

TITLE 2 – EXECUTIVE

Chapters:

- 01 Shortfall Rectification Program
- 02 Territorial Registrar Fees
- 03 Government Records Management

TITLE 2 – CHAPTER 01 – SHORTFALL RECTIFICATION PROGRAM

Sections:

- 2.0101 Findings.
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- 2.0103 Reorganizations.
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- 2.0107 Other Cost Containment Measures.
- 2.0108 Collection of Accounts Receivable and Taxes.
- 2.0109 Electric Power Rates and Charges.
- 2.0110 Implementation.

2.0101 Findings.

- (a) The American Samoa government is recovering slowly and surely but not to the extent that we can forego entirely the administrative and financial controls which we have instituted earlier this year. As a matter of policy, the Executive Branch will continue to exercise frugality in the management of its affairs until the government financial situation and the local economy have stabilized and long-term solutions to our financial management system have been implemented.
- (b) Accordingly, by the authority vested in the Governor of American Samoa by the revised constitution and laws of American Samoa, it is ordered that the provisions set out in this chapter shall be followed.

History: Rule 20-83, eff 26 Dec. 83. (part).

2.0102 Government Work Week.

The government will operate the normal 5-day work week with all employees working 40 hours regular time.

History: Rule 20-83, eff 26 Dec. 83, § 1.

2.0103 Reorganizations.

Proposed reorganizations will be deferred pending review of the management report of the Department of the Interior, unless there are extraordinary

circumstances requiring earlier action. In all cases, reorganization requests will be carefully and jointly screened by the Director of Program Planning and Budget Development and Director of Manpower Resources before the requests are presented with their recommendations to the Governor for approval.

History: Rule 20-83, eff 26 Dec. 83. § 2.

2.0104 Step Increments.

- (a) Employees who were otherwise entitled to salary step increments in fiscal year 1983 but for Executive Order No. 2-1983 and Executive Order No. 61983 will receive them effective October 9, 1983. There will be no retroactive payments. In addition, those employees will receive their entitlement to salary step increments in fiscal year 1984 as of their regular anniversary dates.
- (b) Employees who received salary step increments in fiscal year 1983 will receive their entitlement to another salary step increment in Fiscal year 1984 as of June 30, 1984. This date will also become their regular anniversary date.

History: Rule 20-33, eff 26 Dec. 83, § 3.

2.0105 Reclassifications and Promotions.

Reclassifications and promotions will be processed according to normal personnel procedures. Approval will be based on the merits of each case and be contingent upon the availability of funding. There will be no retroactive payments.

History: Rule 20-83, eff. 26 Dec 83. § 4.

2.0106 Hiring.

Hiring will be processed according to normal personnel procedures. The establishment of any new position and the filling of any vacant budgeted position requires a separate, written justification accompanying the position action request, form 48 and certification request, form 35; and must be sent to the Director of Program Planning and Budget Development for approval before referral to the Director of Manpower Resources.

History: Rule 20-83, eff 26 Dec 83. § 5.

2.0107 Other Cost Containment Measures.

Other cost containment measures are:

- (1) department, office and other agency heads maintaining inventories are directed to reduce inventories to and maintain them at realistic levels as jointly determined by the respective

agency head, Director of Program Planning and Budget Development, and Director of Administrative Services;

- (2) department, office and other agency heads are directed to identify and sell or otherwise legally dispose of surplus or excess property;
- (3) travel is restricted to essential purposes, and must be approved by the Director of Program Planning and Budget Development and Director of Administrative Services, subject to final appeal to the Governor or his designee;
- (4) department, office and other agency heads are directed to postpone the purchase of nonessential equipment and supplies until the third quarter of fiscal year 1984 unless sooner authorized by the Governor;
- (5) The CIP and procurement review committee is directed to evaluate all current capital improvement projects and, no later than November 30, 1983 and at such other times as the Governor may direct, report and recommend to the Governor for final decision on projects to be continued, activated, cancelled, or reprogrammed.

History: Rule 20-83, eff 26 Dec. 83, § 6.

2.0108 Collection of Accounts Receivable and Taxes.

- (a) The Director of Administrative Services and the heads of all other revenue generating agencies are directed to increase efforts including appropriate legal remedies with the attorney general's assistance, to collect outstanding accounts receivable for goods and services provided by the government.
- (b) The Tax Manager is directed to increase efforts through audits and other means, including appropriate legal remedies with the Attorney General's assistance, to collect income and related taxes now and hereafter due.
- (c) The Director of Port Administration is directed to collect excise taxes on the importation of petroleum products within 30 days after the offloading of each shipment into onshore storage facilities.

