

1 **WHEREAS**, on March 11, 2020, the World Health Organization declared
2 the Coronavirus (COVID-19) outbreak a pandemic and placed every country
3 globally at risk due to the alarming rate of the spread of COVID-19; and

4 **WHEREAS**, on April 9, 2021, the Governor of Pohnpei issued
5 Constitutional Emergency Order No. 20-05, the most recent of a number of
6 such Orders dating back to March 11, 2020, to address the extreme and
7 persistent dangers and demands of the COVID-19 pandemic; and

8 **WHEREAS**, the Pohnpei Legislature commends the fortitude of our
9 Governor and the resolve of this Administration for their commitment to
10 action and their dedication to service in these trying times of the COVID-19
11 pandemic, for this Legislative Assembly truly shares a deep and abiding
12 determination to act with strength and with sincerity to protect the health and
13 lives of our people from this deadly virus; and

14 **WHEREAS**, the Pohnpei Legislature also extends our sincere appreciation
15 to the President of the Federated States of Micronesia and to the many devoted
16 men and women at the national level of government for their vigorous resolve
17 in securing our borders from the ingress of this life-threatening viral infection
18 and their spirited attention to the countless preventative measures that must be
19 implemented and maintained to keep our country COVID-free; and

20 **WHEREAS**, Section 9(3) of Article 13 of the Pohnpei Constitution
21 provides that when the Governor has issued a Constitutional State of
22 Emergency:

23 “The Legislature may amend or revoke a declaration of emergency
24 at any time by resolution. Unless the declaration expires earlier, the
25 Legislature shall convene within thirty days to consider the

1 declaration of emergency. Unless a declaration expires earlier, is
2 revoked, amended, or repealed, a declaration of emergency shall be
3 in effect for thirty days.”; and

4 **WHEREAS**, the Tenth Pohnpei Legislature has reviewed the wording
5 of Constitutional Emergency Order No. 20-05 and finds the need to further
6 refine this Government’s response to the threats of COVID-19 as set forth in
7 the Order and to extend the effect of the Order for an additional 30 days;
8 now, therefore,

9 **BE IT RESOLVED** by the Tenth Pohnpei Legislature, Fourth Special
10 Session, 2021, that Constitutional Emergency Order No. 20-05 is hereby
11 amended in its entirety to read as follows:

12 **“CONSTITUTIONAL EMERGENCY ORDER NO. 20-05**

13 **WHEREAS**, on March 11, 2020, the Governor issued
14 Constitutional Emergency Order No. 20-01 which declared a state
15 of emergency for the State of Pohnpei in response to the imminent
16 threat of COVID-19, and thereafter subsequent Orders and
17 amendments were made that have been deemed necessary to
18 further ensure the health and safety of the people of Pohnpei; and

19 **WHEREAS**, due to the state of emergency, several measures
20 were imposed by Pohnpei State which includes health screening,
21 quarantine, and strengthening the State’s current preventive and
22 containment measures against COVID-19 in terms of public
23 awareness, hardening structural facilities, engaging in monitoring
24 and surveillance at the airport and seaport areas and instituting
25 travel bans; and

1 **WHEREAS**, on April 9, 2020, the Tenth Pohnpei Legislature
2 extended Constitutional Emergency Order No. 20-01 for another
3 60 days counting from March 11, 2020 which expired on May 10,
4 2020; and

5 **WHEREAS**, on May 11, 2020, the Governor issued
6 Constitutional Emergency Order No. 20-02 due to the critical need
7 for additional time to elevate its level of preparedness necessary to
8 protect the economy, health, and safety of the people of Pohnpei
9 which expired on June 10, 2020; and

10 **WHEREAS**, on June 9, 2020, the Tenth Pohnpei Legislature
11 adopted L.R. No. 34-20, L.D.1 extending the effects of Constitutional
12 Emergency Order No. 20-02 to July 10, 2020; and

13 **WHEREAS**, upon its expiration, the Governor issued
14 Constitutional Emergency Order No. 20-03 on July 11, 2020 which
15 expired on August 10, 2020; and

