

THE TWENTY-EIGHTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

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

AN ACT GRANTING THE POWER TO THE ADMINISTRATIVE LAW JUDGE TO HOLD HEARINGS AND ISSUE ADMINISTRATIVE DECISIONS REGARDING ADMINISTRATIVE SUSPENSION OF DRIVERS' LICENSES, APPEALS FROM IMMIGRATION DECISIONS AND WORKMEN'S COMPENSATION CASES; AMENDING SECTIONS 4.0603, 4.0604, 4.0607, 22.0602, 22.0608, 22.0609, 22.0610, 22.0611, 22.0612, 32.0629, 32.0636, 32.0637, 32.0638, 32.0640, 32.0644, 32.0645, 41.0205 A.S.C.A.; AND CREATING NEW SECTIONS 4.0608 AND 41.0206 A.S.C.A.; AND RENUMBERING SECTIONS 4.0608, 41.0206, 41.0207, 41.0208, 41.0209, 41.0210, 41.0211 AND 41.0212 A.S.C.A.; AND REPEALING SECTION 32.0635 A.S.C.A."

Preamble:

The intent of these amendments are to distinguish the functions of the Administrative Law Judge as they pertain to administrative proceedings. Included in these amendments are clarifications of the role of the Administrative Law Judge in the areas of immigration, traffic and highway safety and workmen's compensation cases. These amendments also clearly differentiate between the power of the Administrative Law Judge and the power of the Courts.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 4.0603 is amended to read:

"4.0603 Authority of the Administrative Law Judge.

(a) The Administrative Law Judge and judges pro tempore shall have the power to preserve and enforce order during any proceedings, issue subpoenas, administer oaths, compel the attendance of witnesses and production of books, papers, documents and other evidence, compel the

taking of depositions before any designated individual competent to administer oaths, examine witnesses, and to do all things conformable to law which may be necessary to enable him to effectively discharge the duties of his office.

(b) The Administrative Law Judge shall have the power and authority to issue process and necessary writs to enforce its own decisions, which shall be known as "administrative rulings" orders, judgments and decree.

(c) The Administrative Law Judge shall have the power and authority to affirm, reverse, modify or remand the decision or order of an agency if it finds that such order or decision is:

(1) outside the range of discretion delegated to the agency by law;

(2) inconsistent with an agency rule, official position, or prior practice, unless the agency explains the inconsistency by stating facts and reasons which demonstrate a rational basis for the inconsistency;

(3) in violation of an applicable statutory provision; or

(4) unsupported by substantial evidence in the agency record. Substantial evidence exists when the agency record, viewed as a whole, would permit a reasonable person to make the finding made by the agency."

Sec 2. 4.0604 is amended to read:

"4.0604 Jurisdiction of the Administrative Law Judge.

The Office of Administrative Law Judge shall have jurisdiction to conduct hearings and issue ~~judgments, decisions, orders or decrees~~ with regards to the following matters:

(a) claims for workmen's compensation in accordance with the procedures set forth in sections 32.0635 to and including 32.0646. All other authorities of the Workmen's Compensation Commission under chapter 06 of Title 32 ASCA shall remain with the commission.

(b) controversies, grievances and administrative appeals by government employees on matters pertaining to employment, including matters pertaining to hiring, termination, suspension and discipline. The responsibilities formerly held by the Personnel Advisory Board pursuant to section 7.0102, with regards to the said matters are now transferred to the Office of Administrative Law Judge. All other functions of the Personnel Advisory Board not otherwise affected herein shall remain with the board.

(c) appeals from the decisions of the Immigration Board in all matters except decisions with respect to deportation of aliens as provided in sections 41.0208 - 41.0212. Appeal of deportation decisions of the board shall be made to the Appellate Division of the High Court as provided by law. All other decisions of the board may be appealed to the Administrative Law Judge.

(d) all disputes and controversies pertaining to claims for unpaid or improperly paid wages and hours pursuant to chapter 03 of Title 32 ASCA, except in matters relating to the rulemaking authority of the Wage and Hour Board.

(e) to take appeals of procurement officer's final decision in a procurement bidding dispute as described in section 10.0282 ASAC. The Governor's authority to appoint a three member board to hear disputes of matters pertaining to procurement disputes is hereby repealed.

(f) any other contested case, grievance or controversy that agencies, offices and departments of the government may be referred to the Office of Administrative Law Judge for disposition providing that the Office of Administrative Law Judge has jurisdiction over such matter.