History: Rule 20-83, eff 26 Dec 83. § 7.

2.0109 Electric Power Rates and Charges.

Electric power rates and charges must be structured and from time to time restructured so that total revenues generated are sufficient to cover operating expenses. The rates must encourage conservation rather than consumption of electric power. The executive director of the American Samoa Power Authority and the chairman of the board of directors of the Authority are directed to implement this order.

History: Rule 20-83, eff 26 Dec 83, § 8.

2.0110 Implementation.

The director of administrative services will report weekly to the Governor on cash collections and disbursements, as well as other useful financial data. The director of program planning and budget development will report monthly to the Governor on expenditures and revenue collections compared to the approved budget and proposed programs, as well as other fiscal policy matters. The director of development planning will report monthly to the Governor on the state of the local economy and how it may affect public finances.

History: Rule 20-83, eff 26 Dec 83, § 9.

[End of Title 2 - Chapter 1]

TITLE 2 – CHAPTER 02 – TERRITORIAL REGISTRAR FEES

Sections:

- 2.0201 Authority and Purpose.
2.0202 Fees.

2.0201 Authority and Purpose

This rule is issued pursuant to authority granted the territorial registrar in 4.1101 And 4.1002 A.S.C.A., to establish fees to be charged for all instruments to be registered.

History: Rule 8-87, eff 22 Apr 87.

2.0202 Fees

(a) Fees shall be submitted with all instruments prescribed in this chapter and shall be the amount prescribed by law or rule. Every filing shall be accepted subject to collection of the fee. A charge of \$35.00 will be imposed if a check in payment of the fee is not honored by the bank on which it is drawn. A receipt issued by the office of the Territorial Registrar for any such fee shall not be binding if a fee is found uncollectable. Remittances of fees must be in the form of United States currency, cashier's check or personal check only. Remittances of fees must be drawn on a bank or other institution located in American Samoa and be payable in United States currency. Fees in the form of postage stamps or money order shall not be accepted.

Remittances shall be made payable in the exact amount or the fee(s) and payable to the "Treasurer-American Samoa Government."

- (b) The following fees and charges are prescribed:
- (1) The fee for land registration, and/or letter of objection to any land registration shall be \$50.00;
 - (2) The fee for registering a Matai Title and/or letter of objection to any Matai Title Registration shall be \$200.00;
 - (3) The fee for registering a Deed shall be \$50.00;
 - (4) The fee charged for registering a Land Lease, House Lease, and/or any written objection to these filings shall be \$50.00
 - (5) The fee for Separation Agreements and/or an objection to any separation agreement shall be \$25.00;

- (6) The fee for filing and recordation of any Mortgage, Lien, Bank Note, Satisfaction, or Release and other documents of this nature shall be \$25.00;
- (7) The fee for performing research into the records shall be \$15 per request;
- (8) The fee for executing Registrar Affidavits shall be \$25.00 per affidavit;
- (9) The fee for registering a Trademark is set by A.S.C.A. Title 27.0302, and as subsequently amended, currently requiring a \$10.00 fee;
- (10) The fee for all miscellaneous items shall be \$15.00;
- (11) The fee for Certified Copy of a Document shall be \$5.00;
- (12) The fee for a copy of any document from the Registrar's Office shall be \$1.00 for each page of the first 5 pages, then the fee shall be increased to \$1.50 per page for every page thereafter.

History: Rule 8-87, eff. 22 Apr 87; Rule 2018-0050, eff 2 Nov 2019.

[End of Title 2 - Chapter 2]

TITLE 2 – CHAPTER 03 – GOVERNMENT RECORDS MANAGEMENT

Sections:

- I. GENERAL
 - 2.0301 Authority.
 - 2.0302 Definitions.

- II. AGENCY RECORD PROGRAMS
 - 2.0303 Agency Responsibilities
 - 2.0304 Vital Records.
 - 2.0305 Disposition of Records.
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- III. PROCEDURES FOR THE DISPOSITION OF RECORDS
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 - 2.0313 Mandatory Use of Records Schedules.
 - 2.0314 Records Destruction.
 - 2.0315 Transfer of Records to The Records Center.
 - 2.0316 Destruction of Records Stored at The Records Center.
 - 2.0317 Transfer of Records to The Archives.
 - 2.0318 Temporary; Extension of Custody.
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- IV. MICROGRAPHICS
 - 2.0321 Authority.
 - 2.0322 Agency Use of Micrographics.
 - 2.0323 Micrographic Quality.
 - 2.0324 Disposal of Microfilmed Records.

