



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

House Chamber
September 21, 1987

I certify that House Bill No. 118 passed third reading on this date in the House of Representatives during its Second Regular Session of the Twentieth Legislature of American Samoa.

WALLY F. UTU
Chief Clerk
House of Representatives

Senate Chamber
September 24, 1987

I certify that House Bill No. 118 passed third reading on this date in the Senate during its Second Regular Session of the Twentieth Legislature of American Samoa.

for
MRS. SALLILO K. LEVI
Secretary of the Senate

OFFICE OF THE GOVERNOR

10/21

To: Gov.

From: Chief of Staff

Treasury Bill:

OK

Sign 2 ltrs

"

3 copies of bill

S/HR

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the thirteenth day of July
one thousand nine hundred and eighty seven

AN ACT CREATING A DEPARTMENT OF TREASURY; PROVIDING FOR THE POWERS AND DUTIES OF THE TREASURER; PROVIDING FOR A CLEARANCE FEE FOR NONCOMMERCIAL VESSELS AND A CUSTOMS ATTENDANCE FEE; STRENGTHENING THE CUSTOMS REGULATIONS; AMENDING SECTIONS 4.0301, 11.0401, 11.0404, 11.0407, 11.1001, 27.1001, 27.1002, 27.1003, 27.1004, 27.1010, 27.1011, 27.1013, 27.1014, 27.1015, 27.1016, 27.1025, 27.1029 AND 27.10331 ASCA; CREATING A NEW CHAPTER 05 UNDER TITLE 4 ASCA; AND CREATING A NEW SECTION 27.1001.1 ASCA."

PREAMBLE:

The government recognizes that its financial affairs under self-government are becoming increasingly complex and require separate and distinct focus and administration. Therefore, this legislation creates a Department of Treasury, and provides for the powers and duties of the Treasurer of American Samoa. This legislation further provides for a clearance fee for noncommercial vessels and a custom attendance fee as revenue measures and strengthens the customs regulations under the Treasurer's jurisdiction. This legislation also amends existing laws to appropriately conform to its purpose.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 4.0301 is amended to read:

"4.0301 Required departments.

(a) There are, within the Executive branch of the territorial government, the following departments:

- (1) a department of legal affairs;
- (2) a department of health;
- (3) a department of public works;
- (4) a department of education;
- (5) a department of agriculture;
- (6) a department of administrative services;
- (7) a department of port administration;
- (8) a department of local government;
- (9) a department of public safety;
- (10) a department of parks and recreation;

- (11) a department of human resources; and
- (12) a department of treasury.

(b) Each department has such responsibilities as are prescribed by law or assigned by the Governor."

Sec 2. 11.0401 is amended to read:

"11.0401 Substitution of terms.

In the application of this chapter and chapter 11.05, except where it is clearly otherwise required, the applicable provisions of the United States Internal Revenue Code of 1954 shall be read so as to substitute "American Samoa" for "United States", "~~Governor~~" "treasurer of American Samoa" for "Secretary or his delegate", "~~Governor~~" "treasurer of American Samoa" for "Commissioner of Internal Revenue" and "Collector of Internal Revenue", and "High Court" for "district court" and "tax court", with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this section."

Sec 3. 11.0404 is amended to read:

"11:0404 Administration and enforcement of income tax.

(a) The administration and enforcement of the American Samoa income tax shall be the responsibility of the treasurer of American Samoa under the general supervision of the Governor.

(b) The ~~Governor~~ treasurer shall have the same administrative and enforcement powers and remedies with regard to the American Samoa income tax as the Secretary of the Treasury, and other United States officials of the Executive branch, have with regard to the United States income tax.

(c) ~~Needful~~ Rules needed for enforcement of the Income Tax Act shall be prescribed by the ~~Governor~~ treasurer.

(d) The ~~Governor~~ treasurer shall have authority to issue, ~~from-time-to-time,--in-whole-or-in-part,~~ as needed, all or a part of the text of income tax laws in force pursuant to this chapter, but the failure to exercise such authority may not prejudice or limit the application of the laws so in force."

Sec 4. 11.0407 is amended to read:

"11.0407 Income tax reserve account.

(a) The ~~Governor~~ treasurer of American Samoa shall establish an "Income Tax Reserve Account" promptly upon the enactment of the Samoan Income Tax Act and shall deposit in such account 25% of all corporate income taxes, as and when collected, unless at the time of collection the reserve account has a net balance of not less than \$1,000,000.

(b) The reserve account shall constitute a trust fund out of which refunds and other adjustments shall be made in favor of any corporation subject to the Samoan Income Tax Act.

(c) The money in the reserve account shall remain in a segregated status unless the Legislature of American Samoa authorizes its use for other purposes and provides for reimbursement of the account as and when needed."

Sec 5. 11.1001 is amended to read:

11.1001 Imposition--Basis for computation--Conditional release.

(a) ~~Effective-31-May-1967,~~ An excise tax shall be levied and paid at the point of entry, on the items listed in 11.1002.

(b) The basis for computing the tax is the purchase price of the items, except for certain petroleum products, ~~for which the basis shall be gallon,~~ and shall include costs, charges, and expenses incident to placing the items in condition, packed and ready for shipment to American Samoa. The basis for computing the tax on certain petroleum products shall be gallons. Freight charges, insurance, and other shipping expenses may shall not be included in the basis for computing the tax.

(c) All items released by customs officers as duty free at the time of entry shall be entered as conditionally duty free and subject to duty if within 90 days of entry it is discovered that the items should have been taxed."

Sec 6. 27.1001 is amended to read:

27.1001 Definitions.

As used in this chapter, ~~the following words have the following meanings:~~ unless the context clearly requires otherwise:

(a) "Agent" means the duly authorized representative of the owners of a vessel, aircraft or merchandise.

(b) "Aircraft" means every type of aircraft used or capable of being used as a means of transportation by air.

(c) "Baggage" means all trunks, boxes, suitcases, parcels or other luggage not included in the manifest of the ship or aircraft.

(d) "Captain" "commander" or "pilot" of an aircraft means that person serving on the aircraft who has charge or command of its operation or navigation.

(e) "Captain" or "master" of a ship means the person in command of a ship for the time being, but does not include a harbor pilot.

