



**OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT**

EXECUTIVE ORDER 005 - 2022

**AN ORDER TO ESTABLISH THE AMERICAN SAMOA SEARCH AND RESCUE
AGENCY**

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, Section 4.0111 (b).

Section 2: Preamble

WHEREAS, the American Samoa Government desires to consolidate its search and rescue functions;

WHEREAS, search, rescue, fire protection, marine patrol, and emergency medical services are specialized functions that are distinct from those typically associated with law enforcement; and

WHEREAS, it is imperative that our government promote that safety of our society by providing search, rescue, fire protection, marine patrol, and emergency medical services; and

WHEREAS, it is the desire of the American Samoa Government to focus on improving the safety of our community by establishing by establishing a Search and Rescue Agency.

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: Order

There is established the American Samoa Search and Rescue Agency (“Search and Rescue Agency”), an independent agency within the Executive Branch of the American Samoa Government. The Search and Rescue Agency is responsible for providing search, rescue, fire protection, marine patrol, and emergency medical services. The Search and Rescue Agency shall be an independent agency.

The Governor shall appoint a Director who is responsible to oversee all operations of Search and Rescue. The appointment shall be made without confirmation, and the Director shall serve at the pleasure of the Governor.

Section 4: Duties and Director of Search and Rescue

The Director shall

- (a) Assume responsibility for leading the American Samoa Search and Rescue Agency;
- (b) Appoint a fire chief to manage fire protection functions that are currently assigned to the Department of Public Safety;
- (c) Appoint a marine patrol chief to manage marine patrol functions that are currently assigned to the Department of Public Safety;
- (d) Appoint a chief of emergency medical services that are currently being carried out under the control of the American Samoa Medical Center Authority;
- (e) Contract with a medical director to provide medical supervision of paramedics and emergency medical technicians; and
- (f) Establish training and policies to provide competent search, rescue, marine patrol, fire protection, and emergency medical services.

Section 5: Budget and Accounting

- (a) A separate budget and account shall be established for the Search and Rescue Agency.
- (b) All funds, personnel, and property that were assigned to the Fire Bureau and the Marine Patrol Division of the Department of Public Safety shall be transferred to Search and Rescue.
- (c) All funds, personnel, and property that were assigned to the Emergency Medical Services Department of the American Samoa Medical Center Authority shall be transferred to Search and Rescue.

Section 6: Cooperation

All public safety agencies are expected to cooperate in carrying out the intent of this order.

Nothing in this order shall limit the authority or responsibilities of the firefighting functions of the Department of Port Administration.

Section 7: Power of Arrest

At the request of the Director, the Commissioner of Public Safety shall commission officers of the Search and Rescue Agency as deputy law enforcement officers pursuant to A.S.C.A. § 46.0201. No person shall be commissioned under this section unless they are the graduate of a police academy that was approved by the Commissioner of Public Safety.

Section 8: Power to Enforce Boating Regulations

The Commissioner of Public Safety shall issue a rule pursuant to the Administrative Procedures Act, A.S.C.A. § 4.1001 *et seq.* and A.S.C.A. § 20.0342 to authorize the Marine Patrol Division of the Search and Rescue Agency to Title 20, Chapter 3 of the American Samoa Code Annotated.

Section 9: Repealer

This order supersedes Executive Order 004-2008.

Section 10: Effective Date

This order shall take effect on July 1, 2022, but preparations for the establishment of the Search and Rescue Agency shall begin immediately. The order will remain in effect until the Search and Rescue Department is established by legislation.

Date: June 15, 2022



LEMANU P. S. MAUGA
Governor of American Samoa