I. GENERAL

2.0301 Authority.

The rules contained in this chapter are issued pursuant to 4.1205 A.S.C.A., and in conformity with Chapter 4.10 A.S.C.A. These rules establish certain records management procedures) intended to improve the economy and efficiency of records maintenance and disposition, which are to be used by all agencies of the government.

History: Rule 14-87, eff 4 Aug. 87.

2.0302 Definitions.

As used in this chapter, the terms “agency,” “records” and “archivist” shall have the meanings ascribed to them by 4.1201 A.S.C.A.

History: Rule 14-87, eff 4 Aug. 87.

II. AGENCY RECORDS PROGRAMS

2.0303 Agency Responsibilities.

Section 4.1206 A.S.C.A., establishes certain agency responsibilities for records. Under these responsibilities, the head of each agency is to:

- (1) submit to the archivist for administration, disposition, and preservation the records in agency custody not needed for the transaction of current business, in accordance with standards and policies adopted by the archivist:
- (2) establish and maintain programs; in accordance with standards and procedures established by the archivist, for the economical and efficient management, maintenance, and disposition of agency records;
- (3) make and maintain records containing inadequate and proper documentation of the objectives, functions, policies, decisions, procedures, and essential transactions of the agency.

History: Rule 14-87, eff 4 Aug. 87.

2.0304 Vital Records.

Each agency shall take appropriate measures to identify and protect those records essential for the continuity of government operations and the protection of the rights and interests of individuals in the event of an emergency or disaster. Effective measures to meet these ends include the microfilming of appropriate records and the use of secure filing equipment and facilities.

History: Rule 14-87, eff 4 Aug. 87.

2.0305 Disposition of Records.

Each agency shall make provision to ensure that records of continuing value are preserved but that records no longer of current value to the agency are promptly disposed of or retired. Effective techniques for accomplishing these ends are the development of records schedules, the transfer of records to the government records center or archives, the microfilming of appropriate records, and the destruction of valueless records.

History: Rule 14-87, eff 4 Aug. 87.

2.0306 Inspection by The Archivist.

Agency programs for the creation, maintenance and use of current records: for the protection of vital records; for the selective retention of records of

continuing value; and for the disposal of noncurrent records will be inspected periodically by the archivist to determine agency compliance with 4.1206 A.S.C.A., and with rules set forth in this chapter, to evaluate the effectiveness of agency records management programs and practices, and to provide records management assistance and advice. Copies of inspection reports will be provided to the agency head, the Governor, and the Legislature.

History: Rule 14-87, eff 4 Aug. 87.

III. PROCEDURES FOR THE DISPOSITION OF RECORDS

2.0307 Authority of Archivist.

Under 4.1205 (1)(c), the archivist is to establish standards, regulations, and procedures for the disposal of records which do not, or will not after a lapse of time possess sufficient administrative, legal, fiscal, historical, or other research value to warrant their further retention. Under 4.1205(2) and (3), the archivist is to identify and select the archives of the government and to establish, maintain, and operate a government records center for storing and servicing agency records pending further disposition.

History: Rule 14-87, eff 4 Aug. 87.

2.0308 Agency Records Schedules.

Each agency is to maintain and apply an agency records schedule, approved by the archivist and on a form prepared by the archivist, for all records of the agency. Such schedules shall include a comprehensive list of the types or series of records of the agency and shall specify the proper disposition of each type or series by providing instructions for:

- (1) the retention of all records of continuing value;
- (2) the destruction or other disposal of records of no further value;
- (3) the removal to the government records center of agency records which are not suitable for either immediate destruction or transfer to the archives but are no longer actively needed in agency space;
- (4) the transfer of custody to the government archives of those records of permanent value which are no longer actively needed in agency space. Records of permanent value are those which have been determined by the archivist, on the basis of current archival standards, to have sufficient value to warrant preservation in the government archives;

History: Rule 14-87, eff 4 Aug. 87.

