



LOLO L. M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
American Samoa

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

March 19, 2014

EXECUTIVE ORDER NO. 004 - 2014

**AN ORDER ESTABLISHING A MORATORIUM ON THE IMPORTATION OF
UNALTERED CATS AND DOGS**

Section 1: Preamble

WHEREAS, American Samoa has an overpopulation of stray dogs and cats which continue to cause health, safety and nuisance issues for residents and visitors;

WHEREAS, the American Samoa Government has been striving to control the overpopulation of stray cats and dogs in American Samoa for the public health and the safety of the Territory;

WHEREAS, § 24.0317(4) A.S.A.C. provides the Director of the Department of Agriculture with the authority to regulate the entry of domestic cats and dogs to the Territory;

WHEREAS, the importation of Unaltered Pets (as defined below) into the Territory has been a contributing factor in increasing the population of stray cats and dogs;

Section 2: 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 Section 4.0303 of the American Samoa Code Annotated (A.S.C.A.).

Section 3: Purpose

WHEREAS, it is in the best interests of the Territory to regulate the importation of Unaltered Pets in an effort to control the population of stray animals;

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WHEREAS, the current regulations regarding the importation of animals into the Territory as set forth in Title 24, Chapter 3 of the A.S.A.C. or elsewhere in the laws and regulations of American Samoa do not account for and are silent on the issue of the importation of Unaltered Pets;

WHEREAS, the Director of Agriculture has determined that the provisions set forth below are in the best interests of the Territory in its effort to control the overpopulation of stray cats and dogs;

Section 4: Order

NOW, THEREFORE, by virtue of the authority vested in me, I hereby declare the following:

A. Definitions

- 1) "Moratorium" means the cessation of all acts that are in any way related to a prohibited activity for a prescribed period of time.
- 2) "Owner" means any individual who physically brings a cat or dog with them to the Territory and is present at the time the animal is screened or quarantined.
- 3) "Unaltered Pets" means any breed or kind of cats and dogs that do not carry any proof that they have been spayed or neutered by a licensed veterinarian.

B. Moratorium on the Importation of Unaltered Pets

- 1) There shall be a Moratorium on the importation of all Unaltered Pets into the Territory for the period of time set forth in Section 6.
- 2) This Moratorium applies to all individuals, vessels, corporations, organizations and any other public or private entities with no exceptions.

C. Enforcement Procedures

- 1) Every cat or dog that enters the Territory will be screened by Quarantine officers at the airport or the port. During screening, Owners must present a health certificate, or an equivalent document, from a licensed veterinarian indicating the imported cat or dog is a neutered male or a spayed female.
- 2) If the Owner presents proper certification as prescribed in Section 3(a), the Owner must still comply with all other duties and responsibilities set forth in the current laws and regulations of the Territory regarding domestic animals.
- 3) If the Owner fails to present proper certification as prescribed in Section 3(a), the Unaltered Pet will be confiscated by the Department of Agriculture as set forth in this subsection and the following will take effect:

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- i. Upon discovery of an Unaltered Pet entering the Territory, Quarantine officers have a duty to immediately inform the Department of Agriculture and/or Animal Control officials. The Department of Agriculture and/or Animal Control officials must then retrieve the Unaltered Pet at the airport or port, confiscate it and confine the animal within its facilities.
- ii. Once an Unaltered Pet is confined, its Owner must either pay for the Unaltered Pet to be spayed or neutered by a licensed veterinarian at the Department of Agriculture, or immediately arrange to ship the Unaltered Pet out of the Territory at his or her own expense.
- iii. While the Unaltered Pet is confined, the Owner must pay a fee of \$25 to the Department of Agriculture each and every day until the Owner complies with Section 3(c)(ii). If the Owner does not comply with Section 3(c)(ii) within 30 days, the Unaltered Pet will be considered abandoned and its disposition will be at the discretion of the Department of Agriculture and may include euthanasia.
- iv. The Department of Agriculture shall use the fees collected to maintain its animal confinement facilities and support local village spay and neuter clinics.

D. Relation to Existing Laws

- 1) The definitions as set forth herein only apply to this Executive Order.
- 2) Nothing in this Executive Order is intended to contradict Title 24, Chapter 3 of the A.S.A.C. or any other laws of the Territory. This Executive Order shall not affect any legal rights, duties and obligations prescribed in Title 24, Chapter 3 of the A.S.A.C. or any other laws of the Territory.

E. No Right to Sue.

This Order does not confer any legal rights upon any persons and cannot be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions.

Section 5: **Effective Date and Expiration**

This Order is effective immediately and will remain in effect indefinitely until the procedures of the Importation of Domestic Animals as currently set forth in Title 24, Chapter 3 of the A.S.A.C.

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are further revised. When such revision takes place, this Executive Order will expire unless the Director of the Department of Agriculture determines that the legal effect of this Moratorium continues to be necessary.

Dated: March 31, 2014



LOLO M. MOLIGA

Governor