

THE TWENTY-NINTH LEGISLATURE OF AMERICAN SAMOA

FIRST SPECIAL SESSION

Begun and held at Fagatogo, Tutuila, American Samoa
on Wednesday, the twentieth day of April
two thousand and five

AN ACT CREATING A FUTURE POLITICAL STATUS STUDY COMMISSION AND APPROPRIATING REVENUE TO FUND THE COMMISSION AS WELL AS A CONSTITUTIONAL CONVENTION AND PROVIDING FOR AN EARLY EFFECTIVE DATE; CREATING A CHAPTER 14 UNDER TITLE 2 A.S.C.A.

Preamble:

Due to the urgent need to appoint, plan, design and implement a future political status study commission and a constitutional convention for review of the Revised Constitution of American Samoa, this act shall be effective immediately upon passage by the Legislature and approval by the Governor. The Legislature finds that:

(1) The islands of Tutuila and Manu'a, and certain other islands that compose American Samoa, were ceded by the chiefs of the islands to the United States by two Deeds of Cession ratified on April 10, 1900 and July 16, 1904;

(2) American Samoa's status as an unorganized and unincorporated territory of the United States, and American Samoa's political relationship to the United States, are not clearly defined in any single document;

(3) There have been other political status reports recommending retaining the "status quo" with the United States, but there is a need for a comprehensive study and review of the historical and legal bases of American Samoa's status and political relationship with the United States, including—

(A) a determination of American Samoa's present political relationship with the United States compared to other relationships as commonwealth, free association, organic act, and covenant; and

(B) an examination of whether the Deeds of Cession created trust obligations to American Samoa on the part of the United States;

(4) The economic, cultural, land tenure, health, safety and social needs of American Samoa are substantially affected by the nature of American Samoa's

political status and relationship with the United States and the need for a comprehensive study to include Swains Island.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a Chapter 14 in Title 2 which reads:

"Chapter 14

FUTURE POLITICAL STATUS STUDY COMMISSION

2.1401 Creation of a future political status study commission and membership.

2.1402 Functions of the commission.

2.1403 Powers of the Commission.

2.1401 Creation of a future political status study commission and membership.

There is created a future political status study commission, which shall consist of seven eleven members:

(a) One Two members shall be chosen from among the Senate membership by the President of the Senate.

(b) One Two members shall be chosen from among the House membership by the Speaker of the House of Representatives.

(c) The Governor shall appoint 3 4 members from among the community.

(d) The Board of Higher Education shall choose one member.

(e) The Delegate at Large from American Samoa shall choose one member.

(f) The Chief Justice of the High Court of American Samoa shall choose one member.

The members shall elect a chairman and a vice-chairman by majority vote. In no event shall the commission exist longer than 20 days following the adjournment of the Second Regular Session of the Twenty-Ninth Legislature.

2.1402 Functions of the commission.

(a) The commission shall study alternative forms of future political status open to American Samoa and shall assess the advantages and disadvantages of each.

(b) The commission shall study and appraise the history, the development and the present status of political units comparable or relevant to American Samoa, both within and without the jurisdiction of the United States and shall assess the advantages and disadvantages of each.

(c) To determine whether a single document is needed to set forth American Samoa's political status and relationship with the United States; and

(d) To study and evaluate the impact of American Samoa's political status and relationship with the United States as to the economic, cultural, land tenure, health, safety and social needs of American Samoa and the need for a comprehensive study to include Swains Island.

(e) The commission shall present its first report of its findings and recommendations to the Governor, the Legislature, the Judiciary and the people of American Samoa as soon as possible but not later than the adjournment of the Second Regular Session of the Twenty-Ninth Legislature. A final complete report shall be presented no later than 20 days following the adjournment of the Second Regular Session of the Twenty-Ninth Legislature.

2.1403 Powers of the Commission

The Commission shall have power:

(a) To hold hearings, to compel the attendance and testimony of witnesses, to order the production of documents and other tangible evidence, to administer oaths, and to cite for contempt;

(b) To employ necessary staff, including consultants, and experts, to purchase necessary materials and supplies, to make necessary publications and to engage in necessary travel within American Samoa and abroad, and to take other necessary action for the performance of the functions assigned in section 2.1402 of this Chapter, respecting Functions of the commission.