2.0309 Approval of Agency Records Schedules.

Agency records schedules shall be approved in the following manner:

- (a) A draft schedule shall be prepared by the agency and archivist, indicating the record types or series made or received by the agency and proposed disposition instructions for each type. Disposition instructions shall be based on analysis of the administrative, legal, fiscal, audit, historical, and other values of each record type. Such analysis shall be consistent with current standards of records management and archival practice.
- (b) The archivist shall forward the draft schedule to the attorney general, treasurer, and territorial auditor for their review and comments based, respectively, on the legal, fiscal, and audit values of the record types included on it. Any comments shall be returned to the archivist within 20 days.
- (c) The archivist, after review of comments received under subsection (b) and archivist and may be either a notice of one-time records destruction or a plan for appropriate modifications of the draft schedule, shall prepare and approve an agency records schedule which shall be submitted to the head of the agency for approval. The approval of each shall represent their certification that the records recommended for disposal will not have sufficient administrative, legal, fiscal, audit historical, or other value to warrant retention beyond the expiration of their specified periods. Upon approval by the archivist and the head of the agency the schedule shall be considered an approved agency records schedule.

History: Rule 14-87, eff 4 Aug. 87.

2.0310 Revision of Agency Records Schedules.

Agencies and the archivist shall review agency records schedules periodically to ensure that they are kept up-to-date and accurate. Record types may be added to or deleted from an agency records schedule or disposition instructions altered on an agency records schedule by following the procedures indicated in 2.0309, specifying the additions, deletions, or alterations which are being considered.

History: Rule 14-87, eff 4 Aug. 87.

2.0311 General Records Schedules.

The archivist may prepare and approve general records schedules governing the disposition of record types which are common to several or all agencies. Such schedules shall be based upon analysis of the administrative, legal, fiscal, audit) historical, and other values of each record type, consistent with current standards of records management and archival practice. Before approval of a general records schedule, the archivist shall forward copies of the proposed schedule to the attorney general, treasurer, and, territorial auditor for their review and comments based) respectively, on the legal, fiscal, and audit values of the record types included on it. Any comments shall be returned to the archivist within 20 days. The archivist, after review of comments received and any appropriate modifications, shall prepare and approve a general records schedule, certifying that the records recommended for disposal will not have sufficient administrative, legal, fiscal, audit, historical, or other value to warrant retention beyond the expiration of their specified periods. Copies of general records schedules shall be made available to agencies.

History: Rule 14-87, eff 4 Aug. 87.

2.0312 Revision of General Records Schedules.

The archivist may add record types to or delete record types from a general records schedule or alter the disposition instructions on a general records schedule by following the procedures indicated in 2.0311, specifying the additions, deletions, or alterations which are being considered.

History: Rule 14-87, eff 4 Aug. 87.

2.0313 Mandatory Use of Records Schedules.

The use of agency records schedules and general records schedules is mandatory. Records scheduled for destruction or transfer to the archives shall not be maintained longer by an agency without approval of the archivist, nor shall records be destroyed prior to the expiration of their specified retention periods. In case of conflict between the disposition instructions on an agency records schedule and a general records schedule, the instructions on the agency records schedule shall apply to that agency.

History: Rule 1 4-87, eff 4 Aug 87.

2.0314 Records Destruction.

An agency intending to destroy, sell as scrap, purge, or otherwise discard any temporary records shall

forward to the archivist a notification of the proposed action at least 15 days in advance of the intended action. Such a notification shall be on a form prepared by the archivist and may be either a notice of one-time records destruction or a plan for continuing record destruction over a period of time. In both cases, such notification shall indicate the records to be destroyed, their quantity or other appropriate measure, their inclusive dates, and reference to the records schedule governing their disposition. No records may be destroyed unless they have been properly scheduled and notification of their intended disposition has been sent to the archivist in accordance with this rule. The archivist shall prohibit any records destruction which is not in conformity with these rules and approved schedules.

History: Rule 14-87, eff 4 Aug. 87.

2.0315 Transfer of Records to The Records Center.

Records may be transferred by an agency to the government records center operated by the archivist provided that:

- (a) the records are properly scheduled;
- (b) the records are not eligible for immediate destruction but are no longer actively needed in agency space; and
- (c) facilities for storing and servicing the records are available. Records being transferred should be in such condition that they are suitable for servicing by the records center. Agency records stored at the records center shall be considered to be maintained by the agency which deposited the records and all use of such records shall be consistent with agency policies or procedures. An agency may withdraw any or all of its records from the records center upon notice to the archivist.

History: Rule 14-87, eff 4 Aug. 87.