(f) "Commercial vessel" means a vessel engaged in the transportation of passengers or property in commerce from port to port between one state, territory, district or possession of the United States, or foreign country and any other state, territory, district or possession of the United States, or between places in American Samoa.

~~(f)~~(g) "Consignee" means the person to whom goods or merchandise are consigned, or whose name appears on the bill of lading.

~~(g)~~(h) "Entry" has two meanings: first, compliance with the legal requirements for the entering of a ship into the harbor; and second, the filing of documents and completion of transactions necessary to secure the release of merchandise from customs control.

~~(h)~~(i) "Foreign" means any place beyond the limits of American Samoa.

~~(i)~~(j) "Merchandise" means goods, wares, and chattels of every description, and includes merchandise the importation of which is prohibited.

~~(j)~~(k) "Owner" includes the person or persons legally having possession of a vessel, aircraft or merchandise, or his or their agents, and includes partnerships, associations and corporations.

~~(k)~~(l) "Passenger" means any person carried on a vessel or aircraft who is not connected with the vessel or aircraft, or its navigation, ownership, or business, and whose name appears on the passenger list.

~~(l)~~(m) "Port director" means the director of port administration.

~~(m)~~(o) "Vessel" means aircraft and every type of watercraft or other contrivance used or capable of being used as a means of transportation on water."

Sec 7. 27.1002 is amended to read:

27.1002 Inspection of persons and incoming merchandise and baggage.

(a) All persons entering or leaving American Samoa may be searched by a customs officer. All merchandise and baggage imported or brought into American Samoa from any foreign country shall be unladen in the presence of, and inspected by, a customs officer, and that officer may require the owner or his agent or other person having charge or possession of any trunk, travelling bag, sack, valise or other container, or any closed vehicle, to open it for inspection.

(b) Without a search warrant but upon reasonable cause to suspect that the mail contains dutiable or prohibited items, designated customs officers of American Samoa may open or inspect the contents of mail in the customs inspection of mail which has originated outside the customs territory of American Samoa and is addressed for delivery inside American Samoa.

(c) The inspections may be conducted only in accordance with part 820, USPS Publication 42, International Mail, relating to cooperation with the U.S. Customs Service on inspection of imports.

(d) Unless any of the following actions are authorized by a search warrant issued under Rule 41 of the Federal Rules of Criminal Procedure, No customs personnel may read, allow

any other person to read, divulge, or transfer to any other person any correspondence contained in sealed mail; ~~nor may customs personnel or~~ divulge, read, allow any other person to read or listen to, transfer to any other person, or knowingly listen to any paper or recording which is correspondence for the blind contained in unsealed mail; ~~nor may customs personnel or~~ divulge, read, allow any other person to read, or transfer to any other person correspondence of school children ~~permitted transmission in unsealed mail, unless that action is authorized by a search warrant issued under Rule 41 of the Federal Rules of Criminal Procedure.~~

(e) No customs personnel may, without a search warrant, open, inspect, read, or seize any mail in postal custody which has not originated outside American Samoa or which has diplomatic or consular immunity from customs inspection (USPS Publication 42, International Mail; sections 821.1a and 821.1b)."

Sec 8. 27.1003 is amended to read:

"27.1003 Landing certificate.

(a) The master of any vessel ~~or aircraft~~ may not allow to be landed, land, or receive passengers, baggage, goods, or merchandise without a certificate from the ~~port director~~ treasurer, enumerating the persons or articles to be landed or received and indicating the place of landing and receiving.

(b) The treasurer shall provide the port director a copy of the certificate."

Sec 9. 27.1004 is amended to read:

"27.1004 Production of documents by entering or leaving vessels ~~and aircraft~~.

(a) A vessel ~~or aircraft~~ entering or leaving American Samoa must produce on demand of the ~~port director~~ treasurer:

- (1) clearance from last port;
- (2) registry certificate;
- (3) manifest, freight list, bills of lading, and other accounts of merchandise;
- (4) bills of health;
- (5) list of passengers;
- (6) list of crew;
- (7) shipping articles; /
- (8) ship's license;
- (9) such other papers as may be required for proper entry or departure.

(b) No passengers or cargo may be landed or loaded until the papers requested have been produced and certified to be correct.

(c) The treasurer shall provide the port director a copy of the certificate."

Sec 10. 27.1010 is amended to read:

"27.1010 Custody of imports.

All imports destined for American Samoa shall be landed and removed by the carrier to a warehouse or other suitable place which the port director shall provide, shall be taken into custody there by the ~~port-director~~ treasurer, and shall be released only on ~~his~~ the treasurer's order."

Sec 11. 27.1011 is amended to read:

"27.1011 Vessel to vessel transfer.

(a) A vessel may transfer, free of duty, to another vessel of the same line, bunker fuels, sea stores, ships stores or equipment, under the supervision of the port director.

(b) Other transfers may be authorized by the ~~port director~~ treasurer, subject to the payment of all charges due."

Sec 12. 27.1013 is amended to read:

"27.1013 Furnishing of invoices of ~~port-director~~ treasurer.

The receiver of any goods imported into American Samoa shall within 72 hours after arrival give the ~~port-director~~ treasurer a list of the goods, verified under oath, showing kind, quality, purchase price and charges incident to purchase and transportation. The ~~port-director~~ treasurer may waive the list when the value of the goods for custom duty purposes is \$50 or less."

Sec 13. 27.1014 is amended to read:

"27.1014 Customs officers service fees.

(a) Charges shall be collected for services of customs officers from the owner, master or agent of a vessel as follows:

(1) attendance of customs officers at any place other than port of entry, per day, ~~\$10.00~~ \$15.00;

(2) attendance of customs officers outside of regular business hours, per hour, \$7.50;

(3) granting clearance to commercial vessels ~~or-air-~~ craft, per entry and per departure, \$3.00;

(4) granting clearance to noncommercial vessels, per entry and per departure, \$25.00.

(b) The schedule of charges in ~~(1)-and-(2)~~ paragraphs (a)(1) and (a)(2) contemplates that those charges are calculated per man/per hour, or per man/per day, provided that where attendance of customs officers as to paragraph (a)(1) is required off-island-~~(Tutuila Island)~~, that the cost of travel, per diem, or other costs, including overtime, will be charged to and collected from whomsoever requires such off-island attendance of customs officer-or officers."