16 **WHEREAS**, Constitutional Emergency Order No. 20-03 was
17 subsequently amended by the Tenth Pohnpei Legislature on July 24,
18 2020 and August 7, 2020 respectively with the adoption of Legislature
19 Resolution Nos. 30-20 (relating to international and interstate travel
20 restrictions) and 40-20 which further extended the effects of
21 Constitutional Emergency Order No. 20-03 for 120 days from July 11,
22 2020. On October 13, 2020, with the adoption of Legislature
23 Resolution No. 50-20, the time period was further extended to 210
24 days from July 11, 2020 which expired on February 6, 2021; and

25 **WHEREAS**, on February 6, 2021, the Governor issued

1 Constitutional Emergency Order No. 20-04 which encapsulated all
2 prior measures taken by the leadership of the Executive and the
3 Legislative branches to maintain Pohnpei State's collective response
4 to the imminent threat of COVID-19; and

5 **WHEREAS**, on March 8, 2021, Constitutional Emergency
6 Order No. 20-04 was re-issued providing for an effective duration
7 through April 9, 2021 and in consideration of recent medical
8 development measures such as effective vaccination and reliable
9 laboratory testing; and

10 **WHEREAS**, given the undeniable vulnerability of the State of
11 Pohnpei to the COVID-19 pandemic experienced all over the world
12 and the limited resources available to combat and mitigate the
13 effects of COVID-19, it is of paramount importance and legal duty
14 to continue to take all the emergency precautionary measures and
15 interventions necessary to protect and save the lives of our people;

16 **NOW THEREFORE**, I, Reed B. Oliver, Governor of the
17 State of Pohnpei, pursuant to the authority vested upon me under
18 Article 13, Section 9 of the Pohnpei Constitution and pursuant to 8
19 PC 1-102(1)(e), do hereby declare a state of emergency for the
20 State of Pohnpei in response to the continuous and imminent threat
21 of COVID-19 and order as follows:

22 1) The Pohnpei COVID-19 Emergency Task Force is
23 hereby dissolved in its entirety and in lieu thereof, there is hereby
24 created the Pandemic Readiness and Response Unit for the State of
25 Pohnpei, (PRRU).

1 (a) The Pandemic Readiness and Response Unit is
2 comprised of:

3 (i) Chief of the Division of Primary Health
4 Care of the Department of Health Services;

5 (ii) Executive Officer of the Pohnpei
6 Environmental Protection Agency;

7 (iii) Director of the Department of Public Safety;

8 (iv) General Manager of the Pohnpei Port
9 Authority; and

10 (v) The Attorney General.

11 (b) The Pandemic Readiness and Response Unit
12 shall be under the direct supervision of the Chief of the Division of
13 Primary Health Care who shall be addressed as the Commissioner
14 of the Pandemic Readiness and Response Unit.

15 (c) The Commissioner of the PRRU shall report
16 directly to the Governor.

17 (d) The Commissioner of the PRRU may utilize the
18 services of personnel from the Division of Medical Services of the
19 Pohnpei Department of Health Services when he deems it necessary.

20 (e) The Pandemic Readiness and Response Unit
21 shall be the successor to and shall assume all functions and duties
22 of the previous COVID-19 Task Force of Pohnpei which is being
23 replaced by the PRRU, including, but not limited to, Infection
24 Control, Surveillance, Risk Communication and Food Security.

25 (f) The Commissioner of the PRRU shall represent

1. Pohnpei State on the FSM COVID-19 Task Force.

2 (g) Rulings, instructions, directions, guidances and
3 other declarations issued by the former COVID-19 Task Force of
4 Pohnpei shall remain valid until superseded by action of the
5 Pandemic Readiness and Response Unit.

6 (h) The Pandemic Readiness and Response Unit may
7 utilize the former label "Pohnpei COVID-19 Emergency Task Force"
8 or similar appellations for ease of reference when communicating
9 with similar COVID-19 response units within the FSM and abroad.

