



The President
Palikir, Pohnpei
Federated States of Micronesia

National Declaration Placing the Entire Federated States of Micronesia under a State of National Public Health Emergency in Connection with the COVID-19 Pandemic

WHEREAS, given the then developing spread of the COVID-19 (new Coronavirus) from China and following the declaration by the World Health Organization (WHO) on January 30, 2020 (January 31st 2020 Pohnpei time) that the COVID-19 is a Public Health Emergency of International Concern (PHEIC), the President of the Federated States of Micronesia issued an emergency declaration on January 31, 2020, which was further amended by extending the travel restrictions in light of the Congressional Resolution No. 21-117 adopted during the 3rd Regular Session of the 21st FSM Congress;

WHEREAS, the previous declaration of emergency and subsequent amendments of the emergency declaration were premised upon the initial onset of the COVID-19 from its epicenter in Wuhan, Hubei Province in China beginning to spread out to the neighboring countries in Asia and beyond;

WHEREAS, the most recent finding by the WHO of the COVID-19 as Pandemic (described as an infectious disease where there is significant and ongoing person-to-person spread in multiple countries around the world at the same time) brings a much alarming intensity of the disease with unprecedented levels of risks of widespread disaster and damage to human population;

WHEREAS, the COVID-19 Pandemic exposes the FSM to an undeniable vulnerability from the imminent and likely entry of the virus to the islands unless the National Government resolves to implement effective counter measures to combat the spread of this rare and deadly virus;

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

WHEREAS, given that the Congressional Resolution No. 21-129, lifting the “14-day travel restriction” was evidently based upon outdated and incomplete information, which did not take into full consideration the now Pandemic nature of the COVID-19, which is getting worse every day according to updates from the WHO, and has constrained countries to implement lockdowns in several cities as reported by official media outlets around the world;



WHEREAS, the number of countries with confirmed and suspected cases of COVID-19 keeps increasing as of today's date; the number of deaths due to COVID-19 has intensified to a pandemic level with no signs of receding;

WHEREAS, the citizens and residents of the FSM remain extremely vulnerable to this outbreak taking into consideration the fact that airline travel routes connecting into the FSM already have confirmed cases of the COVID-19 in Hawaii and cases under investigation in Guam, and the COVID-19 may very likely cause massive and widespread illnesses and public health disasters that are beyond the ability and present resources of the FSM Government to contain; and

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

NOW THEREFORE, I, David W. Panuelo, President of the Federated States of Micronesia, pursuant to the authority vested upon me by Article X Section 9 of the FSM Constitution, which states that the President may declare a state of emergency and *issue appropriate decrees*; and in accordance with law (11 F.S.M.C. §801) vesting upon the President the power and the duty to *declare a state emergency* and *issue appropriate decrees* if the emergency situation so warrants, and based upon §802 of Title 11 of the FSM Code, vesting upon the President the power to *prohibit* certain activities (including travel) and *other activities the President reasonably believes should be prohibited to help preserve public peace, health, or safety*; and on the basis of §803 of Title 11 of the FSM Code, ensuring that emergency decrees are fully observed and maintained; and in accordance with §804 of Title 11 of the FSM Code giving the President sufficient power to react and take action upon an emergency situation, such as presented by the COVID-19 Pandemic ("Nothing in this chapter shall limit any other power to maintain the public peace and safety which is vested in the President."), do hereby DECLARE and ORDER effective immediately:

I – Strengthening of the FSM Ports of Entry

(1) Immediately, all ports of entry of the FSM shall be strengthened and are immediately placed under strict monitoring and surveillance to ensure that the potential carriers of COVID-19 cases do not enter into the FSM. All travellers must be screened thoroughly for any signs or symptoms of the COVID-19. The typical symptoms of the COVID-19 are the following: feeling tired, difficulty breathing, high temperature and coughing and/or sore throat.

(2) All National border and security personnel (Customs, Immigration & Quarantine) are under duty to intensify monitoring of the borders of this Nation and work very closely with the National and State Task Forces.



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

II – Travel ban and restrictions

(4) Travel bans being unquestionably imperative must be enforced according to the terms of this declaration. Persons travelling from China since January 6, 2020, are prohibited from entering into the FSM for as long as the COVID-19 Pandemic persists. Rare exceptions may be granted, on a case-by-case basis, in the interest of FSM citizens attending schools in Mainland China and FSM Government officials deployed there, premised upon a favorable advice, assessment and recommendation by the FSM Task Force.

(5) All FSM Citizens are banned from travelling to Mainland China and to any country, state or territory with confirmed cases of COVID-19 until further notice and until such time that a determination is made that the COVID-19 Pandemic is effectively contained. Exceptions may be granted for FSM citizens who are traveling to countries other than China out of economic necessity, education, urgent medical treatment or for immediate family emergencies (e.g., returning to work, going to school, or death or terminal illness of an immediate family member)

(6) Other citizens, nationals and residents of the FSM are strongly advised against travel to any countries, states or territories with confirmed cases of COVID-19 with the understanding that they may be prohibited from reentry, and may be subject to quarantine procedures upon arrival in the FSM.

