

THE THIRTY-FIRST LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of January
two thousand and ten

AN ACT AUTHORIZING THE GOVERNOR TO ALLOW THE AMERICAN SAMOA TELECOMMUNICATIONS AUTHORITY, IN THE NAME OF THE AMERICAN SAMOA GOVERNMENT, TO BORROW MONEY AND INCUR INDEBTEDNESS IN ORDER TO IMPROVE ACCESS TO FUNDING PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FOR LOANS AND GRANTS TO HELP BRING BROADBAND SERVICE TO UN-SERVED AND UNDERSERVED COMMUNITIES ACROSS AMERICA, INCLUDING AMERICAN SAMOA; CREATING A SECTION 4.0140 A.S.C.A.

Preamble:

WHEREAS, on July 2, 2009, Vice President Biden announced the availability of the first round of funding of \$4 billion under the American Recovery and Reinvestment Act (ARRA) for loans and grants to help bring broadband service to un-served and underserved communities across America, including American Samoa, the intent of which is to expand broadband access to help bridge the technological divide and create jobs building out Internet infrastructure; and

WHEREAS, in order to expand broadband speeds to all of American Samoa, the American Samoa Telecommunications Authority (ASTCA) submitted a comprehensive application for funding under the ARRA to improve off-island connectivity as well as the territory-wide domestic network, which is the only network that connects the islands of Tutuila, Aunu'u, and the islands of Manu'a; and

WHEREAS, the U.S. Department of Agriculture Rural Utilities Services (RUS) will administer a portion of this first round of funds through loans, grants, or loan and grant combinations; and

WHEREAS, one criteria, worth a total 10 out of 100 points for any RUS application, evaluates the level of loan funding in relation to that of grant funding requested, with a preference for loan requests; therefore, an application requesting 100% loan funding will be eligible for the full 10 points for this criteria, while an application requesting 100% grants funding will receive 0 points; and

WHEREAS, in order to provide a point advantage on its application, ASTCA determined it best to apply for a loan-grant combination of \$10,000,000.00 loan and \$80,000,000.00 grant.

Due to the urgent need to improve access to funding pursuant to the American Recovery and Reinvestment Act (ARRA) for loans and grants to help bring broadband service to un-served and underserved communities across America, with said funding intended to expand broadband access to help bridge the technological divide and create jobs building out Internet infrastructure, this act shall be effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a section 4.0140 which reads:

“4.0140 Authorization to borrow money and incur indebtedness.


The Governor is authorized to allow the American Samoa Telecommunications Authority (ASTCA) in the name of the American Samoa Government, to borrow money and incur indebtedness for infrastructure projects, and mortgage, assign, hypothecate and give security interests in ASTCA property and earned revenue to secure such indebtedness. Such authority to borrow shall be limited to only funds from the U.S. Department of Agriculture Rural Utilities Service (RUS) made available on July 2, 2009 under the American Recovery and Reinvestment Act. This authorization to borrow money and incur indebtedness shall in no event exceed a total aggregate amount of ten million dollars (\$10,000,000.00) and shall be limited for the purposes set out in ASTCA’s application for funding dated August 21, 2009.”

Sec 2. Effective date.

Due to the urgent need to improve access to funding pursuant to the American Recovery and Reinvestment Act (ARRA) for loans and grants to help bring broadband service to un-served and underserved communities across America, with said funding intended to expand broadband access to help bridge the technological divide and create jobs building out Internet

infrastructure, this act shall be effective immediately upon passage by the Legislature and approval by the Governor.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 19th day of April 2010

Governor Of American Samoa

NOFOA'IGA TOLUSEFULU-TASI FONOFAITULAFONO AMERKA SAMOA

Fono Tele Lona Tolu

Nofoa ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulutasi o Ianuari
lua afe ma le sefulu

O SE TULAFONO E FA'ATAGAINA AI LE KOVANA E TU'U I LE PULEAGA O FESO'OTAIGA A LE MALO O AMERIKA SAMOA, I LE IGOA O LE MALO O AMERIKA SAMOA, E NONO AI TUPE MA NOFO AITALAFU AI INA IA FA'AAVANOA AI ALAGA TUPE MAUA I GAOIOIGA O LE TOE FA'AFOISIA O AMERIKA MA TOE INIVESI MO NONOGA TUPE MA TUPE FA'AAVANOA MAI E LE MALO TELE E FESOASOANI E TOE AUMAI AI TAUTUA LAUTELE I NU'U E LE'I O'O I AI MA NU'U E LE O ATOATOA LEA TAUTUA I AMERIKA, E AOFIA AI AMERIKA SAMOA; FA'AVAEINA SE MAGA 4.0140 T.T.A.S.