10 2) The COVID-19 Contingency Plan for Pohnpei State
11 shall be at the level of Cov-Con 4(b) with an elevated level of
12 response at Cov-Con 3. All departments, offices, and agencies are
13 urged to perform all tasks required pursuant to their respective
14 roles under the plan.

15 3) The Department of Treasury & Administration in
16 cooperation with the Division of Budget shall identify sources of
17 funds necessary to carry out this order and recommend to the
18 Governor how such sources of funds can be obtained and utilized.

19 4) Funding assistance shall be immediately requested
20 from the Office of the President of the FSM, as deemed necessary.

21 5) Government travel by Pohnpei State Government
22 employees are hereby suspended until further notice for the
23 duration of this emergency declaration.

24 6) Air and sea travel into the State of Pohnpei:

25 (a) Subject to the priorities, exemptions, conditions

2 paragraph of the Constitutional Emergency Order, persons seeking
3 to travel into Pohnpei State by ocean ship or airplane must meet the
4 following requirements to disembark in the State of Pohnpei:

5 (i) Obtain prior to travel into the State of
6 Pohnpei and maintain during travel a Certificate of Qualified Entry
7 into the State of Pohnpei which shall be issued by the Commissioner
8 of the Pandemic Readiness and Response Unit for the State of
9 Pohnpei for that specific individual; PROVIDED that the
10 Commissioner may issue said certificate to the respective person
11 qualified to enter the State of Pohnpei in digital form over a secure
12 internet server; PROVIDED FURTHER that the Commissioner shall
13 ensure compliance with all other provisions of this Constitutional
14 Emergency Order prior to the issuance of the Certificate of Qualified
15 Entry into the State of Pohnpei and shall ensure that there is
16 sufficient room at the Emergency Medical Unit and/or the State's
17 Medical Monitoring Area to accommodate the incoming travelers.

18 (ii) A copy of the travelers passport biopage;

19 (iii) A copy of the travelers negative COVID-19
20 PCR test taken during the last leg of the voyage to Pohnpei or
21 within 72 hours prior to departure from the last port of call; and

22 (iv) A copy of the travelers COVID-19
23 vaccination record, if available.

24 (b) Admittance into the State of Pohnpei pursuant to
25 this paragraph of the Constitutional Emergency Order shall be

1 premised upon prior favorable advice, assessment and
2 recommendation by the Pandemic Readiness and Response Unit for
3 the State of Pohnpei, in consultation with the FSM COVID-19
4 Emergency Task Force, and subject to all screening, detection,
5 quarantine, and isolation procedures and protocols of the State of
6 Pohnpei: PROVIDED that in the event of an emergency or
7 unforeseen circumstances caused by accidents, *force majeure*,
8 disease, illness, or other extenuating factors that may result in
9 substantial risk, injury or loss of life to any person, the Pandemic
10 Readiness and Response Unit for the State of Pohnpei in
11 coordination with relevant state agencies shall, on a case-by-case
12 basis, undertake all required medical protocols and health measures
13 relative to COVID-19 including risk assessment, quarantine or
14 isolation requirements or a combination thereof deemed necessary,
15 prior to allowing any person's entry into the State of Pohnpei.

16 c) Priorities with respect to international travel:

17 The Pandemic Readiness and Response Unit for the State of Pohnpei
18 shall give first priority to the following categories of persons and
19 human remains of deceased persons in the issuance of Certificates of
20 Qualified Entry into the State of Pohnpei and the performance of
21 other requirements imposed by the Constitutional Emergency Order
22 relative to entry into the State of Pohnpei, which priority entrances
23 shall be subject to the following exemptions, conditions and
24 restrictions:

25 (i) Crew members of commercial airlines,

1 humanitarian support aircraft and vessels, including search and
2 rescue assets, FSM licensed fishing vessels, and all cargo sea vessels
3 and tankers; PROVIDED that the necessity of first obtaining a
4 Certificate of Qualified Entry into the State of Pohnpei for such
5 persons is waived; PROVIDED FURTHER that such person may
6 disembark only in the performance of required operational duties
7 within the immediate airport or seaport facilities; PROVIDED
8 FURTHER that they do not come in contact with anyone including
9 airport or seaport personnel; and

