



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

May 27, 2021

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

RECEIVED  
MAY 27 2021  
Office of the  
President FSI/1

Dear President Panuelo:

I transmit herewith a certified copy of Congressional Resolution No. 22-06, C.D.1, which was adopted by the Twenty-Second Congress of the Federated States of Micronesia, First Regular Session, 2021.

Sincerely,

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

Jessicalynn Reyes  
Chief Clerk  
Congress of the  
Federated States of Micronesia

Enclosures



TWENTY-SECOND CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
FIRST REGULAR SESSION  
MAY 11 – 30, 2021

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A  
RESOLUTION

TO FURTHER AMEND THE PRESIDENT'S PUBLIC HEALTH EMERGENCY DECLARATION DATED JANUARY 31, 2020, AS AMENDED ON FEBRUARY 7, 2020, AND FURTHER AMENDED ON MARCH 11, 2020, APRIL 17, 2020, MAY 30, 2020, JULY 10, 2020, AUGUST 20, 2020, NOVEMBER 25, 2020, JANUARY 29, 2021, AND MARCH 31, 2021.

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INTRODUCED BY SENATOR: FERNY S. PERMAN

DATE: MAY 24, 2021

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ADOPTED: MAY 27, 2021

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A handwritten signature in black ink, appearing to read "Jessicalynn Reyes". The signature is stylized with large loops and a long horizontal stroke extending to the right.

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, and March 31, 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:

- 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 31<sup>st</sup> 2020 Pohnpei time) that the new  
22 Coronavirus (COVID-19) is a Public Health Emergency of  
23 International Concern (PHEIC); and

24 WHEREAS, the WHO has declared on March 11, 2020, (March 12,  
25 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred

1 after Congress adopted its March 11, 2020 amendment to the January  
2 31, 2020 declaration; and

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

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

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

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

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

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

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

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

1 temperature (fever) and coughing and/or sore  
2 throat.

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

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

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



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

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

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

1 will be permitted to enter at their final  
2 destination, but will subject to  
3 quarantine/isolation requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 last contact.

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

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

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

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

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

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



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- 1                    coordinate with the State authorities to  
 2                    ensure that the transshipment activities are  
 3                    not unduly delayed or interfered with by any  
 4                    State-mandated procedures.
- 5                    g. It is part of these requirements that 72 hours  
 6                    prior to transshipment, notice shall be  
 7                    provided in advance to NORMA and DOJ using  
 8                    applicable forms of reporting. Included in  
 9                    the notice are the body temperatures of all  
 10                   crewmembers of the fishing vessels intending  
 11                   to transship, taken at 24-hour intervals prior  
 12                   to transshipment. (at 72 hours, at 48 hours  
 13                   and at 24 hours). Information on body  
 14                   temperatures may be shared with the State  
 15                   authorities for health assessment and  
 16                   coordination purposes.
- 17                   h. These restrictions are a temporary emergency  
 18                   measure, which shall remain in effect until  
 19                   further notice. Any violation of these  
 20                   restrictions shall be subject to penalty set  
 21                   by law pursuant to 11 F.S.M.C. §803. The  
 22                   Secretary of Justice is ordered to take all  
 23                   measures available within the law to ensure  
 24                   enforcement of these restrictions.
- 25                   (10) A task force is hereby established to coordinate

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

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

1 recommended by the State Governors;

2 k. Development Partners;

3 l. Representatives of Faith Groups; and

4 m. Representatives of Traditional Leaders.

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

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

22 (13) Other funds received from foreign donors,  
23 including the United States, that are  
24 specifically related to the FSM national response  
25 to the COVID-19 Pandemic may be used for

1 nationwide capacity building, intensifying the  
2 surveillance and monitoring of international  
3 airports and seaports in the FSM, expanding and  
4 maintaining quarantine and travel restrictions,  
5 and other national efforts to combat the spread  
6 of COVID-19.

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

16 (15) The Department of Finance shall identify sources  
17 of replenishment for the decreed funds and  
18 recommend to the President, as soon as practical,  
19 additional supplemental budget request to  
20 Congress.

21 (16) During the emergency, a civil right may be  
22 impaired only to the extent actually required for  
23 the preservation of peace, health or safety. The  
24 normal requirement of competitive bidding is  
25 waived for any procurement made in connection

1 with this declaration of emergency.

2 (17) Unless sooner revoked by Congress, this Emergency  
3 Declaration is in effect until September 30,  
4 2021.

5 (18) All previous amendments and clarifications to the  
6 Public Health Emergency Declaration are hereby  
7 revoked.

8 BE IT FURTHER RESOLVED, that the President shall disseminate  
9 widely the Public Health Declaration of Emergency as amended by  
10 Congress, and any subsequent decrees and clarifications made by  
11 the President pursuant to this Resolution; and

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

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10 ADOPTED: May 27, 2021

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Wesley W. Simina  
Speaker  
FSM Congress

ATTEST:



Jessicalynn Reyes  
Chief Clerk  
FSM Congress