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GOVERNOR

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**FOURTH AMENDED DECLARATION OF CONTINUED PUBLIC HEALTH EMERGENCY  
AND STATE OF EMERGENCY FOR COVID-19**

- WHEREAS, the Governor, the Lieutenant Governor, the Coronavirus Task Force, and the Coronavirus Working Group remain prepared to take all necessary measures to protect the health, social, and economic welfare of the residents of the Territory of American Samoa; and
- WHEREAS, COVID-19 is an infectious disease caused by a new virus that had not been previously identified in humans which causes respiratory illness (like the flu) with symptoms such as a cough, fever, shortness of breath, and in more severe cases, pneumonia and is spread primarily through contact with an infected person when they cough or sneeze, or through droplets of saliva or discharge from the nose; and
- WHEREAS, no vaccine or cure for COVID-19 currently exists; and
- WHEREAS, the exponential speed at which the coronavirus is being propagated throughout the world is aided by carriers who are asymptomatic and the only surefire method of identifying these purveyors of the coronavirus is through testing and, yet, tests administered in the States and some of the U.S. Territories have been very limited due to Test-Kits shortages; and
- WHEREAS, as of April 30, 2020, there have been 1,038,569 confirmed cases of coronavirus in the United States and Territories with 60,407 registered deaths due to COVID-19; and
- WHEREAS, the most vulnerable sector of the population is predominantly within the elderly population, particularly those with underlying and chronic health conditions such as blood disorders, chronic kidney disease, chronic liver disease, cancer, recent pregnancy in the last two weeks, endocrine disorders (e.g. diabetes mellitus), metabolic disorders, heart disease, lung disease including asthma or chronic obstructive pulmonary disease (chronic bronchitis or emphysema) or other chronic conditions associated with impaired lung function or that require home oxygen, and neurological, and neurodevelopment conditions (including disorders of the brain, spinal cord, peripheral nerve, and muscle such as cerebral palsy, epilepsy, stroke, intellectual dystrophy or spinal cord injury; and

- WHEREAS, inordinate challenges expose the Territory of American Samoa to epic vulnerabilities subjecting all its residents to unprecedented health, economic, and social risks being remotely located in the South Pacific with Hawaii being the nearest United States Jurisdiction 2,300 miles Northeast with connectivity provided solely by Hawaiian Airlines' two flights weekly along with a weekly Cargo flight; and**
- WHEREAS, American Samoa's total healthcare service delivery infrastructure is comprised of one acute care hospital with only 132 beds (inclusive of the 8 COVID-19 dedicated beds) and four (4) district health clinics with its operating capacity already being exceeded thus precipitating unparalleled fear over its potential collapse if the spread of the covid-19 mirrors the experience of some of the States; and**
- WHEREAS, our only acute care hospital, Lyndon Baines Johnson Tropical Medical Center, lacks the physical capacity to appropriately respond to epidemics and pandemics and must now divert operating resources to address this emergency need thus causing the potential for medication and health supply shortages and expanding the risk for a health catastrophe; and**
- WHEREAS, while the Territory of American Samoa has finally been given the ability to conduct tests on island with the acquisition of the Abbot Testing Machine and GeneXpert Machine with 57 tests conducted thus far with all negative results, the total number of test kits on hand of 1,283 is grossly insufficient to support our testing plan targeting the testing of first responders, systematic individuals, vulnerable population, and then asymptomatic persons, to yield confidence in the effectiveness of our protection and mitigation strategies; and**
- WHEREAS, the World Health Organization has declared COVID-19 a global public health emergency on January 30, 2020; and**
- WHEREAS, President Trump declared a National Emergency Concerning COVID-19 on March 11, 2020; and**
- WHEREAS, the federal government has imposed travel restrictions nationwide and local governments have instituted "social-distancing" policies including shutting down schools and bars and requiring home isolation of vulnerable populations; and**
- WHEREAS, the rapid spread of COVID-19 disease along with the limited amount of test kits to test the first responders, the vulnerable population, a wider sector of our population (given the asymptomatic nature of the disease) and lack of a vaccine or cure create an imminent threat of outbreak here in American Samoa; and**
- WHEREAS, previous declarations have been issued for COVID-19, and given its robust nature, the situation necessitates an updated and continued response from American Samoa Government in order to protect the health of our people; and**