(c) The basic pay for each member shall be paid, to the extent that amounts are available, \$75 for each day during which the member is engaged in the actual performance of the duties of the commission.

(d) A majority of the members present shall constitute a quorum, but a lesser number may hold hearings.

(e) The Chairman shall call the meetings or a majority of the members of the commission shall call any meeting or hearing after the initial meeting of the commission.”

Sec 2. Appropriation of revenue.

There is appropriated the sum of \$400,000 for the following purposes:

Future Political Status Study Commission	\$ 150,000.00
Constitutional Convention	<u>\$ 250,000.00</u>
Total	\$ 400,000.00

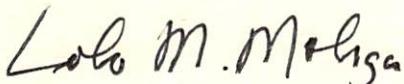
Sec 3. Source of funding.

Funds of \$400,000 from the excess and unbudgeted revenues of FY 2005 shall be made available to the Office of the Governor and the American Samoa Legislature to apply as follows:

Future Political Status Study Commission	\$ 150,000.00
Constitutional Convention	<u>\$ 250,000.00</u>
Total	\$ 400,000.00

Sec 4. Effective date.

Due to the urgent need to appoint, plan, design and implement a future political status study commission and a constitutional convention for review of the Revised Constitution of American Samoa, this act shall be effective immediately upon passage by the Legislature and approval by the Governor.

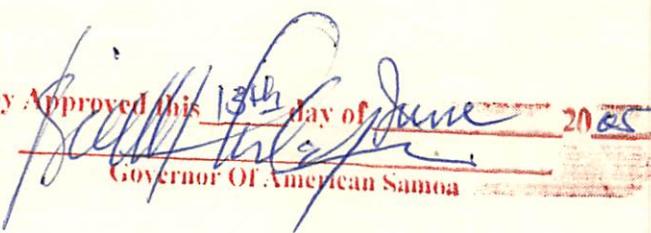


LOLO M. MOLIGA
President of the Senate



MATAGI RAY MA'ILO MCMOORE
Speaker of the House

Hereby Approved this 13th day of June 2005



Togiola Telefoni

Governor Of American Samoa

NOFOA'IGA LUASEFULU-IVA FONOFAITULAFONO A AMERIKA SAMOA
FONO FA'APITOA MUAMUA

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Lulu, aso luasefulu o Aperila
 lua afe ma le lima

O SE TULAFONO E FA'AVAE AI SE KOMISI E SU'ESUE'INA LE TULAGA FA'ALEMALO I LE LUMANA'I MA FA'ASOASOA ATU I AI SE VAEGATUPE O TUPEMAUA E FA'ATUPE AI LE KOMISI FA'APEA MA SE FONO FA'ALEFA'AVAE MA SAUNIA AI MO SE ASO TAUALOA VAVE; FA'AVAEINA AI SE MATA'UPU 14 I LALO O LE ULUTALA 2 T.T.A.S.

Fa'atomuaga:

Taluai ona o se mana'oga fa'anatinati e tofia, fuafua, fa'atulaga ma fa'atino ai se komisi e su'esu'eina le tulaga fa'alemaloi i le lumana'i fa'apea ma le toeiloiloina o le Fa'avae Toeteuteuina o Amerika Samoa, o le a taualoa vave lenei tulafono taufa'aofi pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana. O le Fono Faitulafono ua silafia e fa'apea:

(1) O motu o Tutuila ma Manu'a, fa'apea ma isi o motu ua fa'atulagaina o Amerika Samoa, sa tu'uina atu e tamāli'i o ia motu i le Iunaite Setete e ala i Fa'amaumauga Tusitusia o le Tu'uina Atu (Deeds of Cession) ma sa fa'amaoniaina ia Aperila 10, 1900 ma Iulai 16, 1904;

(2) O le tulaga o Amerika Samoa o se teritori e le'i fa'atulagaina ma e le'i tu'ufa'atasia fa'aletulafono o le Iunaite Setete, ma o le faiā fa'alemaloi o Amerika Samoa i le Iunaite Setete, e le'o manino ona fa'atulagaina auiliili i so'o se fa'amaumauga e tasi.

