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GOVERNOR

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LIEUTENANT GOVERNOR

## **DECLARATION OF ONGOING PUBLIC HEALTH EMERGENCY AND STATE OF EMERGENCY**

WHEREAS, the world is facing an ongoing COVID-19 pandemic that has resulted in the deaths of over 704,000 Americans; and

WHEREAS, the COVID-19 pandemic is a global disaster that poses an imminent threat to the entirety of the Territory of American Samoa; and

WHEREAS, the transmission of the disease occurs through respiratory droplets, which necessitates preventative measures such as mask use, social distancing, quarantine, and travel restrictions; and

WHEREAS, COVID-19 vaccination is the most effective public health measure to reduce severe disease and death as well as limit the transmission of the virus; and

WHEREAS, quarantines are an effective method for containing the spread of COVID-19; and

WHEREAS, the President of the United States issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, the President of the United States has approved a Major Disaster Declaration for American Samoa; and

WHEREAS, the protective measures taken by the American Samoa Government thus far have prevented the spread of COVID-19 to the Territory, however, the imminent threat remains;

NOW THEREFORE, I, LEMANU P. S. MAUGA, Governor of American Samoa, declare an ongoing public health emergency under A.S.C.A. § 13.0301 *et seq.* and a state of emergency under A.S.C.A. § 26.0101 *et seq.* for COVID-19. The Emergency Operations Center shall continue to be activated to coordinate response efforts.

Pursuant to A.S.C.A. § 13.0307 and § 26.0105, I further declare that:

American Samoa's response will be guided by a color-coded system to meet the changing threat level. The following provides a guideline for escalating measures according to shifting situations. These restrictions will be implemented to the fullest extent possible, but also may be subject to

alteration as more information becomes available or a COVID-19 case is confirmed. **Code BLUE** is currently in effect.

1. **Code Blue:** Restrictions are designed to prevent the spread of COVID-19 to American Samoa. When the Governor declares that the Territory is in Code Blue, the following restrictions will be in force.
  - (A) Vaccination is the most effective method of protecting the people of American Samoa. Everyone is encouraged to vaccinate as soon as they are eligible.
    - (i) Evidence of full vaccination<sup>1</sup> against COVID-19 **may** be required from any person, unless that person is under the age of 12 years old or the person is not medically qualified to be vaccinated, prior to:
      - (a) Approval of immigration status or issuance of immigration identification cards;
      - (b) Attending K12 school in person;
      - (c) Attending college classes in person; and
      - (d) Visiting a person at LBJ TMC, Tafuna Correctional Facility, or any in-patient residential facility.
    - (ii) Full vaccination is required prior to entering American Samoa for any person who is 16 years old or older unless the person is not medically qualified.
  - (B) All entry permits will continue to be suspended until further notice with the exception of Guest Worker Permits issued for employment at a cannery or call center pursuant to A.S.C.A. § 41.0901 *et seq.* and any entry permits authorized by the Governor's Authorized Representative ("GAR").
  - (C) Any person entering the Territory,
    - (i) Must register with the online travel program approved by the COVID-19 Task Force, the Department of Health, and the Department of Legal Affairs. If the person is coming from a place with community spread of COVID-19, that registration must take place 21 days prior to entering the Territory,
    - (ii) Must show proof of negative test or tests prior to arrival as required by the Department of Health, and
    - (iii) Must submit to a quarantine upon arrival if required by the Department of Health.

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<sup>1</sup> For the purposes of this declaration, "full vaccination" means that the person has received the full course of vaccination and 14 or more days elapsed after the final administration of the vaccine.

- (iv) The GAR may make exceptions and authorize the entry of persons into the Territory without using the online travel program. Any person entering under an exception by the GAR must comply with the safety requirements mandated by the GAR. Any inquiries can be made at [covidtravel@go.as.gov](mailto:covidtravel@go.as.gov).
- (D) Regularly scheduled passenger flights to and from American Samoa are suspended. The GAR may authorize limited scheduled flights or authorize flights based on the needs of the Territory. Passengers of any permitted flight must comply with the entry requirements listed above and any additional requirements contained in the GAR's written authorization.
- (E) All air crew must contact the Department of Health at least 96 hours prior to travel and provide documents required by the Director of Health. They must also submit proof of a negative COVID-19 test at least 72 hours prior to arrival, evidence of having recovered from COVID-19 in the last 6 months, or proof of complete vaccination at least 14 days prior to arrival. Agents for cargo flights are responsible for providing that proof to the Department of Health.
- (F) Air crew will not be permitted to exit their aircraft without the prior written approval of the Governor or the Lieutenant Governor unless it is necessary to comply with safety requirements or regulations.
  - (i) Anyone permitted to stay overnight will be subject to quarantine.
  - (ii) The Director of Health may establish policies or promulgate rules to govern personal protective equipment and procedures for airport operations including but, not limited to, loading and unloading people, luggage, and cargo onto or off of aircraft.
- (G) Shipping agents for vessels, including but not limited to fishing and cargo vessels, entering American Samoa must provide the Department of Health documentation required by International Health Regulations and must provide the Department of Health proof of a negative COVID-19 test, evidence of having recovered from COVID-19 in the last 6 months, or proof of complete vaccination at least 14 days prior to arrival for each person on the vessel at least 72 hours prior to arrival.
  - (i) No person will be allowed to disembark from any vessel unless they are residents of American Samoa without prior written approval of the Governor or Lieutenant Governor. Residents will need to comply with the requirements of Paragraph 1(C).
  - (ii) The Director of Health may establish policies or promulgate rules to govern the health precautions for the entry of vessels into the ports of American Samoa pursuant to his authority in Title 20, Chapter 13 of the American Samoa Code Annotated.