- WHEREAS, this declaration extends to the entire geographic area of the Territory; and**
- WHEREAS, the imminent threat of an outbreak in American Samoa constitutes a disaster justifying a continued state of emergency and activating all resources necessary to combat the spread of COVID-19; and**
- WHEREAS, the request for a Major Disaster Declaration was sent to President Donald Trump on April 13, 2020 and approved on April 17, 2020, allowing access to all federal assistances available for disasters; and**
- WHEREAS, the State of Hawaii, as of April 30, 2020, has now registered 16 fatalities with 609 number of confirmed of cases, being the only gateway to American Samoa, further increasing our vulnerability; and**
- WHEREAS, the Territory of American Samoa continues to be blessed for its continued Coronavirus Free Status, since the Presidential Declaration issued on March 13, 2020; and**
- WHEREAS, it has been projected that COVID-19 infection can come in waves which means more deaths will be anticipated if restrictions are prematurely lifted with consequences far more devastating; and**
- WHEREAS, we still have not gained the comprehensive ability to effectively combat the COVID-19 pandemic given the limited number of test kits at our disposal to test first responders, symptomatic individuals, vulnerable population, and asymptomatic carriers of the disease which perpetuates our vulnerability to an outbreak; and**
- WHEREAS, our healthcare system is still not equipped to respond to a major outbreak in spite the purchase of additional equipment and temporary overflow facilities; and**
- WHEREAS, this declaration is a continuation of previous declarations and fully incorporates the facts set forth in those prior declarations with regard to COVID-19;**

**THEREFORE, I, Lolo M. Moliga, Governor of American Samoa, declare a continued public health emergency under ASCA 13.0301 et seq. and a state of emergency under ASCA 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 EFFECTIVE IMMEDIATELY:**

**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.**

- **Code Blue: Minimal social disruption with continued emphasis on social distancing, hygiene, and cough etiquette.**
  - The public is encouraged to avoid touching the face, thoroughly wash hands with soap for 20 seconds or use hand sanitizer of more than 70% alcohol. The public is further advised to use the Comprehensive Sanitation Program for Community Facilities for guidance on disinfecting households.
  - All Hawaiian Airline Flights will continue to be suspended for an additional 30 days with reconsideration slated for May 31, 2020.
  - All Samoa Air Flights are suspended however, this restriction will continually be reviewed depending on the COVID-19 status of both countries.
  - Travelers from affected foreign countries will be on full quarantine on arrival. For covid-19 related workers, quarantines will not be imposed.
  - Travelers from affected US states will be subject to screening and quarantine at the discretion of DOH physicians but guided by clearly established criteria to determine who is to be DOH Quarantined or Home Quarantined. For covid-19 related workers, quarantines will not be imposed.
  - Travelers from all States, Territories, and foreign countries are required to be COVID-19 tested with negative results revealed in order to enter American Samoa.
  - All entry permits will continue to be suspended until further notice.
  - Unnecessary travel to affected foreign countries or US states is discouraged.
  - To protect our supply lines, sustain our food security, and to support the production capacity of our cannery, cargo and fishing vessels are allowed to enter our seaport with full compliance with the following advisories:
    - All Stevedoring loading and unloading personnel must receive a medical screening by Seaport Medical Officer at the wharf prior to boarding any vessel. Personnel must wear masks throughout the unloading operation.
    - All Shipping agents **MUST** provide the following vessel documentation at least 72 hours prior to vessels entering the port, per International Health Regulation requirements:
      - Maritime Declaration of Health
      - Vaccination List (including Yellow Fever and MMR)
      - Vessel Particulars

