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**EXECUTIVE ORDER NO. 008 – 2009**

**AN ORDER REAFFIRMING PRESIDENT OF THE UNITED STATES BARACK H. OBAMA'S SEPTEMBER 29, 2009 DECLARATION THAT A MAJOR DISASTER EXISTS IN AMERICAN SAMOA; PROHIBITING UNLAWFUL PRICE INCREASES TO GOODS AND SERVICES SPECIFIED IN A.S.C.A § 27.0903 UNTIL NOVEMBER 29, 2009 ; AND WHICH REAFFIRMS TITLE 27 CHAPTER 9 OF THE AMERICAN SAMOA CODE ANNOTATED, FURTHER PROVIDING FOR ITS ENFORCEMENT**

**WHEREAS**, on the morning of September 29, 2009 an 8.3 magnitude earthquake occurred to the southwest of Tutuila island, generating several tsunami waves which came ashore on Tutuila and in areas of Manua and caused major loss of life, widespread and massive destruction to villages and property in coastal areas.

**WHEREAS**, on September 29, 2009, because of the earthquake and subsequent tsunami waves, deaths and destruction, President of the United States Barack H. Obama declared that a major disaster had occurred in American Samoa; quickly making federal resources and services available to assist the people of American Samoa.

**WHEREAS**, pursuant to and since the time of President Obama's declaration that a major disaster has occurred, a "state of emergency" has existed in American Samoa in accordance with ASCA § 27.0902(a), and all provisions of A.S.C.A §27.09 prohibiting any increase in price of more than ten percent for any "consumer food items or goods, emergency supplies, medical supplies, building materials, housing, gasoline, or any other goods or services necessary in an emergency response" have been in full force and effect.

**WHEREAS**, reports of illegal "unfair price practices" or price gouging, which is defined in A.S.C.A § 27.0903, have been made by the public, and a need exists to curb and deter such illegal practices.

**NOW THEREFORE, BE IT RESOLVED THAT**, by the authority vested in me as Governor of American Samoa, by the Constitution of American Samoa, Title 27 Chapter 9 of the A.S.C.A and other laws of American Samoa it is hereby ordered:

1. That a "state of emergency," as described by A.S.C.A § 27.0902(a), persists in American Samoa and has existed since September 29, 2009.



2. That all retail stores, grocery stores, wholesale distributors, restaurants, gasoline service stations, all other kinds of stores and service providers, and all persons, business partnerships, corporations and other business entities who hold a license to transact business in American Samoa cease from engaging in "unfair price practices" or price gouging, which is defined as increasing the price of goods or services by more than ten percent of their price as it was on September 28, 2009. Further definition of the term "unfair price practices" is found in A.S.C.A § 27.0903.

3. That all businesses described in the above section shall continue to abide by A.S.C.A § 27.0903, and shall not increase the prices of their goods or services to more than 110 percent of their pre-September 29, 2009 price, until November 29, 2009 or until this executive order is amended to change that date or repealed, should such amendment or repeal occur before the date stated.

4. That all businesses found by a duly authorized employee of the American Samoa Government Office of the Attorney General, Department of Commerce or Officer of the Department of Public Safety shall be subject to a \$1000.00 per violation fine (not to exceed \$25,000 in any 24 hour period) and forfeiture of their business license, in accordance with A.S.C.A § 27.0904(a). Any person who violates this order or the provisions of A.S.C.A § 27.0903 shall be guilty of a Class A Misdemeanor, as provided by A.S.C.A § 27.0904(b).

5. That employees of the American Samoa Government Office of the Attorney General, and Department of Commerce who are duly authorized by the directors of each respective department are hereby given authority to investigate businesses and persons who are suspected of violating this executive order or A.S.C.A § 27.0603 and issue citations to businesses and persons who they witness violating this executive order or A.S.C.A § 27.0603.

6. That all Department of Public Safety (DPS) officers shall have authority to enforce this executive order and A.S.C.A § 27.0603 by investigating persons and businesses suspected of violating these laws. DPS officers shall also have the authority to cite businesses, and arrest individuals for violating this executive order or A.S.C.A § 27.0603, in accordance with established DPS policy and procedure related to citation and arrest.

This order shall become effective immediately and shall be effective until November 29, 2009, unless it is modified or repealed before that date.

Dated: October 6, 2009

  
TOGIOLA T.A. TULAFONO  
Governor of American Samoa