
A RESOLUTION

Amending Constitutional Emergency Order No. 20-03.

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

5 **WHEREAS**, confirmed cases of COVID-19 continue to rise globally;
6 and

7 **WHEREAS**, commencing on March 11, 2020, the Governor of Pohnpei
8 State has issued three consecutive Constitution Emergency Orders concerning
9 COVID-19, the first two of which were extended by resolutions of the Tenth
10 Pohnpei Legislature; and

11 **WHEREAS**, Section 9(3) of Article 13 of the Pohnpei Constitution
12 provides that:

13 “The Legislature may amend or revoke a declaration of emergency
14 at any time by resolution. Unless the declaration expires earlier,
15 the Legislature shall convene within thirty days to consider the
16 declaration of emergency. Unless a declaration expires earlier, is
17 revoked, amended, or repealed, a declaration of emergency shall
18 be in effect for thirty days.”; and

19 **WHEREAS**, the Tenth Pohnpei Legislature has reviewed the wording of
20 Constitutional Emergency Order No. 20-03 and finds the need to add
21 additional language to the Order to distinguish the restrictions on international
22 travel and interstate travel; now, therefore,

23 **BE IT RESOLVED** by the Tenth Pohnpei Legislature, Second Special
24 Session, 2020, that pursuant to Section 9(3) of Article 13 of the Pohnpei
25 Constitution, Paragraph 6 of Constitutional Emergency Order No. 20-03 is

1 hereby amended by adding the following:

2 "6) Air and sea travel: ¶

3 a) With respect to international travel: ¶

4 (i) No passenger is allowed to disembark in the State of
5 Pohnpei, except crew of ~~commercial airline~~ humanitarian support
6 aircraft and vessels, including search and rescue assets, and all cargo
7 vessels and tankers, who may disembark only in the performance of
8 required operational duties within the immediate airport or seaport
9 facilities; PROVIDED that they do not come in contact with anyone
10 including airport or seaport personnel per World Health Organization
11 guidelines on COVID-19; and

12 (ii) PROVIDED FURTHER, that in the event of an
13 emergency or unforeseen circumstances caused by accidents, *force*
14 *majeure*, disease, illness, or other extenuating factors that may result in
15 substantial risk, injury or loss of life to any person, the Department of
16 Health Services in coordination with relevant state agencies and the
17 COVID-19 Emergency Task Force, on a case by case basis, undertake
18 all required medical protocols and health measures relative to COVID-
19 19 including risk assessment, quarantine or isolation requirements or a
20 combination thereof deemed necessary, prior to allowing any person
21 entry into the State of Pohnpei.

22 (iii) Exceptions with respect to international travel may be
23 granted on a case-by-case basis for admittance into the State of Pohnpei
24 solely from Pacific Insular Areas determined by the Governor to be
25 very low risk jurisdictions for COVID-19 infection:

1 (aa) Certified health experts, technicians and workers
2 assigned to assist the Pohnpei Government or the FSM National
3 Government with respect to COVID-19;

4 (bb) Stranded Pohnpei resident students who have been
5 studying abroad;

6 (cc) Stranded Pohnpei resident medical patients referred
7 abroad, including if applicable, their medical or family attendants;

8 (dd) Crew members of open-sea fishing vessels who are
9 citizens of the Federated States of Micronesia; and

10 (ee) The remains of deceased Pohnpeians and deceased
11 residents of Pohnpei who may be accompanied by not more than five
12 members of the immediate family of the deceased.

13 (iv) Admittance into the State of Pohnpei pursuant to the
14 exceptions specified in Sub-subparagraph (iii) immediately above in
15 this Constitutional Emergency Order shall be premised upon prior
16 favorable advice, assessment and recommendation by the Pohnpei
17 COVID-19 Emergency Task Force, in consultation with the FSM
18 COVID-19 Emergency Task Force, and subject to all screening,
19 detection, quarantine and isolation procedures and protocols of the State
20 of Pohnpei.