- Crew List (date of embarkation of each crew member)
  - Official Letter from Captain if all crew are well and asymptomatic for COVID-19
  - Port of Call/Voyage Memo for the last 30 days
  - Cargo manifest (e.g. containers from Apia).
  - Number of Containers Discharging/Loading in Pago Pago.
  - Crew members are not authorized to disembark from any vessel during COVID-19.
- ASG departments are to stagger staffing coverage deploying the 50%/50% staffing format.
  - Social distancing methods are to be practiced in conducting government business by using such telecommunications tools as video conferencing, phone calls, emails.
  - All off-island medical referrals to New Zealand are suspended however, the option will be considered only for medical emergencies and be at the discretion of LBJ physicians.
  - All public schools, private schools, daycares, and ASCC, will continue to be closed until further notice. The Director of Department of Education is directed to develop and implement plans to continue education for students studying at home.
  - All public gatherings are suspended until further notice. This includes, but is not limited to, bingo halls, rallies, political events, theaters, traditional gatherings, parks and recreation areas, flight night gatherings, and major sponsored events. Only private family gatherings of no more than ten (10) people will be permitted. DPS is tasked with ensuring that public gatherings disperse. The public is advised that failure to obey this restriction will be prosecuted as a Class A misdemeanor under ASCA § 13.0323.
  - All businesses will only be allowed to operate from 6am to 6pm. Only those businesses that impact food security are exempted from operating hours restrictions. Restaurants, bars, and nightclubs will practice social distancing within their respective place of businesses. Restaurants and Fast Food Businesses are allowed to engage in food take-out orders until 10pm after the dinning-in area is closed at 6pm. Businesses are encouraged to keep their facilities sanitized. Further advisories will be issued from the Governor that may adjust restrictions on businesses as necessary.
  - 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 public transportation services are to start at 6am and to cease operations at 6pm except for buses under contract with StarKist to provide transportation for

employees of the canneries. StarKist employees travelling on contracted buses must wear masks. During hours of operation, buses and taxis must institute social distancing practices. Each bus and taxi may only operate at half the seating capacity. ASCA § 19.0114 is suspended and the authority to alter or revoke certificates of necessity is delegated to the Commissioner of DPS. This authority shall remain through the duration of the Public Health Emergency. All other hearing and appeal rights for revocation remain with the Commerce Commission.

- The Territorial Correctional Facility will be closed for visitation. The Juvenile Detention Center shall allow visitation between those housed there and their parents and/or legal guardians. Social distancing shall be exercised and monitored by the administrators of the facility.
- Visitation to the Shelter will be allowed but compliance with the issued advisory and guidance from the Attorney General is necessary. These advisories and guidance must be vetted by the Coronavirus Task Force for my final approval before implementation.
- Entry permits for foreign nationals will continue to be suspended.
- All inbound travelers who are US Nationals/Citizens that are local residents and Legal Alien Residents are to show proof of American Samoa residency through local ID, hospital ID, or utility bill. Proof of residency will exempt them from the OK Board process.
- All other inbound travelers shall have an OK Board issued prior to traveling to American Samoa. OK Board requirements will include submission of copies of itinerary, passport (including stamped pages), payment of \$50 fee and effective March 27, 2020, a health clearance from a verifiable physician with proof of a negative COVID-19 test. Work related OK Boards will be considered but applications must include verification from employer.
- All requests are to be routed through the Office of the Attorney General with the approval authority solely vested in the Attorney General and if she is off-island all OK Board requests will be reviewed and approved by the Governor.
- All church meetings, services, and events will continue to be suspended until further notice. The threat posed by the pandemic require drastic social distancing measures and churches are encouraged to continue worship services remotely via video conferencing technology.
- The remains of deceased persons shall not be transported as cargo to American Samoa without the express approval of the Governor or the Coronavirus Task Force. Failure to seek approval prior to shipment will result in the prosecution of the shipping agency and/or the person responsible for the shipment.

