



**OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT**

EXECUTIVE ORDER 012 - 2023

**AN ORDER DECLARING A STATE OF DISASTER EMERGENCY
RELATED TO ADVERSE WEATHER CONDITIONS CAUSING FLOODING AND
LANDSLIDE HAZARDS**

Section 1: Authority

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Sections 4.0111 (b) and 26.0105.

Section 2: Preamble

WHEREAS, American Samoa has been experiencing heavy rainfall, strong winds, and high surf advisories;

WHEREAS, the National Oceanic and Atmospheric Administration (NOAA) has forecast an elevated risk of tropical cyclones (TCs) for American Samoa from November 2023 - April 2024;

WHEREAS, Numerous incidents of flooding and landslides have occurred across the territory in recent days including Tutuila, the Manu'a islands, and Aunu'u;

WHEREAS, Heavy rainfall has deposited debris in streams and community roadways, impeding travel, access to services, and ability of agencies to provide services;

WHEREAS, Heavy rain and high winds caused damages to critical infrastructure, including but not limited to water and power utilities and communications equipment;

WHEREAS, preparation for and response to natural disasters can save lives; and

WHEREAS, the Governor may declare that a State of Disaster Emergency is in effect when he finds that a disaster has occurred or that this occurrence or the threat thereof is imminent.

NOW THEREFORE, I, LEMANU P. S. MAUGA, Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and the American Samoa Code Annotated, hereby execute this order.

Section 3: Declaration

Pursuant to A.S.C.A. § 26.0105 I declare that the Territory is in a State of Disaster Emergency effective immediately.

Section 4: Activation of the Emergency Operations Center

Pursuant to A.S.C.A. § 26.0105(e) the Emergency Operations Center (EOC) is activated effective immediately. The EOC shall work with relevant departments and agencies to monitor weather and its impact throughout the Territory. The American Samoa Government and relevant departments are authorized to utilize all necessary powers to prepare, respond, mitigate and recover from the extant emergency.

Section 5: Price Gouging Prohibited

Price gouging is prohibited. This declaration established a “State of Emergency” as the term is used in Title 27, Chapter 9 of the American Samoa Code Annotated. All violations of this provision will be prosecuted vigorously to the full extent of the law. The Attorney General is authorized to request justification from any business deemed to have substantially increased its prices during this Heath Emergency period.


Section 6: Emergency Authority and Rulemaking

All emergency authority vested in the Governor by law to deal with the disaster emergency may be utilized. Departments, Agencies and Offices of the American Samoa Government may promulgate emergency rules in accordance with established law and the Administrative Procedures Act. Emergency rules will be submitted to the Governor prior to promulgation.

Section 7: Effective Date

This order shall take effect as of December 15, 2023 and will remain in effect until the Governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no longer than 30 days unless renewed by the Governor.

Date: December 19, 2023


LEMANU P. S. MAUGA
Governor of American Samoa