A RESOLUTION

Amending Constitutional Emergency Order No. 20-03.

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

and

WHEREAS, confirmed cases of COVID-19 continue to rise globally;

and

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

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

"The Legislature may amend or revoke a declaration of emergency at any time by resolution. Unless the declaration expires earlier, the Legislature shall convene within thirty days to consider the declaration of emergency. Unless a declaration expires earlier, is revoked, amended, or repealed, a declaration of emergency shall be in effect for thirty days.", and

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

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

"6) Air and sea travel: 

a) With respect to international travel: 

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

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

(iii) Exceptions with respect to international travel may be granted on a case-by-case basis for admittance into the State of Pohnpei solely from Pacific Insular Areas determined by the Governor to be very low risk jurisdictions for COVID-19 infection:
(aa) Certified health experts, technicians and workers assigned to assist the Pohnpei Government or the FSM National Government with respect to COVID-19;

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

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

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

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

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

(v) Persons seeking the use of one of the exceptions set forth in Sub-subparagraph (iii) of this subparagraph of the Constitutional Emergency Order shall first obtain, prior to the commencement of travel to the State of Pohnpei, a written "Certificate of Qualified Entry into the State of Pohnpei" which shall be issued by the Director of the
Pohnpei Department of Health Services for that specific individual;
PROVIDED that the Director may issue said certificate to the
respective person qualified to enter the State of Pohnpei in digital form
over a secure internet server; PROVIDED FURTHER that the Director
shall ensure compliance with Sub-subparagraph (iv) of this
subparagraph of this Constitutional Emergency Order prior to the
issuance of the Certificate of Qualified Entry into the State of Pohnpei
and shall ensure that there is sufficient room at the State’s Medical
Monitoring Area to accommodate the incoming travelers.

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

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

b) With respect to interstate travel:

(i) Travel by sea or air between and within the FSM
states is permitted for essential personnel and people who are returning
to their state of residence or employment, as long as there are no
confirmed cases of COVID-19 within the FSM state where the person
originated the travel or within one or more of the FSM states where the
person disembarked during his travel; PROVIDED that if there is a
confirmed COVID-19 case within an FSM state where the person
originated the travel or within one or more of the FSM states where the
person disembarked during his travel, said person shall be subject to the
international travel restrictions of Sub-paragraph (a) of this paragraph
of this Constitutional Emergency Order.

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

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

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

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

BE IT FURTHER RESOLVED that the amendments to
Constitutional Emergency Order No. 20-03 contained in this resolution shall
take effect upon adoption of this resolution by the Tenth Pohnpei Legislature;

and

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


[Signature]
Speaker, Pohnpei Legislature

[Signature]
Attest: Legislative Clerk