- **Code Yellow:** With 1 confirmed case in American Samoa, this code will continue heightening restrictions to slow the spread of the disease within the Territory.
  - Community awareness continues to be a focus and the public is encouraged to maintain hygiene practices.
  - Families will be encouraged to isolate with 1 designated family member to go to the store.
  - All businesses will only be allowed to operate from 6am to 3pm.
  - All restaurants will be allowed to provide take-out only and no dine-in service.
  - The Hope House and Admitted Patients at LBJ will be closed for visitation.
  - Unnecessary travel to affected areas will be limited.
  - All ASG business travel will be suspended.
  - All ASG departments will continue the 50%/50% staffing format or provide flex accommodation. Tier One employees will work on Monday/Wednesday. Tier Two employees will work Tuesday/Thursday. All employees will be compensated for 40 hours per week. First responders and essential personnel will be staffed for 24/7 operations.
  - A Territorial Curfew of 9pm will be imposed. DPS and the Office of Samoan Affairs are tasked with enforcing the Territorial Curfew.
- **Code Red:** In the event of severe spread of the disease locally, major protective measures will be enforced.
  - All businesses will only be allowed to operate from 6am to 12pm.
  - All air and sea travel will be suspended.
  - Ports of entry will be closed except for Military and approved air or sea cargo vessels.
  - All public gatherings will be completely shut down.
  - All ASG operations will be suspended except for first responders and essential employees.

The public is advised that the current threat level is CODE BLUE. Furthermore, any changes in Code level and the associated restrictions announced therein, will be fully incorporated into this declaration as if fully set forth in this declaration.

In accordance with ASCA § 26.0105(g)(1), ASCA 13.0215(d)(3) is suspended in part. In order to respect the rights of individuals but also maintain protection against the Covid-19, DOH is authorized to quarantine and isolate individuals for 14 days without notice. All other provisions of ASCA 13.0215 remain in effect.

In accordance with ASCA § 26.0105(g)(1), the restrictions on “Hazard Pay” in ASAC § 4.0411(b) are suspended. The Director of Department of Human Resources is tasked with developing a policy to compensate medical personnel, first responders, and all ASG employees that face increased risk and exposure associated with their duties.

In accordance with ASCA § 26.0105(g)(1), the maximum grant of four (4) hours for “Excused Absences” in ASAC § 4.0511(a)(10) is suspended. The Director of Department of Human Resources is tasked with developing a policy to compensate all ASG personnel that are under quarantine or unable to attend work for reasons related to the restrictions imposed.

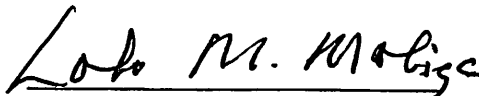
In accordance with ASCA § 26.0105(g)(1), ASCA § 41.0205(1) is partially suspended to the extent that the Board will temporarily suspend its hearings function as it relates to P5 immigrant applications for emergency technical assistance to combat covid-19. The Attorney General is tasked with reviewing and deciding on these applications and in her absence from the Territory, the Governor will review and render decisions on requests. The numerical limitations of ASCA § 41.0301 are likewise suspended.

The public is further advised that the COVID-19 response is a multi-departmental effort. Each restriction put into place is for the protection of public health, social, and economic capacities. Cooperation and compliance are necessary to prevent and slow down this disease. DOH, DPS, the Attorney General are tasked with coordinating enforcement to ensure the maximum compliance.

This declaration will be in effect for thirty (30) days and will expire on June 1, 2020. Exclusive authority for rendering all final decisions pertaining to the implementation of all prescribed dictates of this Emergency Declaration is vested solely in the Governor of the Territory of American Samoa.

**WE ARE NOW OPERATING AT CODE BLUE BUT WILL CHANGE IMMEDIATELY  
WHEN WE HAVE A CONFIRMED COVID-19 CASE**

Dated: May 1, 2020

  
LOLO M. MOLIGA  
Governor