- (H) Nothing in this order affects the authority of village councils to enact regulations imposing curfews or restricting public gatherings pursuant to A.S.C.A. § 5.0305.
2. **Code Yellow:** In the event a person tests positive for COVID-19 in the Territory and there is a heightened threat of community spread of COVID-19, the Governor may declare that Code Yellow restrictions listed below will be in force:
- (A) All persons, businesses, organizations, or agencies are required to mandate mask use inside of any building that is open to the public. All persons must wear a mask that covers their mouth and nose in the following circumstances:
    - (i) In or at a location where mask use is required by the person or agency who controls that location;
    - (ii) At a public gathering or inside a building that is open to the public;
    - (iii) Every person who occupies a bus, taxi, or other vehicle engaged in commercial transportation must wear a mask;
    - (iv) Subparagraphs (i) - (iii) do not apply to:
      - (a) children under 2 years of age;
      - (b) a person who cannot wear a mask or cannot safely wear a mask, because of a disability as defined by the Americans with Disabilities Act (42 U.S.C. 1201 *et seq.*);
      - (c) a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or regulations; and
      - (d) a person who is the sole occupant of a vehicle or office.
  - (B) Families are encouraged to self-quarantine and designate one family member to go to the store.
  - (C) All employers, public and private, will reduce their staffing at places of employment to the extent possible. Remote work is encouraged.
  - (D) All businesses will only be allowed to operate from 5 am to 6 pm.
  - (E) All restaurants will be allowed to provide take-out only. Dine-in service is prohibited.
  - (F) Unnecessary travel to affected areas will be limited.
  - (G) The Code Blue provisions in Paragraphs (B) through (G), relating to entry and exit from the Territory, remain in effect.
  - (H) The Hope House, LBJ TMC, and the Tafuna Correctional Facility will be closed for visitation.

- (I) A Territorial Curfew of 9 pm will be imposed. Public gatherings of more than ten people are prohibited. All public gatherings from 9 pm and 5 am are prohibited.
  - (J) Additional requirements and restrictions will be issued as necessary for the protection of public health.
3. **Code Red:** In the event of community spread of COVID-19 locally, the Governor may declare that Code Red is in effect.
- (A) The Code Yellow restrictions remain in effect except as modified below:
  - (B) All businesses will only be allowed to operate from 5 am to 4 pm.
  - (C) All employers, public and private, will designate essential employees who directly perform or support essential services such as those related to public safety; health; utilities; food production, distribution, and sales; sanitation and laundry; port operations; and similarly, essential services. Only those employees who are absolutely essential should work at places of employment.
  - (D) All ASG operations will be suspended except for first responders and essential employees.
  - (E) All air and sea travel will be suspended.
  - (F) Ports of entry will be closed except for military and approved air or sea cargo vessels.
  - (G) All public gatherings will be prohibited.
  - (H) Additional requirements and restrictions will be issued as necessary for the protection of public health.
4. General Provisions:
- (A) A.S.C.A. § 13.0215(d)(3) regarding quarantine and isolation is suspended in part.
    - (i) The Director of Health is authorized to quarantine a person for up to fifteen days without notice if that person was or may have been exposed to COVID-19. Quarantine for more than fifteen days must be authorized by the High Court of American Samoa.
    - (ii) The Director of Health is authorized to isolate a person for up to fifteen days without notice if that person is infected or reasonably believed to be infected with COVID-19. Isolation for more than fifteen days must be authorized by the High Court of American Samoa.
  - (B) Unauthorized entry into quarantine or isolation sites is prohibited. Any person entering quarantine or isolation site without permission from the Department of Health may be quarantined pursuant to A.S.C.A. § 13.0215(c).

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- (C) Any person who violates the requirements of this declaration or violates a quarantine or isolation order issued by the Director of Health or his designee may be charged with a violation of A.S.C.A. §§ 13.0323 or 46.4703.
- (D) 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 Health Emergency period.
- (E) Requests for transporting human remains to or from American Samoa must be submitted to the Lieutenant Governor and the Department of Health. The request will be reviewed by the Department of Health prior to final approval or disapproval by the Lieutenant Governor.
- (F) The requirements of A.S.C.A. §§ 41.0208(a) and 41.0501 are waived to the extent that people entering American Samoa may be transported from port facilities at Fagatogo or the Pago Pago International Airport to a designated alternate location before they will be required to prove that they are not subject to exclusion. Alternate locations will be designated by the Lieutenant Governor. For purposes of A.S.C.A. §§ 41.0208(a) and 41.0501, the alternate location will be considered a Port of Entry. Additionally, the alternate location shall be considered a secure area for the purposes of A.S.C.A. § 27.1003.
- (G) 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.

The Governor’s Office may be contacted at [covidtravel@go.as.gov](mailto:covidtravel@go.as.gov) or 633-4116.

The Department of Health may be contacted at [dohcovid19clearance@doh.as](mailto:dohcovid19clearance@doh.as) or 684-633-5871/5872.

This declaration will be effective October 11, 2021 and supersedes the Declaration dated September 11, 2021. It will be in effect for thirty (30) days and will expire on November 10, 2021. Exclusive authority for rendering all final decisions pertaining to the implementation of all prescribed dictates of this Emergency Declaration is vested in the Governor and Lieutenant Governor of the Territory of American Samoa.

Dated: October 8, 2021

  
LEMANU P. S. MAUGA  
GOVERNOR