

## Title 8

### CIVIL DEFENSE

#### Chapters:

#### 01 Department of Homeland Security

### CHAPTER 01

#### DEPARTMENT OF HOMELAND SECURITY

#### Sections:

- 8.0101** Short Title.
- 8.0102** Definitions.
- 8.0103** Department of Homeland Security-Creation-Responsibilities.
- 8.0104** Director of Homeland Security-Functions-Authority.
- 8.0105** Agencies under the Department of Homeland Security.
- 8.0106** Annual report.
- 8.0107** OTICIDE policy board.
- 8.0108** Budget.
- 8.0109** Interpretation.
- 8.0110** Severability clause.

#### **8.0101** Short Title.

This Act shall be cited as the “Civil Defense Act of 2008”.

**History:** 2008, PL 30-35.

#### **8.0102** Definitions.

For purposes of this Act, these words shall have the following meaning:

- (1) “Department” shall mean the American Samoa Department of Homeland Security.
- (2) “Director” shall mean the director of the American Samoa Department of Homeland Security.
- (3) “Governor” shall mean the Governor of American Samoa.
- (4) “Local agency” shall mean an agency or office of the American Samoa Government.
- (5) “OTICIDE” shall mean the Office of Territorial and International Criminal Intelligence and Drug Enforcement.
- (6) “Territory” shall mean the Territory of American Samoa.

**History:** 2008, PL 30-35.

#### **8.0103** Department of Homeland Security-Creation-Responsibilities.

(a) There is established a Department of Homeland Security, as an executive department of the American Samoa Government within the meaning of Title 4, Chapter 3, A.S.C.A.

(b) The responsibilities of the department are to:

(1) work with agencies of the American Samoa Government and the US Department of Homeland Security and other federal agencies, to prevent terrorist attacks within American Samoa, reduce the vulnerability of American Samoa to terrorism, and minimize the damage, and assist in the recovery, from terrorist attacks that do occur with American Samoa;

(2) act as the Single State Agency (SSA) of the American Samoa Government designated to provide the overall coordination and administration of efforts to be funded by the US Department of Homeland Security;

(3) be the lead agency in all efforts for the preparation of the Territory against natural or man-made disasters, and shall coordinate with federal agencies to secure and receive federal assistance in order to prepare for, or to recover from natural or man-made disasters;

(4) develop a Territorial Homeland Security Operations Plan. This plan is to identify security and response weaknesses and prioritize specific homeland security projects and programs to address shortfalls and security lapses;

(5) work with frontline first responders, government agencies, private sector and local communities in American Samoa to enhance security and the overall state of readiness in the territory;

(6) identify and negotiate federal, state and community resources (human, financial, equipment) for the implementation of homeland security projects and programs;

(7) ensure the appropriate expenditure of federal and local resources for the purposes of homeland security, drug and human trafficking enforcement and prevention;

(8) monitor the implementation of homeland security programs and projects and reporting on the territorial state readiness to the Governor and the US Department of Homeland Security;

(9) record and store all vital records and statistics of the Territory of American Samoa to assure their safe keeping, accuracy and authenticity upon their proper issuance;

(10) coordinate, consolidate and collaborate 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;

(11) carry out those functions and responsibilities as stated in Section 26.0106, A.S.C.A.;

(12) execute the duties and responsibilities necessary to fulfill the American Samoa Government's obligations and commitments to the: South Pacific Islands Criminal Intelligence Network (SPICIN), International Criminal Police Organization (INTERPOL), Federal Bureau of Investigation's National Crime Information Center (FBI-NCIC), El Paso Intelligence Center (EPIC), National Law Enforcement Telecommunications System (NLETS), and other regional and international law enforcement programs;

(13) gather intelligence information regarding drug trafficking and elements of organized crime and other illegal or suspect activities in the Territory and share the same with other law enforcement agencies in the Territory;

(14) coordinate the flow of information between involved agencies on major criminal investigations involving narcotics, white collar crime, and corruption in government operations; and

(15) coordinate information collection and sharing on drug and human trafficking and white collar crimes with federal, state, territorial and local law enforcement agencies which have similarly provided for the coordination of enhanced intelligence sharing,

investigative efforts, training, and the increased competence and proficiency of law enforcement officers.

**History:** 2008, PL 30-35.

**8.0104 Director of Homeland Security – Functions – Authority.**

(a) There is a director of the Department of Homeland Security, appointed by the Governor, and subject to confirmation procedures in section 4.0112, A.S.C.A.

(b) The director is the head of the department and shall have direction, authority and control over it.

(c) All functions of all officers, employees, and organizational units of the department are vested in the director.

(d) The director:

(1) may delegate any of his functions to any officer, employee, or organizational unit of the department;

(2) may promulgate rules and regulations to carry out the intent of this Act pursuant to A.S.C.A. 4.1001, et seq.; and

(3) shall report directly to the Governor any immediate and present threat against the Territory of American Samoa, as well as the activities of the department and its component agencies to assure that they are in direct alignment with the priorities and goals of the American Samoa Government.

**History:** 2008, PL 30-35.

**8.0105 Agencies under the Department of Homeland Security.**

(a) The following agencies of the American Samoa Government shall be transferred to and permanently made a part of the department:

(1) Office of Vital Statistics;

(2) Territorial Emergency Management Coordination Office (TEMCO);

(3) Territorial Office of Homeland Security; and

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

(b) The agencies shall keep their functions as they have been established by executive order, regulations, or existing law and shall be maintained as distinct entities within the department.

**History:** 2008, PL 30-35.

**8.0106 Annual Report.**

On or before December 31, of each year, the director shall provide to the Governor a report on the state of security of the Territory as it relates to the functions and activities of the department for that year.

**History:** 2008, PL 30-35.

**8.0107 OTICIDE policy board.**

(a) There is established an Office of Territorial and International Criminal Intelligence and Drug Enforcement Policy Board. The board shall be responsible for

developing policies, plans, and programs for improving the coordination, administration and effectiveness of OTICIDE in the Territory.

(b) The OTICIDE policy board shall comprise of the Director of Criminal Justice Planning Agency, Treasurer, U.S. Drug Enforcement Administration (DEA) and Coast Guard representatives, the Director of Homeland Security, or his designated representative, as an ex officio member, and the Commissioner of the Department of Public Safety, as chairman.

**History:** 2008, PL 30-35.

**8.0108 Budget.**

The Governor shall provide a budget for the department pursuant to the provisions of Title 10, A.S.C.A.

**History:** 2008, PL 30-35.

**8.0109 Interpretation.**

In this chapter, unless the context otherwise requires, words in the singular include the plural, and words in the plural include the singular.

**History:** 2008, PL 30-35.

**8.0110 Severability clause.**

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

**History:** 2008, PL 30-35.