Fa'atomuaga:

TALUAI, ia Iulai 2, 2009, ua fa'alauiloa mai e le sui Peresetene o Biden le fa'aavanoaina i le ta'amilosaga muamua o tupe e fa miliona i lalo o gaoioiga o le fa'afoisia o Amerika ma toe inivesi (ARRA) mo nonoga tupe ma tupe fa'aavanoa (grants) e fesoasoani i le toe aumaia o tautua lautele i nu'u e le'i atoatoa lea tautua i totonu o Amerika, aofia ai ma Amerika Samoa, o le fa'amoemoega ina ia fa'alautele tautua lautele ni auala e fesoasoani e fausia ai mea tau tekonoleti ma maua ai galuega ua fa'atulagaina i mea tau initineti; ma

TALUAI, ina ia tele vave ona fa'alautele lea fesoasoani lautele mo tagata uma o Amerika Samoa, o le puleaga o feso'otaiga a le Malo o Amerika Samoa (ASTCA) latou te fa'auluina se fuafuaga manino mo tupe i lalo o le ARRA ina ia fa'alelei ai feso'otaiga i fafo ma le atunu'u atoa ma aiga, pau lea o le ala o feso'otaiga e feso'ota'i ai le motu o Tutuila, Aunu'u, ma motu o Manu'a; ma

TALUAI, le ofisa o Fa'atoaga ma Tautua Lautele o Amerika (RUS) latou te fa'afoeina le vaega o lea ta'milosaga o alaga tupe e ala i nonoga tupe, tupe fa'aavanoa (grants) po'o nonoga tupe ma tupe fa'aavanoa tu'ufa'atasi; ma

TALUAI, tasi le manaoga fa'avae, fa'ataua aofa'i sefulu mai le selau togi mo so'o se (RUS) talosaga, su'esu'e le tulaga o alaga tupe nono i le feso'otaiga ma alaga tupe nono (grants) ua fa'atalosagaina ma fa'amaumauga o nonoga tupe fa'atalosagaina; o lea, o pepa talosaga ua fa'atalosagaina 100% mo tupe nono o le agava'a mo le 10 togi mo lea manaoga, ae o pepa talosaga ua fa'atalosagaina le 100% mo alaga tupe fa'aavanoa (grants) e maua le 0 togi; ma

TALUAI, ia mafai ona sauniuni i togi i fa'amanuiaga i pepa talosaga, matagaluega o feso'otaiga ia atoatoa ona lelei le talosaga mo le nonogatupe-ma tupe fa'aavanoa (grants) tu'ufa'atasiga o le \$10,000,000.00 miliona mo le nonoga tupe ma le \$80,000,000.00 miliona tupe fa'aavanoa (grants).

Ona o le manaoga fa'anatinati ia fa'alelei ai auala e fesoasoani ai i gaoioiga i le toe fa'afo'isia o Amerika ma toe inivesi (ARRA) mo nonoga tupe ma tupe fa'aavanoa (grants) e fesoasoani e toe aumaia tautua lautele mo nu'u e le'i atoatoa lea tautua i Amerika, i ia alaga tupe ua fuafua e fa'alautele ai tautua lautele ni auala e fesoasoani e fausia ai mea tau tekonoleti ma maua ai galuega ua fa'atulagaina i mea tau initineti, o lea tulafono o le a taualoa vave pe a pasia e le Fonofaitulafono ma fa'amaonia e le Kovana

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:


Maga 1. Ua fa'avaeina se maga 4.0140 e faitauina fa'apea:

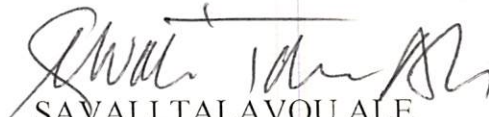
"4.0140 Fa'atagaina e nono tupe ma nofo aitalafu ai.


(a) O le Kovana ua fa'atagaina ina ia avea le puleaga o Feso'otaiga (ASTCA) i le igoa o le malo o Amerika Samoa, latou te nono ai tupe ma nofo aitalafu ai mo galuega ua fa'atulagaina, ma mokesi tofi, fa'amauina ma tu'u i ai puipuiga mo tupe tului i mea totino a le puleaga o Feso'otaiga (ASTCA) ma maua ai ni alaga tupe e puipuia ai le nofo aitalafu. O le fa'atagaina e nono ai tupe e tataua ona fa'atapula'a mo vaega tupe mai i le ofisa o fa'atoaga o Amerika (RUS) ua fa'aavanoa ia Iulai 2, 2009 i lalo o le gaoioiga toe fa'afo'i o Amerika ma toe inivesi. O le a fa'ataga e nono ai tupe mo nofo aitalafu ai e le mafai i so'o se tulaga ona sili atu ma le tapula'a atoa e sefulu miliona tala (\$10,000,000.00) ma ia limiti na'o tulaga ua fa'ataoto e le ASTCA's i lana talosaga mo alaga tupe ua tu'upoina Aokuso 21, 2009."

Maga 2. Aso taualoa.

Ona o le manaoga fa'anatinati e fa'alelei ala mo alaga tupe fa'atulagaina mo gaoioiga o le toe fa'afo'i o Amerika ma toe inivesi (ARRA) mo nonoga tupe ma tupe fa'aavanoa (grants) e fesoasoani e toe aumaia ai tautua lautele mo nu'u e le o o'o i ai lea tautua ma i nu'u e le o atoatoa lea tautua i Amerika, mo ia alagatupe ua fuafuaina e fa'alauetele ai tautua lautele e fesoasoani ai i mea tau tekonoloti ma maua ai galuega i fausaga o mea tau initineti, o lea tulafono e taualoa vave pe a pasia e le Fonofaitulafono ma fa'amaonia e le Kovana.


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Maualuga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui


Hereby Approved this 19th day of April 2010
Governor Of American Samoa