(g) all appeals from administrative rulings or decisions of any administrative agency, except those matters specifically exempted herein or by statute of a department, office, agency, commission, board or committee of the Executive Branch or the American Samoa Government shall first be made to the Office of the Administrative Law Judge. Decisions of the Administrative Law Judge may be appealed to the Appellate Division of the High Court of American Samoa.

(h) in cases involving the administrative suspension of drivers licenses pursuant to Title 22, chapter 06 of this Code, the Administrative Law Judge shall have jurisdiction to hold hearings and issue decisions regarding the suspension of drivers licenses for refusal to submit to testing pursuant to ASCA 22.0601 et. seq."

Sec 3. 4.0607 is amended to read:

"4.0607 Rules of procedures and evidence.

(a) Proceedings before the Administrative Law Judge shall be ~~a trial de novo~~ in the form of a hearing on the evidence and issues presented to the agency notwithstanding the nature of the controversy or dispute, supplemented by any additional evidence allowed under section 4.0608. ~~and it shall be the obligation of the Administrative Law Judge to preserve as good complete a record as possible for purposes of appeal.~~

(b) In proceedings before the Administrative Law Judge, the Rules of Civil Procedure and Rules of Evidence applicable in the High Court of American Samoa shall be used as a guide followed as closely as practicable. ~~In that event, whenever the word High Court shall appear in said rules, the words administrative law judge shall be substituted therefor.~~ These rules may be supplemented or modified by the Administrative Law Judge with any additional rules promulgated in accordance with provisions of the Administrative Procedures Act."

Sec 4. There is created a new section 4.0608 which reads:

“4.0608 New evidence issues limited.

(a) The Administrative Law Judge may permit new evidence in addition to that taken by the agency only if it relates to the validity of the agency action at the time it was taken and is needed to decide issues regarding:

(1) improper constitution as a decision making body or grounds for disqualification of those taking the agency action; and

(2) unlawfulness of procedure or decision making process; and

(3) the completeness of the factual record before the Administrative Law Judge.

(b) Issues not raised before the agency may not be raised on appeal to the Administrative Law Judge, except to the extent that:

(1) The party appealing the agency decision did not know and was under no duty to discover or could not have reasonably discovered facts giving rise to the basis of the appeal;

(2) The agency action subject to review is a rule and the person has not been a party in an adjudicative agency proceeding;

(3) The agency action subject to review is an order and the party was not notified of the adjudicative proceeding in substantial compliance with this chapter or the rules of the agency; or

(4) The interests of justice would be served by resolution of an issue arising from a change in controlling law occurring after the agency action.”

Sec 5. 4.0608 is renumbered to read:

“4.0608~~9~~ Budget.

The Office of the Administrative Law Judge shall be included in the Governor’s annual budget submission to the Legislature.”

Sec 6. 22.0602 is amended to read:

“22.0602 Administration of test--Refusal--Report.

(a) A test shall be administered upon the request of a police officer having reasonable grounds to believe a person arrested to have been driving while under the influence of intoxicating liquor.

(b) If a person under arrest for driving a motor vehicle while under the influence of intoxicating liquor refuses to submit to a chemical test of his breath, blood, urine or saliva, and has been informed of the consequences of such refusal, as provided in 22.0608 and 22.0611, and of his rights as provided in 22.0604, no test may be given, but the police officer shall prepare a sworn

report of the refusal and cause it to be delivered to the ~~Treasurer of American Samoa~~. Office of the Administrative Law Judge.

(c) A report of a refusal to submit to a test shall disclose:

(1) whether the person, at the time he was requested to submit to a test, was under arrest for driving a motor vehicle while under the influence of intoxicating liquor;

(2) whether the police officer has reasonable grounds to believe, at the time the request was made, that the person refusing to submit to the test had been driving under the influence of intoxicating liquor;

(3) whether the person refused to submit to a test;

(4) whether such person was informed of the consequences of his refusal to submit to the test; and

(5) whether such person was informed of his rights as provided in 22.0604.”

Sec 7. 22.0608 is amended to read:

“22.0608 Suspension for refusal to take test--Notice of right to hearing.

(a) Upon receipt of a report of a police officer, as required by subsection (b) of 22.0602, the ~~Treasurer of American Samoa~~ Administrative Law Judge shall notify the reported person by personal service or by mail of the intention to suspend his license, permit or privilege to drive for a period of 90 days and allow the person a 20-day period after the date of service or mailing the notice to request, in writing, a hearing before a representative of the Treasurer the Administrative Law Judge. If no request is filed within the 20-day period, the ~~Treasurer~~ Administrative Law Judge shall thereupon suspend the license, permit or privilege of the person to drive a motor vehicle for a period of 90 days.