21 (v) Persons seeking the use of one of the exceptions set forth in
22 Sub-subparagraph (iii) of this subparagraph of the Constitutional
23 Emergency Order shall first obtain, prior to the commencement of
24 travel to the State of Pohnpei, a written "Certificate of Qualified Entry
25 into the State of Pohnpei" which shall be issued by the Director of the

1 Pohnpei Department of Health Services for that specific individual;
2 PROVIDED that the Director may issue said certificate to the
3 respective person qualified to enter the State of Pohnpei in digital form
4 over a secure internet server; PROVIDED FURTHER that the Director
5 shall ensure compliance with Sub-subparagraph (iv) of this
6 subparagraph of this Constitutional Emergency Order prior to the
7 issuance of the Certificate of Qualified Entry into the State of Pohnpei
8 and shall ensure that there is sufficient room at the State's Medical
9 Monitoring Area to accommodate the incoming travelers.

10 (vi) The Governor shall take the necessary steps to notify
11 passenger carrying marine vessels and passenger carrying airlines
12 servicing the State of Pohnpei of the requirements of this
13 subparagraph of the Constitutional Emergency Order.

14 (vii) Any person who shall knowingly forge or otherwise
15 falsify a Certificate of Qualified Entry into the State of Pohnpei
16 as set forth in this Constitutional Emergency Order shall be guilty
17 of a misdemeanor offense against the State of Pohnpei and upon
18 conviction thereof shall be punished by a fine of not more than
19 \$1,000 or imprisoned for not more than six months, or both such
20 fine and imprisonment.

21 b) With respect to interstate travel:

22 (i) Travel by sea or air between and within the FSM
23 states is permitted for essential personnel and people who are returning
24 to their state of residence or employment, as long as there are no
25 confirmed cases of COVID-19 within the FSM state where the person

1 originated the travel or within one or more of the FSM states where the
2 person disembarked during his travel; PROVIDED that if there is a
3 confirmed COVID-19 case within an FSM state where the person
4 originated the travel or within one or more of the FSM states where the
5 person disembarked during his travel, said person shall be subject to the
6 international travel restrictions of Sub-paragraph (a) of this paragraph
7 of this Constitutional Emergency Order.

8 (ii) All passengers shall ensure that they are screened
9 for COVID-19 at the airport or seaport prior to check in or boarding
10 and shall present documentation of such screening upon arrival in
11 Pohnpei. All passengers are also subject to screening procedures upon
12 arrival in Pohnpei.

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

17 (iv) Any passenger that develops symptoms during
18 transit will be permitted to enter the State of Pohnpei, but will be
19 subject to quarantine/isolation requirements.

20 (v) For purposes of this sub-paragraph of the
21 Constitutional Emergency Order, the term "passenger" includes every
22 person intending to board, is on board, or is departing from an aircraft
23 or sea vessel engaged solely in interstate travel."; and

24 **BE IT FURTHER RESOLVED** that the amendments to
25 Constitutional Emergency Order No. 20-03 contained in this resolution shall


1 take effect upon adoption of this resolution by the Tenth Pohnpei Legislature;
2 and

3 **BE IT FURTHER RESOLVED** that certified copies of this resolution
4 be transmitted to the Governor of Pohnpei, to the Chief Justice of the Pohnpei
5 Supreme Court, to the President of the Federated States of Micronesia, to the
6 Speaker of the Congress of the Federated States of Micronesia, to the Chief
7 Justice of the FSM Supreme Court, to the Director of the Pohnpei Department
8 of Health Services and to the General Manager of the Pohnpei Port Authority.
9

10 ADOPTED BY THE POHNPEI LEGISLATURE ON THE 24th DAY OF
11 JULY, 2020.

12

13



Speaker, Pohnpei Legislature

14

15

16

Attest: 

Legislative Clerk

17

18

19

20

21

22

23

24

25