



LEMANU P. S. MAUGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
Telephone: (684) 633-4116

TALAEUGA E. V. ALE
LIEUTENANT GOVERNOR

EXECUTIVE ORDER 009- 2021

AN ORDER REGULATING THE USE OF GOVERNMENT VEHICLES

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 Office of Inspector General for the U. S. Department of the Interior made recommendations in Report No. 2017-WE-056, and

WHEREAS, government-owned and operated vehicles are issued for the purpose of carrying out the responsibilities of government duties, and

WHEREAS, government employees are charged with the responsible use of Government property, and

WHEREAS, it is the policy of the government to prevent waste, fraud, and abuse, and

WHEREAS, the Government may take administrative actions to ensure its employees are complying with the law of American Samoa.

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 Territorial Statutes enacted pursuant thereto, hereby execute this order.

Section 3: Use of Government-Owned and Operated Vehicles

(a) Government-owned and operated vehicles are to be used for official purposes only.

(b) American Samoa Government (ASG) employees who use Government-owned or operated vehicles that are not permanently assigned to them shall log daily use of their vehicles on forms provided by the Road Marshals.

(c) ASG employees who take Government-owned or operated vehicles home may make brief stops on the way to or from work.

(d) ASG employees are prohibited from operating a moving motor vehicle while using a handheld cell phone or other wireless telecommunications device while working or traveling to or from work. Specifically, it is prohibited for any ASG employee to

(1) Physically hold or support with any part of his or her body a wireless telecommunications device, provided that such exclusion shall not prohibit the use of an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication;

(2) Write, send, or read any text-based communication, including but not limited to a text message, instant message, e-mail, or Internet data on a wireless telecommunications device; provided, however, that such prohibition shall not apply to a voice-based communication which is automatically converted by such device to be sent as a message in a written form.

(e) Subsection (d) of this Section shall not apply:

(1) While reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard;

(2) To a law enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties; or

(3) While in a motor vehicle which is lawfully parked or stopped in a place that does not obstruct traffic.

Section 4: Enforcement

(a) Road Marshals employed by the Governor's Office are charged with implementing and monitoring compliance with this order under the supervision of the Chief of Staff or his designee.

(b) Officers of the Department of Public Safety may conduct traffic stops of Government Vehicles with or without reasonable suspicion in order to enforce this order or conduct an inspection.

(c) Any Government vehicle may be inspected by any Road Marshal or an officer of the Department of Public Safety.

- (1) Road Marshals may stop Government vehicles by directing them to stop with hand signals or signs.
 - (2) Road Marshals may set up check points on public highways that require every government vehicle that is subject to this order to stop for an inspection.
 - (3) Road Marshals are prohibited from using a blue light or siren to conduct a traffic stop. Vehicles operated by Road Marshals may be equipped with amber lights for safety.
 - (4) During the inspection, the Road Marshal may inspect and question any driver of any vehicle that is owned or operated by the executive branch of the American Samoa Government without suspicion at any time of day for the purpose of ensuring compliance with this order.
 - (5) During any inquiry made pursuant to this order, the driver shall present the driver's personal driver's license that is required by A.S.C.A. § 22.0201, official driver's license, maintenance and dispatch records, after hour permit, or any other documentation that is required by this order.
 - (6) During any inquiry made pursuant to this order, the driver shall advise the Road Marshal or the officer of the reason they are operating the vehicle and answer any questions reasonably related to the enforcement of this order.
 - (7) No driver may leave until the Road Marshal or officer has completed their inquiry.
 - (8) Road Marshals and drivers shall treat each other with respect during any stop or encounter.
- (c) If a Road Marshal believes there is reasonable suspicion or probable cause of criminal activity or a traffic violation, the Road Marshal shall summon an officer with the Department of Public Safety.
- (1) Upon arrival of the officer, the Road Marshal shall report their observations.
 - (2) If an arrest is made, the Road Marshal shall
 - (A) immediately report the arrest to the Chief of Staff and the driver's Director or Agency Head; and
 - (B) take charge of the Government-owned or operated vehicle unless it is required for further processing by the Department of Public Safety; and
 - (C) provide the officer with a written report of the Road Marshal's observations within one business day.