Sec 14. 27.1015 is amended to read:

27.1015 Release of imports.

(a) Except as otherwise provided in this section, no imports may be released from the ~~possession~~ custody of the ~~port-director~~ treasurer until all excise taxes and charges that may become due before delivery have been paid to the treasurer, and the agent of the vessel ~~or aircraft~~ has authorized delivery.

(b) Imports may be released before the payment of the excise taxes and charges due if the importer either:

(1) files with the treasurer a general declaration, together with freight bill, bill of lading and invoices, covering all charges due on the basis of such papers (invoices may be returned for the convenience of the importer, but must be produced again with the final declaration); or

(2) files with the treasurer an authorization from the carrier to make delivery, and deposits an amount equal to one and one-half times the excise tax charges based upon the actual estimated value of the taxable imports, as estimated by the ~~port-director~~ treasurer."

Sec 15. 27.1016 is amended to read:

27.1016 Unclaimed merchandise--Sale or destruction--
Redemption.

(a) Any entered or unentered merchandise which remains in customs custody for a period of 90 days from the date of importation without the payment of excise taxes, storage or other charges thereon shall be considered unclaimed and abandoned to the government and shall be sold by the customs officer at public auction.

(b) Merchandise liable to depreciation in value by damage, leakage, or other causes to such extent that the proceeds of sale thereof may be insufficient to pay the duties, storage, and other charges if permitted to remain in customs custody for a period of 90 days may be sold forthwith.

(c) Merchandise subject to sale under this section may be withdrawn at any time prior to such sale upon payment of all duties, storage and other charges and expenses that may have accrued.

(d) Any merchandise abandoned, unclaimed, or forfeited to the government under the provisions of this chapter, and which the ~~port-director~~ treasurer shall be satisfied will not sell for a sufficient amount to pay such charges, shall forthwith be destroyed, rather than sold at auction."

Sec 16. 27.1025 is amended to read:

"27.1025 Losses caused by acts of God.

Neither the Governer government, nor the customs department, nor any official or employee of the government is liable or responsible for the loss, damage or destruction of any property, goods or merchandise caused by or resulting from an act of God, including but not limited to fire, flood, earthquake or hurricane."

Sec 17. 27.1029 is amended to read:

"27.1029 Authority to prescribe ~~regulations~~ rules and forms.

The ~~port-directer~~ treasurer may make ~~regulations~~ rules and prescribe forms needed to carry out the provisions of this chapter."

Sec 18. 27.1031 is amended to read:

"27.1031 Violation--Penalty.

In addition to the civil penalties provided within this chapter, a person convicted of violating or attempting to violate any regulation provision in this chapter shall be is guilty of a class B misdemeanor and upon conviction shall be sentenced accordingly; and goods or vessels in any way connected with any breach or attempted breach of any regulation provision in this chapter may be seized by the ~~port-directer~~ treasurer and declared forfeited by the court for the benefit of the government. The forfeited goods or vessel may, upon the order of the court, be sold at public auction at such time and place as the court shall order."

Sec 19. There is created a new chapter 05 under Title 4 ASCA which reads:

"Chapter 05

DEPARTMENT OF TREASURY

Sections:

- 4.0401 Department of treasury.
- 4.0402 Treasurer of American Samoa.
- 4.0403 Treasurer--Power and duties.
- 4.0404 Uniform accounting.
- 4.0405 Annual financial report.
- 4.0406 Rules.

4.0401 Department of treasury.

There is established within the Executive branch of the government a department of treasury, headed by the treasurer of American Samoa.

4.0402 Treasurer of American Samoa.

The treasurer of American Samoa shall possess sufficient professional qualifications and experience in governmental finance and accounting, or equivalent private sector experience, to carry out the purposes of this chapter.

4.0503 Treasury--Powers and duties.

(a) Unless otherwise provided by law, the treasurer has the powers and duties to:

- (1) collect and deposit all locally raised revenues from any source, including income taxes, excise taxes, other taxes, license fees and payments for services;
- (2) receive and deposit all funds from the federal government and any other sources;
- (3) disburse funds pursuant to authority of law;
- (4) establish and maintain the books of account of the government;
- (5) provide and administer the financial management system of the government;
- (6) manage trust funds and related receipts of the government;
- (7) establish and maintain special revenue and disbursement accounts on behalf of public corporations of the government;
- (8) provide financial data to the Governor, Legislature, departments, offices, and other agencies of the government;
- (9) supervise and manage the government financial management information system;
- (10) conduct customs and baggage inspections and other related matters; and
- (11) engage in all other activities which may be reasonably necessary or incidental to carrying out the provisions of this chapter.

(b) Nothing in this section prevents departments, offices or other agencies of the government from collecting revenues with the approval of the treasurer. Unless otherwise provided by law, all receipts so collected shall be transmitted to the department of treasury.

4.0504 Uniform accounting.

The treasurer, with the concurrence of the territorial auditor, shall establish a uniform system of accounting. An accrual method of accounting that meets generally accepted principles of governmental accounting must be maintained.

4.0505 Annual report.

Promptly after the close of each fiscal year, the treasurer shall publish and issue a detailed report on the financial affairs of the government for such fiscal year and submit copies to the Governor, Legislature and territorial auditor.

4.0506 Rules.

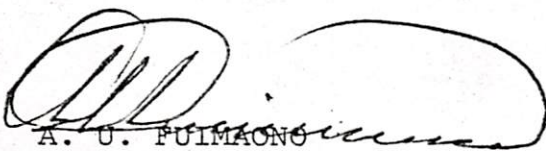
The treasurer shall adopt rules pursuant to section 4.1001 ASCA et seq. to accomplish the purposes of this chapter."

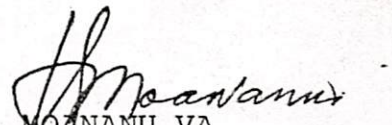
Sec 20. There is created a new section 27.1001.1 which reads:

"27.1001.1 Security at ports and airports.

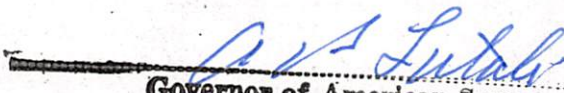
(a) The treasurer is responsible for establishing controls and maintaining security over merchandise warehouses at ports and airports.