(b) Notice of intention to suspend or of an order of a suspension is presumed to have been received upon the expiration of 5 days after notice is deposited in the United States mail with postage prepaid, addressed to the person at his last known address as shown by his application for an original, renewal or duplicate license, which mailing may be proved by the certificate of any officer or employee of the ~~Treasurer~~ Office of the Administrative Law Judge over the age of 21 years specifying the time and place of giving notice.”

Sec 8. 22.0609 is amended to read:

“22.0609 Hearing--Oaths and subpoenas.

(a) If a request for a hearing is filed, a hearing shall be held before the ~~Treasurer or his representative~~ Administrative Law Judge, at a time and place ~~to be set by the Treasurer~~ him.

(b) ~~The Treasurer or his authorized representative~~ Administrative Law Judge may administer oaths and shall issue subpoenas for the attendance of witnesses requested by the person requesting the hearing, the Department of Legal Affairs, or the Department of Public Safety, and for the production of relevant documents.”

Sec 9. 22.0610 is amended to read:

“22.0610 Hearing--Record.

(a) The hearing shall be recorded by means determined by the ~~Treasurer~~ Administrative Law Judge and shall include testimony and exhibits, if any.

(b) The record of the proceedings may summarize testimony rather than reporting it verbatim, and shall not be transcribed unless requested by a party to the proceeding.

Sec 10. 22.0611 is amended to read:

“22.0611 Hearing--Scope--Decision.

(a) The scope of the hearing shall be limited to:

(1) whether the person, at the time he was requested to submit to a test, was under arrest for driving a motor vehicle while under the influence of intoxicating liquor;

(2) whether the police officer had reasonable grounds to believe, at the time the request was made, that the person refusing to submit to the test had been driving under the influence of intoxicating liquor;

(3) whether the person refused to submit to a test;

(4) whether the person was informed of the consequences of his refusal to submit to the test;

(5) whether the person was informed of his rights as provided in 22.0604.

(b) Upon an affirmative finding on each matter listed in subsection (a), the ~~Treasurer~~ Administrative Law Judge shall issue an order suspending the license, privilege or permit of the person to drive a motor vehicle for 90 days; otherwise, no suspension shall be ordered.”

Sec 11. 22.0612 is amended to read:

“22.0612 Appeal.

(a) If, after a suspension hearing, an order of suspension is issued, the person shall have the right, within 30 days after he receives notice of the order of suspension, to appeal the matter by filing a petition in the district court.

(b) The court, upon receipt of the petition, shall set the matter for appeal upon 10 days' notice to the ~~Treasurer~~ Office of the Administrative

Law Judge, the Department of Legal Affairs, the Department of Public Safety and the appellant.

(c) The trial shall be confined to the record made at the suspension hearing.”

Sec 12. 32.0629 is amended to read:

“32.0629 Action on filed claim.

(a) At any time after a claim has been filed with him, the commissioner may transfer such case to any member of the commission for the purpose of making investigation, taking testimony, conducting physical examinations or taking such other necessary action therein as may be directed, for the primary purpose of creating a record for disposition by the Administrative Law Judge in accordance with ASCA 32.0635 to 32.0646.

(b) The commissioner or his designee shall also investigate, take testimony, conduct physical examinations or take such other necessary action therein as may be directed for the additional purpose of achieving a settlement with the claimant. The commissioner may hold informal hearings for forty-five days after the claim has been filed. If after the expiration of 45 days there is no settlement, the commissioner or his designee shall forward the claim to the Administrative Law Judge for a decision to be made in accordance with ASCA 32.0635. The commissioner shall continue to investigate, take testimony, conduct physical examinations or take such other necessary action therein as may be directed by the Administrative Law Judge in accordance with the purposes set forth in sections (a) and (b) above.”

Sec 13. 32.0636 is amended to read:

“32.0636 Hearing claim--Notice, investigation, time limits.

(a) The commissioner, when exercising his authority pursuant to 32.0629(b), and the Administrative Law Judge have full power and authority to hear and determine all questions regarding claims for compensation.

(b) The commissioner and the Administrative Law Judge shall make or cause to be made such investigations as he they considers necessary regarding the claim, and, upon application of any interested party, shall order a hearing thereon.