(7) Notwithstanding paragraph 9, in the event that Guam has a confirmed case of COVID-19, travellers originating from Guam and Hawaii with no symptom of COVID-19 will be permitted to travel to the FSM but will be subject to mandatory quarantine upon their arrival in the FSM.

(8) Any terminating traveller in the FSM having symptoms of the COVID-19 will be permitted to enter but will be subject to quarantine/isolation requirements.

(9) Persons travelling into the FSM from countries, states or territories with confirmed cases of the COVID-19 (other than Mainland China) are not allowed to enter into FSM unless they have self-quarantined in countries, states or territories with no confirmed cases of COVID-19 for a period of at least 14 days immediately prior to their entry into the FSM.

III – Commercial sea vessels

(10) Commercial sea vessels (which means: fishing vessels, cargo vessels and oil tankers), travelling to the FSM for the purpose of trade and commerce, the following



understanding applies:

(a) Commercial sea vessels traveling from or transiting through Mainland China or any country, state or territory with confirmed cases of the COVID-19 are allowed to continue to deliver goods, commodities or supplies to the FSM as part of regular trade and commerce; provided, that such vessels have spent an uninterrupted period of no less than 14 days at sea prior to arrival in the FSM. If commercial sea vessels transit or stop in a port or anywhere in a country, state or territory that has no confirmed cases of the COVID-19, then such transit or stop is not considered as an “interruption” of the 14 days required in this paragraph.

(b) While operating at sea, should any of these commercial sea vessels come into contact with any other vessel that does not meet the requirement of paragraph (a), then these commercial sea vessels must comply with the 14 days requirement prior to their entry into the FSM.

(c) Upon arrival, crew members of such vessels are subject to Customs, Immigration and Quarantine inspections; additionally, they will be subject to any appropriate screening and inspection processes mandated by national and state Health authorities. With the exception of fishing vessel crews, crewmembers are allowed to disembark their vessels only in the performance of required operational duties and only within the immediate dock facilities. Fishing vessel crews may be allowed to proceed onshore provided that their 14 uninterrupted days at sea can be verified, and they are cleared by Health authorities.

(d) Any crewmembers showing any symptoms of the COVID-19 as determined by the FSM Health authorities are subject to quarantine procedures.

IV – Emergency Task Force

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

- Department of Environment, Climate Change and Emergency Management (DECCEM)
- Department of Foreign Affairs
- Department of Finance
- Department of Transportation Communication and Infrastructure (TC&I)
- Department of Justice
- Department of Resources and Development (R&D)
- Department of Education
- FSM Division of Immigration
- Representatives of the Private Sector
- Representatives of State Governments as recommended by the State



Governors

- Development Partners
- Representatives of Faith Groups
- Representatives of Traditional Leaders

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

V – Funds

(13) Subject to the provisions of the Amended Compact, the President may access funding under the Disaster Assistance and Emergency Fund (DAEF). The President may also access any and all appropriated funds from Congress or funds—including the Disaster Relief Fund—that are made available in connection with the COVID-19 emergency declaration and related emergencies. Furthermore, the President may decree additional funding as may be needed during the state of emergency in accordance with Art. X Sec. 9(a) of the FSM Constitution.

(14) Funds that were decreed previously pursuant to a prior emergency declaration in connection to the COVID-19 epidemic are immediately transferred and carried over as decreed funds under this COVID 19 Pandemic emergency declaration.

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

VI – Decrees

(16) The President may issue appropriate Decrees in connection with the emergency declaration. Decrees shall be disseminated to the public as widely as possible throughout the Nation, by radio, print media and by digital media. The FSM Emergency Task Force shall monitor the implementation, enforcement and full compliance of Decrees and provide timely report to the President with respect thereon.

(17) Pursuant to Art. X Sec. 9(b) of the FSM Constitution, a civil right may be impaired as required by the nature of the COVID-19 Pandemic for the preservation of peace, health, or safety. The normal requirement of competitive bidding is waived for any procurement made in connection with this declaration of emergency.

VII – Reports

(18) The National Task Force shall meet as needed to monitor the COVID-19 Pandemic, assess the emergency response, consult with national and state stakeholders and partners, and provide updates, recommendations or reports to the President.

VIII – Transition and final clauses

(19) The Emergency Declaration dated January 31, 2020, its amendments and clarifications are hereby rescinded.



(20) The President may issue subsequent decrees to address any new situation that may arise.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "David W. Panuelo". The signature is written over a horizontal line.

David W. Panuelo
President

Date: March 14, 2020