



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3

Palikir, Sokehs Pohnpei State, FM 96941

Tel: (691) 320-2324 / 2338 Fax: (691) 320-5122

September 27, 2021

His Excellency David W. Panuelo
President
P.O. Box PS 53
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Panuelo:

I transmit herewith a certified copy of Congressional Resolution No. 22-66, which was adopted by the Twenty-Second Congress of the Federated States of Micronesia, Second Regular 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
SECOND REGULAR SESSION
SEPTEMBER 13 – OCTOBER 2, 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, JANUARY 29, 2021, MARCH 31, 2021, MAY 27, 2021 AND JULY 28, 2021.

INTRODUCED BY SENATOR: FERNY S. PERMAN

DATE: SEPTEMBER 24, 2021

ADOPTED: SEPTEMBER 24, 2021

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

Jessicalynn 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, January 29, 2021, March 31, 2021, May 27, 2021 and July 28, 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 First
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-Second Congress of the
19 Federated States of Micronesia, Second Regular 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
 10 Declaration 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 its 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
 5 31, 2020, declaration as amended and as further
 6 amended herein by 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
 11 consult with the state governors and their task
 12 forces, with a view towards setting a national
 13 standard of social distancing measures, and the
 14 National Task Force shall support the states
 15 mandated implementation of the guidelines. The
 16 social distancing standards and measures shall
 17 be 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
20 suspected cases of COVID-19 keeps increasing and the number of
21 deaths due to COVID-19 have intensified with no signs of
22 receding in the near 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; and

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

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

22 NOW THEREFORE, I, David W. Panuelo, President of the
23 Federated States of Micronesia, pursuant to the authority vested
24 upon me under Article X, Section 9 of the FSM Constitution, do
25 hereby place the entire territory of the Federated States of

1 Micronesia under a state of emergency to address the effects of
2 COVID-19 and order as follows:

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

1 monitor the implementation, enforcement and
 2 full compliance of this emergency declaration
 3 and provide timely reports to the President.

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

1 national and state protocols.

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

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

17 (6) Travel by air or sea between and within the FSM
 18 states is permitted, as long as there are no
 19 confirmed active cases of COVID-19 within any
 20 FSM States. Any quarantine requirement for
 21 interstate travel shall be in accordance with
 22 established protocols and guidelines of the
 23 National Task Force, upon consultation with the
 24 State Task Force, and if quarantine is ever
 25 applied, it shall be so applied without

1 discrimination. Interstate travel on
 2 international commercial airlines shall be
 3 permitted for personnel providing technical
 4 assistance supporting the FSM's COVID-19
 5 preparedness and response in accordance with
 6 the established protocols and guideline of the
 7 National Task Force.

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

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

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

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

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

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

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

-
- 1 the National and State task forces.
- 2 (9) Fishing vessels, other than the domestic
- 3 fleet, are subject to the following:
- 4 a. All transshipment activities are to be
- 5 carried out in designated transshipment
- 6 areas to be identified by the National
- 7 Oceanic Resource Management Authority
- 8 (NORMA). A designated transshipment area
- 9 will be in port areas or in territorial
- 10 waters beyond the three nautical miles zone
- 11 from baselines. NORMA shall issue
- 12 appropriate guidelines regulating the
- 13 transshipment.
- 14 b. Carrier vessels supporting transshipment
- 15 activities of the domestic fleets are
- 16 permitted to enter the anchorage area for
- 17 transshipping purposes only, subject to
- 18 state health screening procedures.
- 19 c. Longline (LL) fishing vessels are allowed
- 20 to come to port for transshipment purposes,
- 21 subject to the additional measures
- 22 established by NORMA for the avoidance of
- 23 COVID-19, and observing the following
- 24 guidelines:
- 25 i. Fresh LL fishing vessels are allowed to

1 transship at port; PROVIDED, THAT,
2 there shall be no contact at any time
3 prior to the transshipment.

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

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

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

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

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

25 e. With respect to transshipment at sea,

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

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

17 g. It is part of these requirements that 72 hours
 18 prior to transshipment, notice shall be
 19 provided in advance to NORMA and DOJ using
 20 applicable forms of reporting. Included in
 21 the notice are the body temperatures of all
 22 crewmembers of the fishing vessels intending
 23 to transship, taken at 24-hour intervals prior
 24 to transshipment. (at 72 hours, at 48 hours
 25 and 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
17 Health and Social Affairs is designated as the
18 lead department and chair of the Task Force,
19 which will be responsible for setting up plans
20 to provide any necessary measures that will
21 ensure that the movement of people and
22 international travelers do not cause the
23 introduction of COVID-19 anywhere in the FSM.
24 The members of the Task Force are the
25 following:

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

1 campaign on the merits of a timely COVID-19
 2 vaccination. All FSM citizens residing in
 3 the FSM, are required to undergo COVID-19
 4 vaccination subject to the protocol of the
 5 Task Force. Any employee of the National
 6 Government and its offices or agencies who
 7 fails to comply with this requirement within
 8 30 days, absent reasonable justification,
 9 shall be placed on leave without pay.

10 (13) The operational details in implementing
 11 this emergency declaration are contained in
 12 the Guidelines and Protocols, and any updates
 13 thereof, as established or sanctioned by the
 14 Task Force. Said Guidelines and Protocols
 15 are duly incorporated herein by reference.
 16 The Task Force shall inform Congress of any
 17 updates to the Guidelines and Protocols in a
 18 timely manner.

19 (14) The Task Force shall be granted reasonable
 20 flexibility with respect to the implementing
 21 details of this emergency declaration, in
 22 recognition of the scientific expertise and
 23 capacity available to the Task Force in
 24 enforcing its Guidelines and Protocols.

25 (15) Up to the sum of \$700,000, received as

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

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

24 (17) Expenditures of the decreed funds are
 25 subject to full accounting. Within 20 days

1 after the end of the emergency, the Chair of
2 the Task Force, with the assistance of the
3 Secretary of Finance and Administration and
4 staff, shall provide the President with a full
5 report on the expenditure of funds, and shall
6 submit the report to Congress no later than 30
7 days after the emergency is over.

8 (18) The Department of Finance shall identify
9 sources of replenishment for the decreed funds
10 and recommend to the President, as soon as
11 practical, additional supplemental budget
12 request to Congress.

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

20 (20) Unless sooner revoked by Congress, this
21 Emergency Declaration is in effect until
22 January 31, 2022.

23 (21) All previous amendments and
24 clarifications to the Public Health Emergency
25 Declaration are hereby revoked.

1 BE IT FURTHER RESOLVED, that the President shall
2 disseminate widely the Public Health Declaration of Emergency as
3 amended by Congress, and any subsequent decrees and
4 clarifications made by the President pursuant to this
5 Resolution; and

6 FURTHER RESOLVED, that certified copies of this resolution
7 be transmitted to the President of the Federated States of
8 Micronesia, the Chief Justice of the FSM Supreme Court, the
9 Governors of Chuuk, Kosrae, Pohnpei and Yap States, the
10 presiding officers of the four state legislatures, and the heads
11 of the airports and seaports in Chuuk, Kosrae, Pohnpei and Yap.

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15 ADOPTED: September 24, 2021

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ATTEST:

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Wesley W. Simina
Speaker
FSM Congress



Jessicalynn Reyes
Chief Clerk
FSM Congress