



OFFICE OF THE GOVERNOR

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EXECUTIVE ORDER NO. 003 - 2007

AN ORDER ESTABLISHING THE AMERICAN SAMOA DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATING WITHIN THIS DEPARTMENT THE OFFICE OF VITAL STATISTICS, THE TERRITORIAL EMERGENCY MANAGEMENT COORDINATION OFFICE, THE TERRITORIAL OFFICE OF HOMELAND SECURITY AND THE OFFICE OF TERRITORIAL AND INTERNATIONAL CRIMINAL INTELLIGENCE AND DRUG ENFORCEMENT

Section 1: Authority.

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6 of the Revised Constitution of American Samoa, and Sections 4.0302, 4.0330, 26.0616 of the American Samoa Code Annotated, and Executive Orders 01-2002 and 04-2004.

Section 2: Order.

There is hereby established within the Executive branch of the American Samoa Government, the Department of Homeland Security, specifically created to manage and consolidate the Executive agencies and offices listed in Section 3 of this Order.

A Director who shall be appointed by the Governor, shall head the American Samoa Department of Homeland Security. The Director shall report to the Governor on all matters concerning the individual and collective interests of all agencies within the Department of Homeland Security.

Section 3: Affected agencies.

By further Order of the Governor, the following agencies will now be organized within the Executive branch under the direction of the Director of the American Samoa Department of Homeland Security.

1. Office of Vital Statistics (Vital)
2. Territorial Emergency Management Coordination Office (TEMCO)
3. Territorial Office of Homeland Security (TOHS)

4. Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE)

Section 4: Leadership.

Each of the affected agencies shall retain their current leadership until further action by the Governor or the Legislature of American Samoa. As an interim measure, until such time as final disposition is ordered, all agency and office heads of the affected agencies shall report to the Interim Acting Director of the Department of Homeland Security, until a permanent Director of Homeland Security is appointed.

Section 5: Single state agency.

The Department of Homeland Security is designated as the Single State Agency (SSA) that will provide the overall coordination and administration of efforts to be funded by the US Department of Homeland Security. The Director will report directly to the Governor to assure that the activities of the Department of Homeland Security and its component agencies are in direct alignment with the priorities and goals of the American Samoa Government.

Section 6: Functions.

All affected agencies shall retain all statutory and executive functions as set forth by the American Samoa Code Annotated and by Executive Order. The Department of Homeland Security shall have the further function of coordinating, consolidating and collaborating the efforts of its component agencies into a cogent whole that supports the overall purposes of all-hazard preparedness, response, detection, deterrence, prevention and enforcement.

Section 7: Interim operations.

The Interim Acting Director shall report to the Governor, within ninety (90) days of the effective date of this Order, on the current state of the affected agencies, along with recommendations for organizational structure and staff constitution in order to maximize efficiency, effectiveness and responsiveness to federal and local objectives, requirements and mandates.

All affected agencies shall cooperate with the review that will be conducted pursuant to this Section.

Section 8: Budget

The remainder budgets of each of the affected agencies shall be transferred to an account within the Department of Treasury, bearing the name of this new department, for management purposes. The budgets of each affected agency shall remain intact and separable from coordinate agencies until further Order or final disposition.

Section 9: Supercession and severability.

This Order supersedes all prior orders as far as inconsistencies. All functions, duties and responsibilities not amended or mentioned herein shall remain unimpaired, with the intent of giving effect to this Order.

Where any individual section of this Order cannot be carried out, by order and/or ruling of any competent court or authority with jurisdiction over the American Samoa Government and its agencies, every other appropriate section of this Order shall remain in full force and effect, as if executed separately.

Section 10: Effective Date.

This order shall take effect immediately.

Dated: February 6, 2007.


TOGIOLA T.A. TULAFONO
Governor