(b) Except as provided in subsection (a), the port director is responsible for maintaining security for entry to, exit from and with in, ports and airports."


A. U. FULMAONO
President Pro Tempore


MOANANU VA
Vice-Speaker, House
of Representatives

Hereby Approved this 20th day of October, 19 87


Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Lua

Nofolia ma usuia i Fagatogo, Tutuila, Amerika Samoa
 Aso Gafua, aso sefulutolu o Iulai
 tasi le afe iva selau valusefulufitu

O SE TULAFONO E FA'AVAEINA SE MATAGALUEGA O LE TEUTUPE; SAUNIA MO LE MALOSI MA TIUTE O LE TEUTUPE; SAUNIA MO LE TUPE TOTOGI MALAGA O VA'A E LE O NI VA'A PISINISI MA LE TOTOGI O TAGATA O LE TUPE; FA'AMALOSIA POLOAIGA A LE TIUTE; SUIA MAGA 4.0301, 11.0401, 11.0404, 11.0407, 11.1001, 27.1001, 27.1002, 27.1003, 27.1004, 27.1010, 27.1011, 27.1013, 27.1014, 27.1015, 27.1016, 27.1025, 27.1029 MA LE 27.1031 TFAS; FA'AVAEINA SE MATAUPU FOU 05 I LALO O LE VAEGA 4 TFAS; MA FA'AVAEINA SE MAGA FOU 27.1001.1 TFAS.

FA'ATOMUAGA:

Ua silafia e le malo o ana galuega tau tupe i lalo o malo pulea e i latou ua aga'i ina leveleve ma mana'omia se maelega maoti tulaga ese ma pulega. O le mea lea, o lenei tulafono e fa'avaeina se Matagaluega o le Teutupe, ma saunia mo malosi ma tiute o le Teutupe o Amerika Samoa. O lenei tulafono fo'i e saunia mo se tupe totogi o va'a femalagaa'i e le o ni va'a pisinisi ma le totogi o tagata galulue ai o le tiute e avea ma pili su'etupe ma fa'amalosi poloaiga a le tiute i lalo o le pulega a le Teutupe. O lenei Tulafono fo'i e suia ai tulafono o iai nei ina ia o gatasi ma ona mafuaaga.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 4.0301 ua suia e fa'afaitauina:

"4.0301 Matagaluega mana'omia.

- (a) Ua iai, i totonu o le Lalā Fa'amalosi tulafono o le malo o le teritori, matagaluega ua fa'aalia i lalo:
- (1) se matagaluega o mataupu tau le tulafono;
 - (2) se matagaluega o le soifua;
 - (3) se matagaluega o galuega lautele;
 - (4) se matagaluega o a'oga;
 - (5) se matagaluega o fa'atoaga;
 - (6) se matagaluega pulega lautele;
 - (7) se matagaluega pulega taulaga;
 - (8) se matagaluega malo lotoifale;
 - (9) se matagaluega saogalemu lautele;
 - (10) se matagaluega o paka ma fa'afiafiaga;
 - (11) se matagaluega o tagata faigaluega, ma
 - (12) se matagaluega o le tupe.

(e) O matagaluega ta'itasi ua iai ia fatuaiga e pei ona fa'amatalaina e le tulafono pe atofaina iai e le Kovana."

Maga 2. 11.0401 ua suia e faitauina:

"11.0401 Fesuaiaiga o fa'aupuga.

I le fa'aaogaina o lenei mataupu, ma le mataupu 11.05, vagana ua iai se isi fa'aupuga manino mana'omia, o aiaiga e tataua iai o le Tusi Tulafono o Lafoga Iunaite Setete 1954 ia faitauina ina ia sui ai "Amerika Samoa" mo le "Iunaite Setete", "Kevana" "teutupe o Amerika Samoa" mo "Failautusi po'o lona sui", "Kevana" "teutupe o Amerika Samoa" mo "Komesina o Lafoga", ma le "Aotupe o Lafoga, ma le "Fa'amasinoga Sili" mo "fa'amasinoga falelima" ma le "fa'amasinoga lafoga", fa'atasi ma isi suiga i igoa ma isi fa'aupuga, e aofia ai ona tu'uese o fa'aupuga e le talafeagai, pe afai e mana'omia e fa'ataunu'u ai le 'aano moni o lenei maga."

Maga 3. 11.0404 ua suia e faitauina:

"11.0404 Pulega ma le fa'amalosiga o lafoga o totogi.

(a) O le pulega ma le fa'amalosiga o lafoga o totogi i Amerika Samoa ua avea ma fatuaiga o le teutupe o Amerika Samoa i lalo o le va'avaaiga lautele a le Kevana.

(e) O le Kevana teutupe ua iai fo'i lea lava malosi o le pulega ma fa'amalosiga ma iuga e tusa ma lafoga o totogi o Amerika Samoa e avea ma Failautusi o le Tupe, ma isi ofisa o le Iunaite Setete o le Lala fa'amalosi tulafono, ua iai e tusa ma lafoga i totogi o le Iunaite Setete.

(i) Mana'omia Tulafono mana'omia mo le fa'amalosiga o le Tulafono Lafoga o totogi ia fa'atulagaina e le Kevana teutupe.

(o) O le Kevana teutupe ua iai le pule e tu'uina atu, mai-lea-taimi-ma-lea-taimi, i-se-vaega-pe-le-mea-ate, pe a mana'omia i mea uma po'o vaega o le fa'aupuga o tulafono o lafoga o totogi o lo'o fa'aaogaina e tusa ma lenei mataupu, ae afai e le faia lena pule e le fa'aailoga pe fa'amuta ai ona fa'aaoga o tulafono o lo'o fa'aaogaina."

Maga 4. 11.0407 ua suia e faitauina:

"11.0407 Teugatupe fa'aleoleo lafoga o totogi.

(a) O le Kevana teutupe o Amerika Samoa ia fa'atuina se "Teugatupe Fa'aleoleo Lafoga o Totogi" i le se taimi vave pe a taualoaina le Tulafono Lafoga o Totogi Samoa ma lafoina i lea teugatupe le 25% o lafoga Kamupani tetele uma, ma pe a aoina, vagana i le taimi e aoina ai le teugatupe fa'aleoleo ua iai se paleni e le itiiti i le \$1,000,000.