10 (ii) Subject to the requirements of Subparagraphs
11 (a) and (b) of this paragraph of the Constitutional Emergency Order,
12 first priority with respect to international travel shall be granted on a
13 case-by-case basis for admittance into the State of Pohnpei to the
14 following classes of people who have obtained their Certificates of
15 Qualified Entry into the State of Pohnpei and humanitarian remains of
16 deceased persons as specified below:

17 (aa) Certified health experts in all areas,
18 technicians and workers assigned to assist the Pohnpei Government
19 or the FSM National Government with respect to COVID-19;

20 (bb) Stranded returning Pohnpei
21 residents who have not established a residency abroad;

22 (cc) Diplomats and personnel assigned to
23 Embassies that are present on the island of Pohnpei, and their
24 immediate family members;

25 (dd) Crew members of open-sea fishing

1 vessels who are citizens of the Federated States of Micronesia;

2 (ee) The remains of deceased Pohnpeians
3 and deceased residents of Pohnpei who may be accompanied by not
4 more than five members of the immediate family of the deceased;
5 PROVIDED that commencing with the effective date of the first
6 amendment to this provision of this Constitutional Emergency
7 Order, the Governor and the Pandemic Readiness and Response Unit
8 for the State of Pohnpei shall undertake and complete all steps
9 necessary to ensure the clearance for entry into the State of Pohnpei
10 and the safe handling and safe burial of the remains of deceased
11 Pohnpeians and deceased residents of Pohnpei whose deaths may
12 have resulted in whole or in part from a COVID-19 virus related
13 illness; PROVIDED FURTHER that the request for such repatriation
14 has been made by a member of the immediate family of the
15 deceased person and the request for repatriation of the deceased's
16 remains is current on the effective date of the first amendment to this
17 provision of this Constitutional Emergency Order; and

18 (ff) Persons who are employed or who
19 have been recruited to be employed in the State of Pohnpei, and
20 their immediate families.

21 (d) Priorities with respect to interstate travel:
22 The Pandemic Readiness and Response Unit for the State of Pohnpei
23 shall give first priority to the following categories of persons and
24 human remains relative to interstate entry into the State of Pohnpei
25 and the performance of other requirements imposed by the

1 Constitutional Emergency Order relative to interstate travel, which
2 priority shall be subject to the following exemptions, conditions and
3 restrictions; PROVIDED that except as set forth in the following
4 provisions of this subparagraph of this paragraph of the
5 Constitutional Emergency Order, the necessity of obtaining a
6 Certificate of Qualified Entry for interstate travelers shall be waived:

7 (i) First priority for travel by sea or air
8 between the FSM states shall be accorded by the Pandemic
9 Readiness and Response Unit for the State of Pohnpei for essential
10 personnel and people who are returning to their state of residence
11 or employment, as long as there are no confirmed cases of
12 COVID-19 within the FSM state where the person originated the
13 travel or within one or more of the FSM states where the person
14 disembarked during his travel; PROVIDED that if there is a
15 confirmed COVID-19 case within an FSM state where the person
16 originated the travel or within one or more of the FSM states where
17 the person disembarked during his travel, said person shall be
18 subject to the international restrictions of Sub-paragraph (c) of this
19 paragraph of this Constitutional Emergency Order.

20 (ii) All passengers engaged in interstate travel
21 shall ensure that they are screened for COVID-19 at the airport or
22 seaport prior to check in or boarding and shall present documentation
23 of such screening upon arrival in Pohnpei. All passengers engaged in
24 interstate travel are also subject to screening procedures upon arrival
25 in Pohnpei.

1 (iii) The Governor of Pohnpei State shall
2 coordinate with the Governors of the other three FSM states to
3 ensure that no passenger engaged in interstate travel exhibiting
4 symptoms of COVID-19 will be permitted to board a plane or ship
5 engaged in interstate transportation.