- (d) If an officer determines there is reasonable suspicion or probable cause of criminal activity or a traffic violation, the officer will inform the subject of the investigation that they are being detained and the encounter is no longer an administrative inquiry.
- (e) Each Road Marshal shall keep a log of their daily activities including inspections of agency records and the details of every inquiry they make of a person operating a Government-owned or operated vehicle. The log will be turned into the Chief of Staff or his designee during the next business day after they are conducted.
- (f) Road Marshals shall be in uniform while they are performing their duties.

Section 5: Operating Hours

- (a) Government-owned or operated vehicles shall only be used between 5 am and 5 pm on regular workdays except as authorized by Subsections (b) and (c).
- (b) Directors and Agency Heads may issue After Hour Permits only for legitimate Government purposes for periods not to exceed one week on forms provided by the Road Marshals to authorize the use of vehicles outside of the hours listed in Subsection (a).
 - (1) A copy of each After Hour Permit will be kept by the Director and Agency Head and be available for inspection by the Road Marshals for thirteen months after they are issued.
 - (2) The Directors, Agency Heads, or their designees shall report the Government-owned tag number, year, make, model, color, VIN, and the time period covered by the After Hours Permit to roadmarshal@go.as.gov by 5 pm of the date issued.
 - (3) Directors and Agency Heads may issue annual After Hours Permits only with the authorization of the Chief of Staff.
- (c) This section shall not apply to vehicles that are operated by
 - (1) Department of Public Safety;
 - (2) EMS;
 - (3) Road Marshals;
 - (4) Directors and Agency Heads; and
 - (5) Vehicles with license plate GO-1 through GO-04.

Section 6: Agency Compliance Inspections

- (a) Road Marshals are charged with inspecting agency records to ensure accountability for vehicles, license plates, and records related to Government-owned and operated vehicles.
- (b) Road Marshals shall
 - (1) Develop and distribute a form to act as an operational log vehicle use for all vehicles that are not permanently issued to a person.
 - (2) Road Marshals shall develop a form for temporary After Hour Permits.
 - (3) Road Marshals shall inspect each department at least four times a year to ensure that:
 - (A) Vehicles are accounted for;
 - (B) Government tags are accounted for;
 - (C) Vehicle usage is properly logged;
 - (D) Vehicle maintenance is up to date;
 - (E) Update assigned location for vehicle;
 - (F) Update annual vehicle inspection if needed; and
 - (G) Provide a copy of the inspection report to the Office of Property Management.
 - (4) Cooperate with the Office of Property Management, the Department of Public Works, Chief Procurement Officer, and the Department of Public Safety to carry out this order.
- (c) Directors and Agency Heads shall cooperate with Road Marshals during inspections.

Section 7: Agency Responsibilities

- (a) Directors and Agency Heads are responsible for enforcing this order within their agencies.
- (b) Directors and Agency Heads or their designees shall
 - (1) Maintain accountability for vehicles, Government-owned license plates, and After Hour Permits;
 - (2) Maintain logs completed pursuant to this order; and

(3) Keep maintenance records for all vehicles assigned to their agencies.

Section 8: Compliance

A failure to comply with this order shall be construed as misconduct on the job or misconduct off the job which reflects adversely on the Government as those terms are used in A.S.C.A. § 7.0801.


Section 9: Repealer

This order supersedes EO 08-1995, EO 10-2017, GM 38-1995, GM 03-2013, GM 28-2017, and any portion of any Executive Order, General Memorandum, or Policy that conflicts with this order.

Section 10: Effective Date

This order shall take effect immediately.

Date: Dec. 21, 2021



Lemanu P. S. Mauga
Governor of American Samoa