(e) O le teugatupe fa'aleoleo ia iai se tupe tausī e aumai fa'afo'i ma isi fa'asaoga e lagolagoina so'o se kamupani tele e usita'i i Tulafono Lafoga o Totogi i Samoa.

(i) O le tupe i le teugatupe fa'aleoleo ia tumau pea ona tu'uese i se tulaga fa'apea vagana ua fa'ataga e le Fono-faitulafono o Amerika Samoa lona fa'aaogaina mo isi mafuaaga ma saunia e toe totogi atu le teugatupe pe a mana'omia."

Maga 5. 11.1001 ua suia e faitauina:

"11.1001 Fa'ae'eina--Fa'avae o le fua--Aveesea i se mafuaaga.

(a) Faualea-31-Me-1967, O se lafoga tau o mea ia fa'a-e'eina ma totogi atu, i le nofoaga taunu'u, i mea ua tusia i le 11.1002.

(e) O le fa'avae mo le fuafuaina o le lafoga o le tau e fa'atau mai ai o se mea, vagana nisi oloa suau'u, e-lea tulaga-e-le-fua-e-fa'aaoga-kalene, ma ia aofia ai, lona tau, tupe fa'ae'e, ma tupe fa'aaoga i le tu'uina o oloa i o latou tulaga, tu'upusa ma sauni e auina i Amerika Samoa. O le fua mo le fuafuaina o le lafoga i nisi oloa suau'u e fa'a-tatau i kalone. Totogi o va'a, inisiua, ma isi tupe fa'ae'e mai ai e-mafai ia le aofia i le fa'avae mo le fuafuaina o le lafoga.

(i) O mea uma e aveesea e ofisa o le tiute e leai se tiute i le taimi sa ulufale mai ai e ulufale mai pea e aunoa ma se tiute ma e mafai ona fa'ae'e iai le tiute pe afai o le 90 aso talu ona taunu'u mai ae ua toe maua fa'apea o mea ia sa tatau ona fa'alafogaina."

Maga 6. 27.1001 ua suia e faitauina:

"27.1001 Fa'amatalaga.

E pei ona fa'aaoga i lenei mataupu, e-upu-e-sese'e-ai-e tatau-uiga vagana ua iai se isi fa'aupuga mana'omia e ese ai:

(a) "Sui" o lona uiga o se sui moni fa'atagaina o le tagata e ona le va'a, va'alele po'o oloa.

(e) "Va'alele" o lona uiga o ituaiga va'alele eseese e fa'aaoga pe mafai ona faia ai o fela'uaiga i le ea.

(i) "Pusa" o lona uiga o pusa, atigipusa, atopa'u tetele, afifi po'o isi afifi e le o aofia i le lisi o le pasese a le va'a po'o va'alele.

(o) "Kapeteni", "ta'ita'i" po'o "pailate" o se va'alele o lona uiga o le tagata o lo'o galue i le va'alele o lo'o ta'ita'i pe fa'atonutonu ana galuega po'o folauga.

(u) "Kapeteni" po'o "ali'iva'a" o se va'a o lona uiga o le tagata o lo'o vaaia le va'a mo se taimi, ae le aofia ai le ofisa fa'aofi va'a.

(f) "Va'a pisinisi" o lona uiga o se va'a o lo'o galue i le fela'uaiga o pasese po'o meatotino i fefa'atauiga mai lea taulaga i lea taulaga i le va o le tasi setete, teritori, falelima po'o nu'u e pulea e le Iunaite Setete, po'o se malo ese, ma so'o se isi lava setete, teritori, falelima po'o nu'u e pulea e le Iunaite Setete, po'o atunu'u ese, po'o le va o nu'u i Amerika Samoa.

{f}(g) "Tagata e ona oloa" o lona uiga o le tagata e ave iai oloa po'o mea fa'atau e ave iai, po'o le tagata o lo'o tusia lona goa i le pili taunu'u mai o uta.

{g}(1) "Ulufale" e lua ona uiga: muamua, usita'i i manaoga o le tulafono mo le ulufale mai o se va'a i totonu o le taulaga; ma lona lua, o le fa'auluina o pepa ma fa'amae'aina o galuega pisinisi mana'omia ina ia mafai ai ona aveesea o uta oloa mai le vaaiga a le tiute.

{i}(m) "Nu'u ese" o lona uiga so'o se nofoaga i fafo o Amerika Samoa.

{m}(n) "Oloa" o lona uiga o uta oloa, mea-fa'atau, ma mea eseese o so'o se ituaiga, ma e aofia ai oloa e fa'asaina ona aumai iinei.

{n}(p) "Tagata e ona" e aofia ai le tagata po'o tagata ua ia te ia e tusa ma le tulafono le pule o se va'a, va'alele po'o oloa o lona sui po'o latou sui, ma e aofia ai pisinisi pulea to'alua, fa'alapotopotoga ma pisinisi pulea to'atele.

{p}(s) "Pasese" o lona uiga so'o se tagata e feavea'i i luga o se va'a po'o va'alele e leai se faia ma le va'a po'o va'alele, po'o lona fa'afoeina, pule, po'o pisinisi, ma o lona igoa o lo'o tusia i le lisi o tagata pasese.

{s}(t) "Fa'atonu o le taulaga" o lona uiga o le fa'atonu pulega o le taulaga.

{t}(v) "Teutupe" o lona uiga o le teutupe o Amerika Samoa.

{v}(aa) "Va'a" o lona uiga va'alele ma ituaiga ta'itasi o va'a feoa'i i le sami po'o isi ituaiga fela'uaiga e fa'aaoga pe mafai ona faia ai fela'uaiga i le vasa."

Maga 7. 27.1002 ua suia e faitauina:

"27.1002 Suega o tagata ma oloa ma uta taunu'u mai.