6 (iv) Any passenger engaged in interstate travel
7 that develops symptoms during transit will be permitted to enter
8 the State of Pohnpei, but will be subject to quarantine/isolation
9 requirements.

10 e) With respect to all travel to the State of Pohnpei
11 and unless otherwise distinguished within this Constitutional
12 Emergency Order, the term "passenger" includes every person
13 intending to board, is on board, or is departing from an aircraft or
14 sea vessel engaged in such travel.

15 f) The Governor shall take the necessary steps to
16 notify passenger carrying marine vessels and passenger carrying
17 airlines servicing the State of Pohnpei of the requirements of this
18 Constitutional Emergency Order.

19 7) During the emergency, a civil right may be impaired
20 only to the extent necessary for the preservation of the public peace,
21 health or safety. In addition, competitive bidding procedures for any
22 procurement in connection with this Constitutional Emergency
23 Order are hereby waived.

24 8) The Department of Public Safety with the assistance
25 of the relevant departments, offices, and agencies of the Pohnpei

1 Government shall ensure that all provisions of this Constitutional
2 Emergency Order are adhered to under the fullest extent of the law.

3 9) Any person who violates any provision of this
4 Constitutional Emergency Order or who shall knowingly provide
5 false information, forge or otherwise falsify a Certificate of
6 Qualified Entry into the State of Pohnpei as set forth in this
7 Constitutional Emergency Order shall be guilty of a felony offense
8 against the State of Pohnpei, and upon conviction thereof shall be
9 punished by a fine of not more than \$2,000 or imprisoned for not
10 more than two years, or both such fine and imprisonment.

11 10) Unless revoked or amended sooner, this
12 Constitutional Emergency Order is valid for a period of sixty (60)
13 days counting from April 10, 2021.

14 11) Copies of this order shall be transmitted to the
15 President of the FSM, the Speaker of the 10th Pohnpei Legislature,
16 the Chief Justice of the Pohnpei Supreme Court, the local chief
17 executives of each municipality of Pohnpei State, Members of the
18 Mwoalen Wahu, the Pohnpei Chamber of Commerce, church leaders
19 within the State, and the Pohnpei Women's Advisory Council.

20 SO ORDERED

21 /s/ Reed B. Oliver

Date: /s/ 4/9/21 8:59 pm

22 Reed B. Oliver

23 Governor

24 State of Pohnpei"; and

25 **BE IT FURTHER RESOLVED** that the amendments to Constitutional

1 Emergency Order No. 20-05 contained in this resolution shall take effect
2 upon adoption of this resolution by the Tenth Pohnpei Legislature; and

3 **BE IT FURTHER RESOLVED** that certified copies of this resolution
4 be transmitted to the Governor of Pohnpei, the Chief Justice of the Pohnpei
5 Supreme Court, the Mwoalen Wahu of Pohnpei, the President of the
6 Federated States of Micronesia, the Commissioner and Members of the
7 Pandemic Readiness and Response Unit for the State of Pohnpei, the
8 Director of the Pohnpei Department of Health Services, the General
9 Manager of the Pohnpei Port Authority, the Chief Executives of each Local
10 Government of Pohnpei State, the Pohnpei Chamber of Commerce, the
11 church leaders of Pohnpei, and the Pohnpei Women's Advisory Council; and

12 **BE IT FURTHER RESOLVED** that the Commissioner of the
13 Pandemic Readiness and Response Unit for the State of Pohnpei is requested
14 to forthwith have Constitutional Emergency Order No. 20-05, as amended
15 by this resolution, be quickly reproduced and made readily available in both
16 appropriate printed and digital formats to all stakeholders in Pohnpei's fight
17 against COVID-19.

18
19 ADOPTED BY THE POHNPEI LEGISLATURE ON THE 26TH DAY OF
20 APRIL, 2021.

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Speaker, Pohnpei Legislature

Attest:



Legislative Clerk