(c) If a formal hearing on such claim is ordered, the Commissioner Administrative Law Judge shall give the claimant and other interested parties at least 10 days notice of such hearing, served personally or sent to by registered mail, and shall within 20 days after such hearing is had, by order, reject the claim or make an award regarding the claim.”

Sec 14. 32.0637 is amended to read:

“32.0637 Hearings to be public--Record required.

Hearings before the ~~Commissioner~~ Administrative Law Judge shall be open to the public and shall be either stenographically or mechanically reported. The ~~Commissioner~~ Administrative Law Judge shall by regulation provide for the preparation of a record of the hearings and other proceedings before the ~~Commissioner~~ Administrative Law Judge.”

Sec 15. 32.0638 is amended to read:

“32.0638 Physical examination required.

An injured employee claiming or entitled to compensation shall submit to such physical examination by a duly qualified physician designated or approved by the commission as the commissioner or Administrative Law Judge may require. The place or places of such examination shall be reasonably convenient for the employee. Such physician or physicians as the employee, employer or earner may select and pay for may participate in an examination if the employee, employer or carrier so requests. Proceedings shall be suspended and no compensation may be payable for any period during which the employee may refuse to submit to examination.”

Sec 16. 32.0640 is amended to read:

“32.0640 Conduct of investigation or hearing.

~~In making an investigation or inquiry or conducting a hearing, the Commissioner shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by this chapter and Chapter 32.05, but may make such investigation or conduct such hearing in such manner as to best ascertain the right of the parties. the~~ Administrative Law Judge shall use Rules of Evidence and Procedure as applicable in the High Court of American Samoa as a guide, in accordance with ASCA 4.0607.”

Sec 17. 32.0644 is amended to read:

“32.0644 Witnesses--Depositions.

No person may be required to attend as a witness in any proceeding before the commissioner or the Administrative Law Judge at a place outside the Territory, but the testimony of any witness may be taken by a deposition or interrogatories according to the rules of practice of the High Court of American Samoa.”

Sec 18. 32.0645 is amended to read:

“32.0645 Witness fees.

Witnesses summoned in a proceeding before the commissioner or the Administrative Law Judge or whose depositions are taken may receive the same fees and mileage as witnesses in the High Court of American Samoa."

Sec 19. 41.0205 is amended to read:

"41.0205 Powers and duties.

The board may:

(1) hold hearings concerning the status or exclusion of any person other than American Samoans, their spouses and their children, seeking permission to enter or remain in American Samoa; ~~and shall review appeals of decisions of the Attorney General and the immigration division;~~ the board shall create and maintain a record of all proceedings conducted before the board in order to preserve as complete a record as possible for review by the Administrative Law Judge in accordance with ASCA 4.0601;

(2) deport any alien after the alien has been accorded an opportunity for a public hearing;

(3) hold any other hearing as necessary for the enforcement of this title;

(4) investigate any matter pertaining to enforcement of this title, through a representative authorized by the board;

(5) subpoena documents and witnesses, compel testimony and cite for contempt;

(6) examine the books, records and accounts of all employers in American Samoa concerning employment of aliens;

(7) make rules and regulations necessary for the enforcement of this title; such regulations shall include requirements as to deportability that:

(a) the alien shall be given notice, reasonable under all the circumstances, of the nature of the charges against him and of the time and place at which the proceedings will be held;

(b) the alien shall have the privilege of being represented, at no expense to the government, by such attorney, who is authorized to practice before the High Court of American Samoa, as he shall choose;

(c) the alien shall have a reasonable opportunity to examine the evidence against him, to represent evidence in his own behalf, and to cross-examine witnesses presented by the Government; and

(d) no decision of deportability shall be valid unless it is based upon reasonable, substantial, and probative evidence; such decisions shall be in writing;

(8) make rules and regulations concerning the approval or disapproval of aliens to attend school or college, to secure a business license, or to be employed in the Territory;

(9) make available for public inspection all rules and written statements of policy, or interpretations formulated, adopted or used by the board in discharge of its functions;

(10) make available for public inspection all final orders, decisions and opinions;

(11) delegate any of its administrative duties to the Attorney General or immigration officers of American Samoa;

(12) require the registration of all aliens residing in American Samoa and may photograph and fingerprint those aliens in order to issue identification cards on forms prescribed and prepared by the board.”

Sec 20. There is created a new section 41.0206 which reads:

“41.0206 Powers and duties of the Administrative Law Judge.

(a) The Administrative Law Judge shall have the power to review all decisions of the immigration board pursuant to the provisions of this title, in accordance with ASCA 4.0601, and subject to the limitations thereto.