(a) O tagata uma e ulufale mai pe tuua Amerika Samoa e mafai ona su'eina e ofisa o le tiute. O oloa uma ma uta e aumai i totonu pe aumai i Amerika Samoa mai so'o se atunu'u ese ia tatala ma su'eina a'o iai, ma su'eina e se ofisa o le tiute, ma o lona ofisa e mafai ona fesiligia le tagata e ona oloa po'o lona sui po'o isi tagata o iai le va'aaiga pe umia so'o se pusa, ato malaga, taga, ato ta'ita'i po'o isi taga, pe so'o se ta'avale o tapunia, e tatalaina ia mea mo le su'eina.

(e) E aunoa ma se fa'atonuga e su'eina ae afai e iai se masalosologa tataua masalomia ai le meli atonu e iai i mea e tataua ona tiute pe fa'asaina, o ofisa tofia o le tiute o Amerika Samoa e mafai ona tatalaina ma su'eina mea o i meli i le suega a le tiute o le meli sa auina mai fafo o le teritori o Amerika Samoa ma o lo'o fa'atuatusi mo le tu'uina atu i totonu o Amerika Samoa.

(i) O suega e mafai ona faia na'o vaega e tusa ma le 820 USPS Lomiga 42, Meli va o malo, e uiga i le maliliega ma Galuega o le Tiute a le Iunaite Setete i le suega o oloa aumai i totonu.

(o) Vagana so'o se mea ua fa'ailoa i lalo ua fa'atagaina i le fa'atagaga e su'eina i lalo o le Poloaiga 41 o Taulumaga Malo Tele Solitulafono, e leai se tagata faigaluega o le tiute

e mafai ona faitauina, fa'ataga so'o se isi lava tagata e faitau, ta'u atu, pe fa'ailoa i se isi lava tagata so'o se feso'otaiga tusitusia i se meli ua fa'amauiina; pe-mafai-e tagata-faigaluega-e-le-tiute pe fa'ailoa, faitau, pe fa'ataga so'o se isi lava tagata e faitau pe fa'alogo iai, pe feavea'i i se isi lava tagata, pe fa'alogologo ma le iloa i so'o se pepa po'o se ripine pu'eina o feso'otaiga mo tagata tauaso o lo'o i totonu o se meli e le fa'apipi'i; pe-mafai-e se-le-se-tagata-faigaluega-e-le-tiute pe fa'ailoa, faitau, fa'ataga so'o se isi lava tagata e faitau, pe avatu i so'o se isi lava tagata feso'otaiga o tamaiti a'oga fa'ataga-ena fesuia'i i meli e le fa'apipi'iina vagana-e-iena-galuega-ua fa'atagaina-i-le-poleaiga-e-su'eina-ai-ua-tusia-i-lalo-e-le Poleaiga-14-o-Taualumaga-Malo-Tele-Poleaiga-Solitulafene.

(u) E leai ni tagata faigaluega o le tiute e mafai, e aunoa ma se poleaiga su'eina, ona tatala, su'eina, faitau, pe tapaina so'o se meli o lo'o tausia e le falema'i e le'i ulua'i auina mai fafo o Amerika Samoa pe iai se fa'agafuaga va o malo pe fa'akonesula mai suega a le tiute (Lomiga USPS 42, Meli Va o Malo, maga 821.1a ma le 821.1e)."

Maga 8. 27.1003 ua suia e faitauina:

"27.1003 Pepa fa'amaonia taunu'u mai.

(a) O le ali'iva'a o so'o se va'a pe'e-va'alele e le mafai ona fa'ataga ona tu laueleele, pe tu laueleele, pe talia pasese, ato malaga, oloa, po'o mea fa'atau e aunoa ma se pepa fa'amaonia mai le fa'atonu-e-taulaga teutupe, e fa'amatala mai ai tagata po'o e ua fia tulaueleele pe taliaina ma fa'ailoa mai le nofoaga e tu laueleele ai ma talia ai.

(e) O le teutupe ia saunia mo le fa'atonu o taulaga se kope o le pepa fa'amaonia."

Maga 9. 27.1004 ua suia e faitauina:

"27.1004 Saunia o pepa o va'a taunu'u pe malaga ese ma va'alele.

(a) O se va'a pe'e-va'alele e ulufale mai pe tuua Amerika Samoa e tatau ona saunia pe a tapaina mai e le fa'atonu-e-taulaga teutupe:

- (1) pepa fa'amaonia mai le taulaga mulimuli sa iai;
- (2) pepa fa'amauiina o le va'a;
- (3) tala o le malaga, lisi o le uta, pili e taula ai, ma pepa o oloa;
- (4) tala pe iai se fa'ama'i;
- (5) lisi o tagata pasese;
- (6) lisi o le auva'a;
- (7) mea o lo'o aumai i le va'a;
- (8) laisene o le va'a;
- (9) isi lava pepa e mana'omia mo le taunu'u mai ma le tu'uva'a atu.

(e) E leai ni pasese po'o uta e mafai ona tulaueleele pe la'uina vagana ua manino uma pepa mana'omia ma ua sa'o le pepa fa'amaonia.

(i) O le teutupe ia saunia i le fa'atonu o taulaga se kope o le pepa fa'amaonia."

Maga 10. 27.1010 ua suia e faitauina:

"27.1010 Tausiga o mea aumai i totonu.

O mea uma e auina mai mo Amerika Samoa ia tulaueleele ma aveesea e le Kamupani e ona le va'a i se faleteu oloa po'o isi nofoaga tataua ua saunia e le fa'atonu o taulaga, ma ia tu'uina iai e le fa'atonu-e-taulaga teutupe, ma ia aveesea tau lava e-lona le fa'atonuga a le teutupe."

Maga 11. 27.1011 ua suia e faitauina:

"27.1011 Fesuia'i mai le isi va'a i le isi va'a.

(a) O se va'a e mafai ona fesuia'i, e aunoa ma se tiute, i se isi va'a o lea lava kamupani, suau'u, faleoloa o le sami, faleoloa o va'a po'o mea faigaluega, i le va'avaaiga a le fa'atonu o taulaga.

(e) O isi fesuiaiga e mafai ona fa'atagaina e le fa'atonu-e-taulaga teutupe, pe a uma ona totogia o tupe e tataua ona totogi."

Maga 12. 27.1013 ua suia e faitauina:

"27.1013 Saunia pepa oloa i le fa'atonu-e-taulaga teutupe.

