
 5 areas to be identified by the National
 6 Oceanic Resource Management Authority
 7 (NORMA). A designated transshipment area
 8 will be in port areas or in territorial
 9 waters beyond the three nautical miles zone
 10 from baselines. NORMA shall issue
 11 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
 19 to 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
 7 are allowed to disembark at port. The
 8 14-day quarantine is counted from the
 9 date of 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,
 13 "contact" refers to human interaction of
 14 less than four (4) feet between a
 15 crewmember of one fishing vessel and
 16 another crewmember of another fishing
 17 vessel, or any other human to human
 18 contact external to fishing vessel
 19 operations.
- 20 iv. Bartering, trading and local sale of
 21 fish are prohibited. No person is
 22 allowed to approach, in the
 23 transshipment and Anchorage area, any
 24 fishing vessel, or have any contact
 25 therewith, at any time during the

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

1 For the duration of the emergency procedure
2 concerning transshipment at sea, quarantine
3 procedures are suspended until further
4 notice.

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

1 temperatures may be shared with the State
 2 authorities for health assessment and
 3 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
 8 by law pursuant to 11 F.S.M.C. §803. The
 9 Secretary of Justice is ordered to take all
 10 measures available within the law to ensure
 11 enforcement of 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
 16 the COVID-19 Pandemic. The Department of Health
 17 and 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
 24 the 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 upon
- 18 issuance of this order and provide the
- 19 President with timely reports and updates.
- 20 (12) Up to the sum of \$700,000, received as balance
- 21 and available under the Disaster Relief Fund
- 22 (DRF) accounts set up under Title 55 of the
- 23 Code of the Federated States of Micronesia
- 24 (Annotated), from prior declarations of
- 25 emergencies, is hereby decreed for this Public

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- 1 Health Emergency Declaration. This fund shall
2 be used in any manner necessary to deal with
3 the public health emergency, including the
4 mitigation of costs for people affected by the
5 travel ban instituted by the emergency
6 declaration. The Emergency Task Force shall
7 develop suitable criteria for the mitigation of
8 costs for President's approval.
- 9 (13) Other funds received from foreign donors,
10 including the United States, that are
11 specifically related to the FSM national
12 response to the COVID-19 Pandemic may be used
13 for nationwide capacity building, intensifying
14 the surveillance and monitoring of international
15 airports and seaports in the FSM, expanding and
16 maintaining quarantine and travel restrictions,
17 and other national efforts to combat the spread
18 of COVID-19.
- 19 (14) Expenditures of the decreed funds are subject to
20 full accounting. Within 20 days after the end
21 of the emergency, the Chair of the Task Force,
22 with the assistance of the Secretary of Finance
23 and Administration and staff, shall provide the
24 President with a full report on the expenditure
25 of funds, and shall submit the report to

1 Congress no later than 30 days after the
2 emergency is over.

3 (15) The Department of Finance shall identify sources
4 of replenishment for the decreed funds and
5 recommend to the President, as soon as
6 practical, additional supplemental budget
7 request to Congress.

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

14 (17) Unless sooner revoked by Congress, this
15 Emergency Declaration is in effect until May 31,
16 2021.

17 (18) All previous amendments and clarifications to
18 the Public Health Emergency Declaration are
19 hereby revoked.

20 BE IT FURTHER RESOLVED, that the President shall
21 disseminate widely the Public Health Declaration of Emergency as
22 amended by Congress, and any subsequent decrees and
23 clarifications made by the President pursuant to this
24 Resolution; and

25 BE IT FURTHER RESOLVED, that certified copies of this

1 resolution be transmitted to the President of the Federated
2 States of Micronesia, the Chief Justice of the FSM Supreme
3 Court, the Governors of Chuuk, Kosrae, Pohnpei and Yap States,
4 the presiding officers of the four state legislatures, and the
5 heads of the airports and seaports in Chuuk, Kosrae Pohnpei and
6 Yap.

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10 ADOPTED: March 31, 2021

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Wesley W. Sipina
Speaker
FSM Congress

ATTEST:



Jessicalynn Reyes
Chief Clerk
FSM Congress