(3) iai isi ripoti o le tulaga fa'alemaloi sa fautuaina ai ia "fa'atumauina i le tulaga o iai nei" ma le Iunaite Setete, ae peita'i e iai se naunauta'iga mo se su'esu'ega ma le toeiloiloina auiliili o fa'avaega talafa'asolopito ma fa'aletulafono o le tulaga o Amerika Samoa ma le faiā fa'alemaloi ma le Iunaite Setete e aofia ai—

(A) o se iloiloga o le faiā fa'alemaloi o Amerika Samoa ma le Iunaite Setete e fa'atusatusa i isi faiā e pei o malo sa'oloto, fegalegalea'iga sa'oloto, tulafono e fa'ae'e atu ai malosi'aga o le malo i teritori, ma feagaiga; ma

(E) o se su'esu'ega pe mata o Fa'amaumauga Tusitusi o le Tu'uina Atu

ua fa'avae ai se avegatau'ave fa'atuatuaina ma tausisia ia Amerika Samoa o se fatuaiga (vaega) a le Iunaite Setete

(4) O mana'oga tau le tamaoa'iga, fa'aleaganu'u, fa'atumaufina o le taofia o 'ele'ele, soifua maloloina, saogalemu ma tulaga o tagata lautele o Amerika Samoa o iai se a'afiaga mautu e fa'avae i le uiga moni o le tulaga fa'alemalo o Amerika Samoa fa'apea ma le faiā ma le Iunaite Setete fa'apea fo'i ma le mana'oga mo se su'esu'ega auilili e aofia ai Swains Island.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. Ua fa'avaeina se Mata'upu 14 i le Ulutala 2 e fa'apea:

“Mata’upu 14

KOMISI O SU'ESU'EGA O LE TULAGA FA'ALEMALO I LE LUMANA'I

2.1401. Fa'avaeina o se komisi o su'esu'ega o le tulaga fa'alemalo i le lumana'i ma totino

2.1402 Avegatau'ave a le komisi.

2.1403 Malosi'aga o le Komisi.

2.1401 Fa'avaeina o se komisi o su'esu'ega o le tulaga fa'alemalo i le lumana'i ma totino.

Ua fa'avaeina se komisi o su'esu'ega o le tulaga fa'alemalo i le lumana'i e aofia ai totino e to'afitu sefulutasi:

(a) **Tasi Lua o totino o le a filifili mai i totino o le Maota Maualuga e le Peresetene o le Maota Maualuga.**

(e) **Tasi Lua-o totino o le a filifili mai i totino o le Maota o Sui e le Fofoga Fetatalai o le Maota o Sui**

(i) **E tofia e le Kovana totino e 3 4 mai le mamalu lautele.**

(o) **O le Komiti o A'oa'oga Maualuga o le a na filifilia le totino e tasi.**

(u) **O le a filifili mai e le Sui Aoao o Amerika Samoa se totino e tasi**

(f) O le Fa'amasino Sili o le a na filifilia mai se totino e tasi.

O totino o le a latou filifili se ta'ita'ifono ma se ta'ita'ifono fesoasoani e ala i se palota fulisia. E leai se tulaga e fa'aauau pea ai le komisi e sili atu nai le 20 aso pe a mavae le malologa a le Fono Tele Lona Lua Masani o le Nofoa'iga Lona Luasefulu-Iva a le Fono Faitulafono.

2.1402 Avegatau'ave a le Komisi.

(a) O le komisi o le a na su'esu'eina isi filifiliga taufa'aofi o tulaga fa'alemaloi le lumana'i e avanoa mo Amerika Samoa ma ia iloilo tulaga lelei e fa'amauiaina ai fa'apea ma tulaga le manuia o filifiliga taufa'aofi ta'itasi.

(e) O le komisi o le a na su'esu'eina ma faia se tofa mamaao o le taūa ma le manuia o le talafa'asolopito, taualumaga ma le tulaga i le taimi nei o ia vaega fa'alemaloi e fa'atusatusa pe talafeagai fo'i ia Amerika Samoa, o ia tulaga uma i totonu ma pe aunoa fo'i ma le pule'aga a le Iunaite Setete ma fuafua tulaga manuia fa'apea ma tulaga le manuia o le isi.

(i) E fuafua pe mata e mana'omia se fa'amaumauga e tasi e fa'atulaga ai le tulaga fa'alemaloi Amerika Samoa ma le faiā ma le Iunaite Setete; ma

(o) E su'esu'e ma fuafua le malosi'aga o le tulaga fa'alemaloi Amerika Samoa ma le faiā ma le Iunaite Setete i mana'oga tau le tamaoaiga, aganu'u, fa'atumauina o le taofia o 'ele'ele, soifua maloloina, saogalemu ma mana'oga o le soifuaga lautele o Amerika Samoa fa'apea ma le mana'oga mo se su'esu'ega auiliili e aofia ai le Motu o Swains.