O le tagata e talia so'o se oloa e aumai i Amerika Samoa ia faia i le 72 itula pe a uma ona taunu'u mai e tu'uina atu i le fa'atonu-e-taulaga teutupe se lisi o oloa, fa'amaonia i lalo o tautoga, e faailoa ituaiga, anagata, tau sa faatau mai ai ma tupe fa'ae'e i le faatauina ma le tau ole fela'uaiga. O le fa'atonu-e-taulaga teutupe e mafai ona faagafua le lisi pe afai ole tau o oloa mo ofisa o le tiute e \$50 pe itiiti."

Maga 13. 27.1014 ua suia e faitauina:

"27.1014 Totogi o galuega ofisa o le tiute.

(a) O tupe fa'ae'e ia aoina mo galuega a ofisa o le tiute mai le tagata e ona ia oloa, aliivaa poo le sui o le vaa e pei ona fa'aalia i lalo:

(1) galue o ofisa o le tiute i soo se nofoaga e le ole uafu sa tulaueleele ai, ile aso e tasi, ~~\$10.00~~ \$15.00;

(2) galue o ofisa ole tiute i tala atu o itula masani, i le itula e tasi, \$7.50;

(3) tu'uina atu fa'atagaga i vaa pisinisi paa-vaaalele, i le taunu'u mai e tasi pe fa'ae'e e tasi, \$3.00;

(4) tu'uina atu faatagaga i vaa e le oni vaa pisinisi, i le taunu'u e tasi pe fa'ae'e tasi, \$25.00;

~~{5}--tupe-totogi-ele-galue-ele-tiute-e-l%-mo-le-vaaia-o pepa-aumai-iinei-mai-luga-ele-fuafuaga-e-tau-a-ofisa-ele-tiute e-elea-sa-aumai-~~

(e) O le fa'atulagaga o tupe totogi i parakalafa ~~{1}~~ma ~~le-{2}~~ (a) (1) ma le (a) (2) ua fuafua faapea o ia tupe e tusa ole tagata e tasi i le itula, pe tasi le tagata ile aso e tasi, pe afai sa iai ni ofisa ole tiute e tusa o le karakalafa (a) (1) e mana'omia i fafo e-le-motu ~~{Tutuila}~~ o le tau

o malaga, tupe tausi, po'o isi tau, e aofia taimi ova, o le a fa'ae'e i ma aoina mai se tasi e mana'omia lea galue i fafo o ofisa pe'e-ni-ofisa o le tiute."

Maga 14. 27.1015 ua suia e faitauina:

"27.1015 Aveesea oloa aumai iinei.

(a) Vagana ua iai se isi aiaiga i lenei maga, e leai ni oloa aumai i totonu e mafai ona aveesea mai le pule tausiga a le fa'atenu-e-taulaga teutupe vagana ua totogi uma lafoga tau o oloa e tatau ona totogia a'o le'i tufaina atu ma ua totogi i le teugatupe, ma o le sui o le va'a pe'e va'atelele ua fa'atagaina e tu'uina atu.

(e) Oloa mai fafo e mafai ona aveesea a'o le'i totogi lafoga fa'ae'e ua tatau ai pe afai o le tagata sa aumai ua:

(1) failaina i le teutupe se fa'asalalauga lautele, fa'atasi ma le pili o le uta, pili o oloa uma ma tupe totogi, e aofia ai tupe totogi mai tulaga o ia pepa (e mafai ona fa'afo'i pepa e faigofie i le tagata sa aumai, ae tatau ona toe faia ni kope i le iuga); pe

(2) failaina i le teutupe se fa'atagaga mai le kamupani va'a e tu'uina atu, ma lafoina le aofa'i e tusa o le tasi ma le afa fa'atele i le lafoga fa'ae'e e fuafua i le tau o oloa aumai fafo, e pei ona fuafuaina e le fa'atenu-e-taulaga teutupe."

Maga 15. 27.1016 ua suia e faitauina:

"27.1016 Oloa ua le aveesea--Fa'atau pe fa'atama'i--Toe totogi.

(a) So'o se oloa e ulufale mai pe le ulufale mai e teu i le tiute mo le va'avaaiga mo le 90 aso mai le aso sa tu'uina mai ai e aunoa ma le totogia o lafoga fa'ae'e, totogi o le teuina ma isi tupe e taua o oloa ua le aveesea ma lafoa'i atu i le malo ma ia fa'atau atu e ofisa o le tiute i le fa'atautu'i lautele.

(e) O oloa e agava'a i le fa'aitiitia o le tau ona ua lega, mama, po'o isi mafuaaga afai e fa'atau atu e itiiti le tupe e maua ai e totogi ai le tiute, teuina, ma isi tupe fa'ae'e fa'atagaina e teu ai i le tausiga a le tiute mo le 90 aso e mafai ona fa'atau atu fa'apena.

(i) O oloa o le a fa'atau atu i lalo o lenei maga e mafai ona toina i so'o se taimi a'o le'i faia lea fa'atau pe a totogia tiute uma, teuina ma isi tupe totogi ma tupe fa'aaoga i lo latou teuina.

(o) So'o se oloa e lafoa'i, le aveesea, pe fa'agafua i le malo i lalo o aiaiga o lenei mataupu, ma ua malie iai le fa'atenu-e-taulaga teutupe e le fa'atauina atu mo se aofa'i tatau e totogi ai ia tupe, ia fa'atama'i fa'apena, ae le fa'atauina atu i se fa'atautu'i."

Maga 16. 27.1025 ua suia e faitauina:

"27.1025 Leaga ona o galuega a le Atua.

E lē o le Kevana malo, pe'e ofisa o le tiute, po'o se isi ofisa po'o tagata faigaluega o le malo e tu'ua'iina pe iai le fatuaiga mo mea fa'aleagaina, leaga pe fa'aumatia o so'o se meatotino, oloa po'o mea fa'atau e tupu mai ona o galuega a le Atua, e aofia ai ae le gata mai le mu, lolo, mafui'e po'o afā."

Maga 17. 27.1029 ua suia e faitauina:

"27.1029 Pule e faia ai pe'eiga tulafono galue ma pepa.

O le fa'atenu-e-taulaga teutupe e mafai ona faia pe'eiga tulafono galue ma fa'atonu pepa mana'omia e fa'ataunu'u ai aiaiga o lenei mataupu."