(b) The Administrative Law Judge shall exercise all powers as prescribed in the Administrative Procedures Act and supplemented by those enumerated in the Administrative Law Judge Act in the discharge of its duties pursuant to this provision.

(c) Nothing in this provision shall affect the powers prescribed to the board, the Attorney General or the Immigration Office as outlined in this Title.”

Sec 21. 41.0206 is renumbered to read:

“41.02067 Powers and duties of he Attorney General.

The Attorney General shall be charged with the administrator and enforcement of this title and all other laws relating to the entrance, immigration, registration, and status of aliens, except insofar as this title or such laws relate to the powers, functions, and duties conferred upon the Board. Provided, however, that determination and ruling by the Attorney General with respect to all questions of law shall be controlling. He shall have control, direction, and supervision of all employees and of all the files and records of the immigration division and the Board. He shall establish such regulations, prescribe such forms of bond, reports, entries and other papers, issue such instructions, and perform such other acts as he deems necessary for carrying out his authority under the provisions of this title including prosecuting cases before the Board. He may delegate such duties as he deems necessary to perform or exercise any of the powers, privileges or duties conferred or imposed by this title or regulations issued thereunder upon any other employee of the Attorney General’s office and of the immigration

division. He shall have the power and duty to control and guard the boundaries and borders of American Samoa against the illegal entry of aliens and shall, in his discretion, appoint for that purpose such number of employees of the immigration division as to him shall appear necessary and proper in accordance with law.”

Sec 22. 41.0207 is renumbered to read:

“41.0207 Burden of proof.

(a) Whenever any person makes application for any document required for entry or residence status or otherwise attempts to enter American Samoa, the burden of proof shall be upon that person to establish his eligibility to receive the document and that he is not subject to exclusion. If he fails to establish this to the satisfaction of the immigration officer at the port of entry, he may not be eligible to enter American Samoa.

(b) In deportation proceedings against any person, the burden of proof shall be upon that person to show the time, place and manner of entry into American Samoa, but in presenting that proof he shall be entitled to the production of any entry document or other documents and records, not considered to be confidential, pertaining to his entry and in the custody of the Attorney General.

(c) If the burden of proof is not sustained, the person is presumed to be in American Samoa in violation of the law.”

Sec 23. 41.0208 is renumbered to read:

“41.0208 Review of detention proceedings.

(a) The Trial Division of the High Court of American Samoa may review in a habeas corpus proceeding any determination of the Attorney General concerning detention, release on bond, or parole, pending decision of the deportability.

(b) If the High Court finds that the Attorney General is not proceeding with such, reasonable dispatch as may be indicated by particular facts and circumstances to determine deportability, the Court may order the individual’s release on such terms and conditions as the court deems necessary.”

Sec 24. 41.0209 is renumbered to read:

“41.0209 Petition for review.

A petition for review may be filed with the Appellate Division of the High Court not later than 1-5 days from the date of the final decision of the Board; the action shall be brought against the Board as respondent.”

Sec 25. 41.0210 is renumbered to read:

~~“41.021011~~ Scope of review--Evidence.

(a) The Court may not substitute its judgment for that of the Board as to the weight of the evidence on questions of fact. In reviewing the Board's interpretation of the evidence, its factual inferences, and its conclusions of law, the court shall give substantial weight to the Board's experience, technical competence and specialized knowledge of immigration problems in American Samoa.

(b) The review shall be confined to the record; however, the Court in its sound discretion may receive evidence to supplement the record.”

Sec 26. 41.0211 is renumbered and amended to read:

~~“41.021112~~ The filing of a petition under ~~41.020910~~ shall not stay the deportation of any person pending determination of the Court unless the court otherwise directs.”

Sec 27. 41.0212 is renumbered to read:

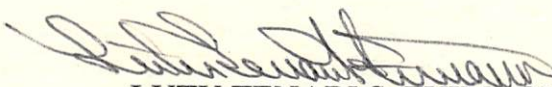
~~“41.021213~~ Decisions by court.


The Court may reverse or modify the decision of the Board, or may remand the case for further proceedings, if substantial rights of the petitioner have been prejudiced because the decision of the Board is:

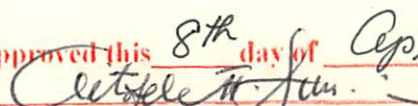
- (1) in violation of applicable constitutional or statutory provisions;
- (2) in excess of statutory authority of the agency;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- (6) arbitrary, capricious or characterized by abuse of discretion.

