



OFFICE OF THE GOVERNOR

PAGO PAGO, AMERICAN SAMOA 96799

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EXECUTIVE ORDER No.: 004-2009

AN ORDER CREATING THE CONSTITUTIONAL REVIEW OFFICE, OUTLINING ITS FUNCTIONS AND DUTIES.

Preamble.

Whereas, on December 20, 2009, the Governor signed Public Law 30-31 which provides for the budget of the American Samoa Constitutional Convention; and

Whereas, American Samoa has not reviewed our Constitution since 1986, and in light of ever-changing conditions, a Constitutional Convention is both timely and warranted; and

Whereas, the Territory's residents, through their selected and elected officials have voiced their desire to move forward with proposing changes to American Samoa's Constitution; and

Whereas, the Political Status Study Commission was convened in 2006 in order to make recommendations, among others, to the Governor, Fono and the Territory for the future political status of American Samoa, the report of which, has been made available to the Governor, the Fono and the public; and

Whereas, the Political Status Study Commission also made specific recommendations regarding Constitutional amendments that are worthy of consideration; and

Whereas, the Territory should move forward with the consideration of these important matters as well as others that will be made clearer in the near future.

Now, Therefore, I, Governor Togiola T.A. Tulafono, by the powers vested in me by the Revised Constitution of American Samoa, herewith execute this Executive Order establishing the Constitutional Review Office, and provide for its duties, responsibilities, functions and powers on this 17th day of March, in this Year of our Lord, 2009.

Section 1: Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6 and Section 7, American Samoa Revised Constitution and the American Samoa Code Annotated, §4.0111.

Section 2: Purpose

The purpose of this Order is to establish the American Samoa Constitutional Review Office. Set forth herein shall be the duties and responsibilities of the office, as well as the general powers and functions thereof.

Section 3. Duties and Responsibilities

The American Samoa Constitutional Review Office shall discharge and assume the following duties and responsibilities:

- A. To make any and all preparations for the Constitutional Convention that will take place in the month of November, 2009.
- B. Arrangements and preparation shall include all appropriate research and reporting on meritorious issues of importance that have been forwarded for consideration, or that will be forwarded by other means to be detailed and set forth by the Constitutional Review Office. The Office shall take into serious consideration those issues that have been set forth in the Future Political Status Study Commission's Report.
- C. The Office shall coordinate Territory-wide inquiries that are designed to elicit from the public at large, as well as interested groups, meritorious suggestions for consideration by the Convention.
- D. The Office is responsible for communicating with traditional, government, religious, youth, business and other leaders in order to elicit further issues for consideration as well as to conduct outreach for the issues that will likely be a part of the Constitutional Convention's consideration. The Office will also coordinate an island-wide campaign using all available media and current technology in order to record meritorious concerns and attitudes regarding the issues for consideration.
- E. The Office shall maintain a website for the dissemination of information to the public at large. The Office shall also make periodic reports on the website in order to inform the Territory of its efforts regarding planning and recordation of concerns for consideration by the Convention.
- F. The Office shall prepare and submit weekly reports to the Governor and the Fono regarding the discharge of its official duties each month. The reports shall conform in substance to quarterly performance reports as submitted by ASG agencies. The Office shall report no later than seven calendar days from the end of each month.
- G. The Office shall make recommendations to the Governor regarding proposed changes to the responsibilities and structure of the Office, in order to achieve maximum efficiency and effectiveness.


Section 4: Powers and Functions

- A. The American Samoa Constitutional Review Office shall be an agency within the Governor's Office.
- B. An Executive Director appointed by the Governor shall head the Office. The Executive Director shall submit to the Governor, and the Fono where appropriate, an operating budget, which shall include personnel and other line items, required in order to provide for office operations.
- C. The Executive Director shall liaise with Territorial leaders, professional organizations/groups, village councils, government organizations, religious groups, youth organizations, businesses and other non-governmental organizations in order to set an agenda, coordinate issues and gather information regarding revisions to and drafts of the Constitution for consideration by the Convention.
- D. The Office shall coordinate with the Treasury Department to assure full and accurate accounting of all funds budgeted and expended for the Constitutional Convention.
- E. The Office is authorized to contract for legal services for the provision of legal counsel and the preparation of drafts and revisions to the Constitution. Additionally, any additional services and/or personnel not included in the Office's budget shall be provided by the American Samoa Government.

Section 5: Effective Date

This order shall take effect immediately.

Dated: March 16, 2009.



TOGIOLA T.A. TULAFONO
Governor of American Samoa

cc: Per Standard List