2.0316 Destruction of Records Stored at The Records Center.

Records stored at the records center which become eligible for destruction shall be destroyed by the archivist in accordance with approved records schedules. The archivist shall notify the depositing agency of the intention to destroy the records at least 30 days prior to their intended destruction. Upon request of the agency, stating justification for continued retention of the records, and with the approval of the archivist, these records may be held

for an additional period of time. Ordinarily, agency requests for the records center to retain records for more than 1 year after the expiration of their scheduled retention periods should be accompanied by a request to the archivist to revise the disposition instructions on that schedule governing the records.

History: Rule 14-87, eff 4 Aug. 87.

2.0317 Transfer of Records to The Archives.

An agency, in accordance with disposition instructions on an approved records schedule and with the approval of the archivist, shall transfer to the government archives operated by the archivist those records of permanent value which are no longer actively needed in agency space or which have been stored in the records center pending scheduled transfer to the archives. Upon transfer, the archivist shall become responsible for the physical and legal custody, use, and withdrawal of the records.

Provision for any agency needs which may affect the archivist’s management of the records shall be agreed to by the archivist and the head of the agency in advance of the transfer of records.

History: Rule 14-87, eff 4 Aug. 87.

2.0318 Temporary Extension of Custody.

An agency which wishes to:

- (1) retain custody of temporary records beyond the time when they are scheduled for destruction; or
- (2) retain custody of permanent records beyond the time when they are scheduled for transfer to the archives: shall request authorization from the archivist, indicating the justification for continued custody and the estimated duration of the continued custody. These requests will be granted based upon adequate justification, however agency requests to retain custody of records for more than 1 year after scheduled destruction or transfer should ordinarily be accompanied by a request to the archivist to revise the disposition instructions on that schedule governing the records.

History: Rule 14-87, eff 4 Aug. 87.

2.0319 Alienation of Records.

All records of agencies are the property of the government. No agency may transfer physical or legal custody of its records except to a successor agency, to an agency having administrative or other official need of the records, under provisions of any

applicable laws or administrative rules, or with approval of the archivist. All records which are transferred under these provisions remain subject to applicable records schedules.

History: Rule 14-87, eff 4 Aug. 87.

2.0320 Exceptions to Rules-Emergencies.

Authorization for disposition actions which, due to exceptional circumstances or emergencies, will not be inconformity with these rules may be requested of the archivist by the head of an agency. Such requests should provide justification for the proposed actions. The archivist shall consider these requests and make determinations of appropriate actions based upon the stated justification and the circumstances.

History: Rule 14-87, eff 4 Aug. 87.

IV. MICROGRAPHICS

2.0321 Authority.

Under 4.1205(l)(E), the archivist is authorized to establish standards, regulations, and procedures for the reproduction and maintenance of records by micrographic, photographic, magnetic, or other process. Reproductions made in compliance with these standards have the same force and effect as the originals would have and are treated as originals for audit, admissibility as evidence, and other similar purposes.

History: Rule 14-87, eff 4 Aug. 87.

2.0322 Agency use of Micrographics.

Agencies may utilize micrographics for the reproduction of records, provided that such use is determined by the agency to be economical and efficient for the care, maintenance, retrieval, security, and preservation of the records. Before microfilming, agencies should especially consider the retention value of the original records, their importance to the agency, and the quality and durability of the microfilm which will be produced.

History: Rule 14-87, eff 4 Aug. 87.

2.0323 Micrographic Quality.

Micrographic processes and the storage and use of resulting microfilm should comply, insofar as is possible, with current minimum standards approved by the American National Standards Institute and the Association for Information and Image Management. Such compliance is especially important when microfilm is to be substituted for original records of long-term or permanent value.

History: Rule 14-87, eff 4 Aug. 87.

2.0324 Disposal of Microfilmed Records.

Original records which have been microfilmed may be destroyed, unless otherwise prohibited by law or regulation, by complying with 2.0314 of this chapter, indicating that the microfilm is being substituted for the original records for the remainder of the assigned retention period. Approval for destruction will be given by the archivist based upon satisfactory demonstration that the microfilm accurately and completely reproduces the original records and will be of acceptable quality for the duration of the assigned retention period. The archivist may require the retention of original records of permanent value which are deemed to have sufficient intrinsic value, in their original form, to require preservation in that form.

History: Rule 14-87, eff 4 Aug. 87.

END OF TITLE 2 - EXECUTIVE