



Office of the Chief Clerk

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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July 29, 2021

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



Dear President Panuelo:

I transmit herewith a certified copy of Congressional Resolution No. 22-33, C.D.1, C.D.2, which was adopted by the Twenty-Second Congress of the Federated States of Micronesia, First Special Session, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessicalynn Reyes". The signature is stylized with a large loop and a long horizontal stroke 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
FIRST SPECIAL SESSION
JULY 19 - 28, 2021

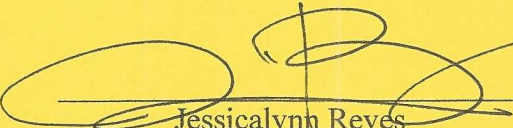
A RESOLUTION

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, AND MAY 27, 2021.

INTRODUCED BY SENATOR: FLORENCIO S. HARPER (BY REQUEST)

DATE: JULY 20, 2021

ADOPTED: JULY 28, 2021


Jessicalynn Reyes
Chief Clerk, FSM Congress

TWENTY-SECOND CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST SPECIAL SESSION, 2021 CONGRESSIONAL RESOLUTION NO. 22-33, C.D.1,
C.D.2

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, and May 27, 2021.

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

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

6 WHEREAS, Congress is currently convened for its First Special
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 Special 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 its own term, the President may not
17 issue an additional or new Emergency Declaration
18 to address the ongoing COVID-19 Pandemic. The
19 purported declaration issued on March 14, 2020 by
20 the President is null and void and all purported
21 amendments, decrees and clarifications made
22 pursuant to the purported declaration are also
23 null and void. Most of the contents of the
24 purported March 14, 2020 declaration and
25 subsequent decrees thereof are incorporated

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 reports to the President.

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

1 been infected with COVID-19 in the past but had
2 since fully recovered and determined to be non-
3 infectious according to established health
4 protocols and guideline of the National Task
5 Force.

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

12 (6) Travel by air or sea between and within the FSM
13 states is permitted, as long as there are no
14 confirmed active cases of COVID-19 within any FSM
15 States. Any quarantine requirement for
16 interstate travel shall be in accordance with
17 established protocols and guidelines of the
18 National Task Force, upon consultation with the
19 State Task Force, and if quarantine is ever
20 applied, it shall be so applied without
21 discrimination. Interstate travel on
22 international commercial airlines shall be
23 permitted for personnel providing technical
24 assistance supporting the FSM's COVID-19
25 preparedness and response in accordance with the

1 established protocols and guideline of the
2 National Task Force.

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

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

1 treatment outside the FSM, and their medical
2 attendants have been repatriated, an exception
3 may be made to allow for the entry of the
4 ambassadors key staff of foreign embassies, the
5 heads and key staff of missions of non-government
6 organizations with diplomatic status, and
7 essential workers, on a case-by-case basis, upon
8 consultation and approval of the National Task
9 Force and State Task Force. Any travelers to the
10 FSM shall be fully vaccinated, quarantined and
11 tested negative for COVID-19 within 72 hours
12 prior to entry into the FSM or have medical
13 documentation confirming recovery of prior
14 infection and deemed non-infectious in accordance
15 with established protocols and guideline of the
16 National Task Force. The National Task Force
17 shall work with international air carriers to
18 notify them of the procedures that will be
19 followed including scheduling of arrivals, pre-
20 screening, screening upon arrival and quarantine
21 and isolation 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
20 fleet, are 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 any time 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 and the
11 established Maritime working Group of the
12 National Taxk Force for approval at least 72
13 hours prior to the requested repairs.

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

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

1 of the National Emergency Task Force, shall
2 coordinate with the State authorities to ensure
3 that the transshipment activities are not unduly
4 delayed or interfered with by any State-mandated
5 procedures.

6 g. It is part of these requirements that 72 hours
7 prior to transshipment, notice shall be provided
8 in advance to NORMA and DOJ using applicable
9 forms of reporting. Included in the notice are
10 the body temperatures of all crewmembers of the
11 fishing vessels intending to transship, taken at
12 24-hour intervals prior to transshipment. (at 72
13 hours, at 48 hours and at 24 hours).

14 Information on body temperatures may be shared
15 with the State authorities for health assessment
16 and 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 by
21 law pursuant to 11 F.S.M.C. §803. The Secretary
22 of Justice is ordered to take all measures
23 available within the law to ensure enforcement
24 of these restrictions.

25 (10) A task force is hereby established to

1 coordinate all activities that need to be
2 undertaken and measures that must be formulated
3 and uniformly implemented in connection with the
4 COVID-19 Pandemic. The Department of Health and
5 Social Affairs is designated as the lead
6 department and chair of the Task Force, which
7 will be responsible for setting up plans to
8 provide any necessary measures that will ensure
9 that the movement of people and international
10 travelers do not cause the introduction of COVID-
11 19 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
6 upon issuance of this order and provide the
7 President with timely reports and updates.

8 (12) The Task Force is mandated to intensify the
9 nationwide vaccination efforts with a view
10 towards achieving herd immunity across the
11 nation through a diligently coordinated
12 nationwide public awareness and information
13 campaign on the merits of a timely COVID-19
14 vaccination. All FSM citizens residing in the
15 FSM, are required to undergo COVID-19
16 vaccination subject to the protocol of the Task
17 Force. Any employee of the National Government
18 and its offices or agencies who fails to comply
19 with this requirement within 30 days, absent
20 reasonable justification, shall be placed on
21 leave without pay.

22 (13) The operational details in implementing this
23 emergency declaration are contained in the
24 Guidelines and Protocols, and any updates
25 thereof, as established or sanctioned by the

1 Task Force. Said Guidelines and Protocols are
2 duly incorporated herein by reference. The
3 Task Force shall inform Congress of any updates
4 to the Guidelines and Protocols in a timely
5 manner.

6 (14) The Task Force shall be granted reasonable
7 flexibility with respect to the implementing
8 details of this emergency declaration, in
9 recognition of the scientific expertise and
10 capacity available to the Task Force in
11 enforcing its Guidelines and Protocols.

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

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

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

20 (18) The Department of Finance shall identify
21 sources of replenishment for the decreed funds
22 and recommend to the President, as soon as
23 practical, additional supplemental budget request
24 to Congress.

25 (19) During the emergency, a civil right may be

1 impaired only to the extent actually required for
2 the preservation of peace, health or safety. The
3 normal requirement of competitive bidding is
4 waived for any procurement made in connection
5 with this declaration of emergency.

6 (20) Unless sooner revoked by Congress, this
7 Emergency Declaration is in effect until
8 September 30, 2021.

9 (21) All previous amendments and clarifications
10 to the Public Health Emergency Declaration are
11 hereby revoked.

12 BE IT FURTHER RESOLVED, that the President shall disseminate
13 widely the Public Health Declaration of Emergency as amended by
14 Congress, and any subsequent decrees and clarifications made by
15 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: July 28, 2021

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Wesley W. Simina
Speaker
FSM Congress

ATTEST:



Jessicalynn Reyes
Chief Clerk
FSM Congress