

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

FIRST REGULAR SESSION

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eighth day of Janaury
two thousand and seven

AN ACT AMENDING THE RATIO OF THE AGGREGATE GUARANTEES
OF THE DEVELOPMENT BANK OF AMERICAN SAMOA TO ITS CAPITAL
AND SURPLUS; AMENDING SECTION 28.0105 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 28.0105 is amended to read:

"28.0105 Capital investment—Loan guarantees.

(a) **The capital of the Bank, together with all funds and credits that it may obtain from any loans, credits, grants, or other advances from the United States Government, or any related instrumentality empowered to make funds available to the Bank or any international finance institution or from private financial institutions that may provide loans or credits to the Bank, shall be available for investment by the Bank whether in the form of loans or stock in enterprises controlled by private individuals, partnerships, or corporations engaged in business or industry of whatever nature, that are deemed to conform to the objectives of furthering the economy of American Samoa except as may be limited by subsection (b). The loans or stock investments and all temporary short term investments must be made on the terms and conditions that the management of the Bank may determine and shall be approved by the Board of Directors and must be based on prudent and sound business judgment, as to the capacity of the prospective borrowers to repay, and all stock investments made where, in the judgment of the board, the prospects of successful operation of the business or industry seem warranted. The loans or credits authorized by this section may be only to**

qualified borrowers who are American Samoans or permanent residents of American Samoa.

(b) The Bank may guarantee loans or equipment leases by qualified lenders or equipment leasing firms, and it may guarantee construction performance bonds by bonding companies to entities fully or majority owned or controlled by American Samoans who although having reasonable assurance of repayment, do not qualify for loans, leases, or performance bonds under the requirements imposed by the original lender, lessor or bonding agency. The guarantees by the Bank may not exceed in the aggregate at any one time a total of ~~4 times~~ fifty percent (50%) of the capital and surplus (excluding undivided profits) of the Bank; nor may the aggregate of Bank loans to and guarantees for any person or entity, or group of persons or entities with a common ownership, business, or financial interest, exceed 10% of the Bank's capital and surplus unless the loan or the performance of a contract is secured directly or under right of assumption of collateral property, tangible or intangible, carrying a written and expert appraisal of at least 35 percent in excess of the amount guaranteed. All guarantees shall be approved by the Bank's Board of Directors. In making guarantees and thus assuming contingent liability, the Bank shall, consistent with conservative Banking principles, keep at all times a portion of its capital funds invested in securities of the Treasury or other agencies of the United States.

(c) Commercial, or non-residential, guarantees under this section shall not exceed 90 percent of the loan amount or the total encumbrance granted to secure such loan and guarantee, whichever is less.

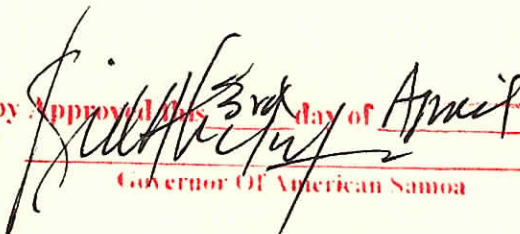
(d) Guarantees of home loans under this section may, in the discretion of the Bank Board of Directors, exceed 90% of the loan amount, provided that such loan and guarantee is fully secured and collateralized by the home to be constructed or improved.



LOLO M. MOLIGA
President of the Senate



AGAOLEATU C. TAUTOLO
Vice-Speaker, House of Representatives

Hereby Approved this 3rd day of April 2007

Governor Of American Samoa

NOFOA'IGA TOLUSEFULU FONO FAITULAFONO A AMERIKA SAMOA

FONO TELE MUAMUA

Nofaia ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Ianuari
lua afe ma le fitu

O SE TULAFONO E SUIA AI LE FAIA O MALILIEGA O LE AOFA'IGA ATOA UA FA'ATULAGAINA E LE FALETUPE ATIINA'E O AMERIKA SAMOA I ANA TUPE FUAFUAINA MA TUPE SILIA; SUIA AI LE MAGA 28.0105 T.T.A.S.