(u) O le komisi o le a na tu'uina atu lana ulua'i ripoti o āna su'esu'ega ma fautuaga i le Kovana, le Fono Faitulafono, le Fa'amasinoga Maualuga fa'apea ma tagata o Amerika Samoa i le vave e mafai ai ae ia le tuai nai le malologa o le Fono Tele Masani Lona Lua o le Nofoa'iga Lona Luasefulu-Iva a le Fono Faitulafono. E tatau ona tauaaotu se ripoti atoatoa ia le tuai nai le 20 aso pe a mavae le malologa o le Fono Tele Lona Lua o le Nofoa'iga Lona Luasefulu-Iva a le Fono Faitulafono.

2.1403 Malosi'aga o le Komisi.

O le Komisi o le a iai le malosi'aga:

(a) E fa'atulaga ai tauaofi'aga, fa'amalosia le auai ma molimau a tagatamolimau, fa'atonuina le aumaia o fa'amaumauga ma isi fa'amaoniga vaaia, faia fa'atautoga, ma molia mo le anuilagi;

(e) Fa'afaigaluegaina se aufaigaluega talafeagai, e aofia ai tagata faufautua, ma tagata tomai fa'apitoa, fa'atau o meafaigaluega ma sapalai mana'omia, faia o fa'asalalauga talafeagai ma a'afia i malaga talafeagai i totonu o Amerika Samoa ma fafo, ma faia isi gaoioiga talafeagai mo le fa'ataunu'uina o fatuaiga ua fa'ae'e atu i le maga 2.1402 o lenei Mata'upu, e fa'ataatau i Fatuaiga a le komisi.

(i) O le totogi fa'avae mo totino ta'itasi o le a totogi atu, i le tulaga o aofa'iga ua fa'aavanoaina, \$75 mo aso ta'itasi ua a'afia ai se totino i le fa'ataunu'uina o tiute a le komisi.

(o) O le fulisia o totino e auai o le a fa'avae ai se korama, ae mafai e se aofa'iga e itiiti ifo ona fa'atulagaina iloiloga.

(u) O le Ta'ita'ifono e valaaauina fonotaga po'o se fulisia fo'i o totino o le komisi e vala'auina so'o se fonotaga po'o se iloiloga pe a uma se ulua'i fono a le komisi."

Maga 2. Fa'asoasoaga o tupemaua.

Ua fa'asoaina atu le aofa'iga e \$400,000 mo fa'amoemoega ua fa'aalia i lalo:

Komisi o Su'esu'ega o le Tulaga Fa'alemaloi le Lumana'i	\$ 150,000.00
Fono o le Fa'avae	\$ 250,000.00
Aofa'iga	\$ 400,000.00

Maga 3. Alagatupe e fa'atupe ai.

O le aofa'iga e \$400,000.00 o le a fa'aavanoaina mai tupe totoe ma tupemaua e le'i fa'asoasoaina o le Tausaga Tupe 2005 ma tu'uina atu i le Ofisa o le Kovana fa'apea ma le Fono Faitulafono o Amerika Samoa e fa'aaoga i fuafuaga taufa'aofi e pei ona ta'ua i lalo:

Komisi o Suesu'ega o le Tulaga Fa'alemaloi le Lumana'i	\$ 150,000.00
Fono o le Fa'avae	\$ 250,000.00
Aofa'iga	\$ 400,000.00

Maga 4. Aso taualoa.

Ona o le mana'oga fa'anatinati e tofia, fuafua, fa'atulaga ma fa'atino ai se komisi mo su'esu'ega o le tulaga fa'alemaloi le lumana'i fa'apea ma se fono o le fa'avae mo le toeiloiloina o le Fa'avae Toeteuteuina, o le a taualoa vave ai lenei tulafono taufa'aofi pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana.

Lolo M. Moliga
LOLO M. MOLIGA
Peresetene, Maota Maualuga

J. Matagi Ray Ma'ieo McMoore
MATAGI RAY MA'IEO MCMOORE
Fofoga Fatalai, Maota o Sui