Maga 18. 27.1031 ua suia e faitauina:

"27.1031 Solitulafono--Fa'asalaga.

E fa'aopoopo i fa'asalaga sivili ua saunia i lenei mataupu, o se tagata e ta'usalaina i le soliga pe taumafai e soli so'o se pe'eiga aiaiga i lenei mataupu e-lea ua nofosala i le solitulafono vasega E ma pe a fa'asalaina ia fa'asalaina fa'apenā; ma oloa uma po'o va'a i so'o se tulaga e iai se so'otaga ma so'o se soliga pe taumafai e soli so'o se pe'eiga aiaiga i lenei mataupu e mafai ona taofia fa'amalosi e le fa'atenu-e-taulaga teutupe ma fa'alauiloa ua fa'aleagaina e le fa'amasinoga mo le manuia o le malo. O oloa ua fa'aleagaina po'o va'a e mafai, i le fa'atonuga a le fa'amasinoga, ona fa'atau atu i se fa'atautu'i lautele i se nofoaga ma se taimi e fa'atonuina e le fa'amasinoga."

Maga 19. Ua fa'avaeina se mataupu fou 05 i lalo o le Vaega 4 TFAS e faitauina:

"Mataupu 05

MATAGALUEGA O LE TEUTUPE

Maga:

- 4.0501 Matagaluega o le teutupe.
- 4.0502 Teutupe o Amerika Samoa.
- 4.0503 Teutupe--Malosi ma tiute.
- 4.0504 Fua tutusa teugatupe.
- 4.0505 Ripoti tausaga ta'itasi o le tupe.
- 4.0506 Tulafono galue.

4.0501 Magataluega o le teutupe.

Ua fa'atuina i totonu o le Lalā Fa'amalosi Tulafono o le malo se matagaluega o le teutupe, e ulu i le teutupe o Amerika Samoa.

4.0502 Teutupe o Amerika Samoa.

O le teutupe o Amerika Samoa ia iai agava'a maoa'e fa'apitoa ma le atamai masani i tulaga tau tupe fa'a-malo ma

su'egatusi, po'o se atamai masani fo'i i pisinisi tua fa'apena, e fa'ataunu'u ai mafuaaga o lenei mataupu.

4.0503 Teutupe--Malosi ma tiute.

(a) Vagana ua iai se isi aiaiga o le tulafono, o le teutupe ua iai malosi ma tiute e:

(1) ao ma lafo tupe uma maua iinei mai so'o se alagatupe, e aofia ai lafoga o totogi, lafoga fa'ae'e tau o oloa, isi lafoga, totogi o laisene ma tupe o galuega;

(2) talia ma lafo tupe uma mai le malo tele ma so'o se isi lava alagatupe;

(3) fa'aaoga tupe e tusa ma le pule a le tulafono;

(4) fa'atuina ma tausia tusi o teugatupe o le malo;

(5) saunia ma fa'agaoioi tulaga e pulea ai tupe o le malo;

(6) pulea teugatupe o mavaega ma tupe maua a le malo;

(7) fa'atuina ma tausia tusi o teugatupe o lafoga fa'apitoa ma le fa'aaogaina e fai ma sui o pisinisi tetele lautele a le malo;

(8) saunia tala o tupe i le Malo, Fonofaitulafono, matagaluega, ofisa, ma isi ofisa o le malo;

(9) va'avaai ma pulea tala o pulega o tupe o le malo;

(10) faia su'ega o le tiute ma uta a pasese ma isi mataupu fa'apena; ma

(11) faia isi lava galuega tatau pe talafeagai i le fa'ataunu'uina ai aiaiga o lenei mataupu.

(e) E leai se mea i lenei maga e taofia ai matagaluega, ofisa po'o isi ofisa o le malo mai le acina o tupe maua i le fa'amaoniga a le teutupe. Vagana ai ua iai se isi aiaiga o le tulafono, o risiti uma ua acina ia tu'uina atu i le matagaluega o le teutupe.

4.0504 Fua tutusa o teugatupe.

O le teutupe, i le malilie ma le su'etusi o le teritori, ia fa'atuina se tulaga tutusa o tusi o teugatupe. O se auala o teugatupe e le'o se tinoitupe e talafeagai ma faiga aloaia o tusi o teugatupe a le malo e tatau ona tausia.

4.0505 Ripoti fa'ale-tausaga.

I taimi lava e tapunia tausaga tupe ta'itasi, o le teutupe ia lomina ma tu'uina atu se ripoti auiliili o tulaga tau tupe o le malo mo lea tausaga tupe ma auina kope i le Kovana, Fonofaitulafono ma le su'etusi a le teritori.

4.0506 Tulafono galue.

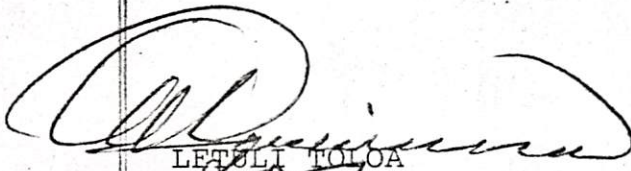
O le teutupe ia taliaina ni tulafono galue e tusa ma le Maga 4.1001 TFAS ma isi mea e fa'ataunu'u mafuaaga i lenei mataupu.

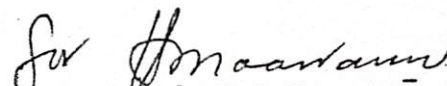
Maga 20. Ua fa'avaeina se maga fou 27.1001.1 e faitauina:

"27.1001.1 Leoleo i taulaga ma malae va'alele.

(a) O le teutupe ua iai le fatuaiga e fa'atuina ni puipuiga ma tausia leoleoga o fale teu oloa o uta oloa i taulaga ma malae va'alele.

(e) Vagana ua saunia i le soamaga (a), o le fa'atonu o taulaga ua iai le fatuaiga mo le tausiga o leoleoga o le ulufale mai ma toe ulufafo atu, ma totonu o taulaga ma malae va'alele."


LETULI TO'LOA
Peresetene, Maota Maua'uga


TUANA'ITAU F. TUIĀ
Fofoga Fetalai, Maota o Sui

Hereby Approved this 20th day of October, 19 87


Governor of American Samoa