IA FAATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 28.0105 ua suia e faitauina:
"28.0105 Fa'atupe-galueaina—Maliliega o nogatupe.
(a) O tupe atoa fuafuaina mo tupe maua a le Feterale, fa'atasi ai ma teugatupe uma ma tupe to'ese mai i so'o se nogatupe, tupemaua mai tupe nono atu, foa'i tupe, po'o isi tupe e mua'i tu'uina mai e le Malo o le Iunaita Setete, po'o so'o se isi fa'alapotopotoga e i ai se feso'ota'iga ua i ai le malosi e fa'aavanoaina ai tupe i le Faletupe po'o so'o se isi fa'alapotopotoga tau tupe fa'avaomalo pe mai fa'alapotopotoga tua tau tupe e mafai ona saunia ai nogatupe po'o aitalafu tupe i le Faletupe, o le a fa'aavanoaina mo le fa'atupe-galueina o tupe e le Faletupe pe i le tulaga o nogatupe po'o tupe e tu'uina atu mo tupemaua i pisinisi e pulea e tagata tua, pisinisi faipaaga, po'o asosi a tagata faipisinisi e a'afia i pisinisi po'o vaega o pisinisi po'o le a lava le tulaga, e talitonuina e ogatasi ma fa'amoemoega e fa'aalualuina ai i luma le tamaoaiga o Amerika Samoa vagana ai ua fa'atapula'aina e le soamaga (e). O nogatupe po'o le fa'atupe-galueina o tupe ma tupe avanoa uma e fa'atupe galueina mo se taimi pu'upu'u e ao ona faia i tu'utu'uga ma aiaiga ua filifilia e le pule'aga o le Faletupe ma ia fa'amaoniaina e le Komiti Fa'afae ma ia fa'avae i se fa'ai'uga fa'apisinisi atamai ma le fa'autaga lelei, e fuafua i le gafatia e le tagata notupe fa'amoemoeina e toetotogi mai, ma o le fa'atupe-galueina o tupe ua faia, i le fa'ai'uga a le komiti, o le fa'amoemoe o le fa'agaioioiga manuia o le pisinisi po'o se vaega o le pisinisi e mautinoa ai ona fa'atinoina. O nogatupe po'o aitalafu ua fa'atagaina i lenei maga mo na'o tagata notupe agava'a o i latou o tagata Amerika Samoa po'o tagatanu'u nofomau o Amerika Samoa.

(e) O le Faletupe e mafai ona fa'amaonia nogatupe po'o meafaigaluega e lisiina atu e tagata agava'a po'o kamupani e lisiina atu meafaigaluega, ma e mafai ona fa'amaotinoaina pone o mea e fausiaina e kamupani e fa'aponeina e fa'alapotopotoga e onaina atoa po'o se vaega tele pe pulea e Tagata Amerika Samoa e tusa lava pe ua fa'aalia se fa'amaoniga talafeagai mo le toetotogiina, e le agava'a mo nogatupe, lisi, po'o pone e fa'ataunu'uina ai i lalo o aiaiga ua fa'ae'eina atu e le ulua'i tagata na nono atu ia'i, tagata e lisi atu po'o ofisa e fa'aponeina. O maliliega a le Faletupe e le mafai ona sili atu i le aofa'iga atoa i so'o se taimi e tasi se aofa'iga e fa'afaina limasefulu pasene (50%) o le tupe atoa ma tupe silia (e le aofia ai porofiti e le'i vaevaeina) a le Faletupe; po'o o le aofa'iga atoa o le nogatupe a le Faletupe ma fa'amaonia ai mo so'o se tagata po'o se fa'alapotopotoga, po'o se vaega o tagata po'o fa'alapotopotoga e iai se pulega masani, pisinisi, po'o se naunauta'iga fa'aletupe, e sili atu i le 10% o le tupe atoa ma tupe silia a le Faletupe vagana ai o le nogatupe po' o le fa'ataunu'uina o se feagaiga ua fa'amautuina ma'oti pe i lalo o le aia e aveina ai meatotino ua folafolaina e se tagata notupe, mea faitino pe le faitino, ua tauaaoina se tau fuafuaina tusitusia ma taualoa e tusa e 35 pasene e sili atu ai i le aofa'iga ua fa'amaonia ai. O maliliega uma o le a fa'amaoniaina e le Komiti Fa'afaoe o le Faletupe. O le faia o maliliega uma ma le mauaina o fatuaiga fa'aletulafono e ona tula'i mai, ma ina ia ogatasi ma mataupu fa'avae tausisia, o le Faletupe o le a na tausia i taimi uma se vaega o ana tupe totino ua fa'atupe-galueina i le puipuga a le Matagaluega o le Tupe po'o isi ofisa a le Iunaite Setete.

(i) Fefa'atauaiga, pe le o ni tagatanu'u, ua fa'amaoniaina i lalo o lenei maga o le a le sili atu ma le 90 pasene o le aofa'iga o le nogatupe po'o le aofa'iga atoa o talosaga ua taliaina e fa'amaonia ai lea nogatupe ma le maliliega, po'o le fea lava e itiiti ifo.

(o) Maliliega o nogatupe o fale i lalo o lenei maga e mafai, i le faitalia a le Komiti Fa'afaoe a le Faletupe, e sili atu ai i le 90% o le aofa'iga o le nogatupe, pe afai o lena nogatupe ma le maliliega ua fa'atuatuaaina atoatoa ma fa'amaoniaina i le fale o le a fausiaina pe fa'afouina."

Lolo M. Moliga

LOLO M. MOLIGA
Peresetene, Maota Mauuluga

Agaoleatu C. Tautolo

AGAOLEATU C. TAUTOLO
Sui-Fofoga Fetalai, Maota o Sui

Hereby Approved this 3rd day of April 2007
[Signature]
GOVERNOR OF AMERICAN SAMOA