Sec 28. Repealer.

“Section 32.0635 ASCA is hereby repealed.”


LUTU TENARI S. FUIMAONO
President of the Senate


MATAGI RAY MA'ILO MCMOORE
Speaker of the House

Hereby Approved this 8th day of April 2004

Governor Of American Samoa

NOFOAIGA LUASEFULU-VALU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

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

O LENEI TULAFONO E SUI AI LE TULAFONO AIAIĀ A FA'AMASINO FA'ALEPULEGA E FA'AE'E ATU AI LE MALOSI E FA'ATULAGA AI ILOILOGA MA TU'UINA ATU I'UGA E FA'ATATAU I LE TAOFIA LETUMAU O LAISENE AVETA'AVALE, APILI MAI FA'AI'UGA A LE OFISA O FEMALAGA'IGA FA'APEA MA FE'ESE'ESEA'IGA I MATA'UPU O LE TAUIA O SE MEA UA LE MAUA (TUPE MA ISI TULAGA E MAFUA I SE MANU'A PO'O LE OTI) E ALA I LE SUIA O LE MAGA 4.0603, 4.0604, 4.0607, 22.0602, 22.0608, 22.0609, 22.0610, 22.0611, 22.0612, 32.0629, 32.0636; 32.0637, 32.0638, 32.0640, 32.0644, 32.0645 MA LE 41.0205 T.T.A.S.; MA FA'AVAEINA LE MAGA FOU 4.0608 MA LE 41.0206 T.T.A.S.; MA TOEFA'ANUMERA LE MAGA 4.0608, 41.0206, 41.0207, 41.0208, 41.0209, 41.0210, 41.0211, MA LE 41.0212 T.T.A.S.; MA SOLOIA LE MAGA 32.0635 T.T.A.S.

Fa'atomuaga:

O le fa'amoemoe o ia suiga o le fa'alauiloa lea o galuega a le Fa'amasino o Tulafono Fa'alepulega e pei ona fa'asino i tualumaga fa'alepulega. O lo'o aofia i ia suiga le fa'amalamalamaga o tiute tauave a le Fa'amasino o Tulafono Fa'alepulega i vaega o femalaga'iga, saogalemu i alatele ma fe'ese'esea'iga i mataupu o le tauia o se mea ua le maua (tupe ma isi tulaga e mafua i se manu'a po'o le oti). O ia suiga o lo'o fa'amanino ai fo'i le 'ese'esega o malosiga i le va o le Fa'amasino o Tulafono Fa'alepulega ma le Ofisa o Fa'amasinoga.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 4.0603 ua suia e faitauina:

"4.0603 Malosi'aga o le Fa'amasino o Tulafono Fa'alepulega.

(a) O le Fa'amasino o Tulafono Fa'alepulega fa'apea ma fa'amasino letumau o le a ia i latou le malosiga e puipuia ma fa'amalosia poloa'iga a'o

auai o tagatamolimau fa'apea ma le aumaia o tusi, pepa, fa'amaumauga ma isi fa'amaoniga, fa'amalosia le mua'i faia o molimau tusitusia ae le'i fa'atautoina so'o se tagata agava'a ua ta'ua, su'esu'eina o tagata molimau, ma faia mea uma e ogatasi ma le tulafono e mafai ai e ia ona fa'amalieina tiute o lona tofi.

(e) O le Fa'amasino o Tulafono Fa'alepulega o le a ia te ia le malosi'aga ma le pule e tu'uina atu ai tualumaga ma poloa'iga talafeagai e fa'amautuina ai āna ia lava i'uga, e ta'ua ia o "fa'ai'uga fa'alepulega" poloa'iga, i'uga ma fa'ai'uga.

(i) O le Fa'amasino o Tulafono Fa'alepulega o le a ia te ia le malosi'aga ma le pule e fa'amaonia ai, suia, teuteuina pe toefa'afo'i atu ai se i'uga po'o se poloa'iga a so'o se ofisa pe afai ua ia fa'amaonia o lea poloa'iga po'o se i'uga e:

(1) alu'ese ma le tapula'a o le malosi'aga ua tu'uina atu i lena ofisa e le tulafono;

(2) lē ogatasi ma tulafono fa'afoe a se ofisa, tulaga fa'aletofi, po'o tualumaga masani ai; vagana ai ua fa'apupulaina e le ofisa le fete'ena'iga e ala i le ta'ua i fa'amaonia ma mafua'aga ua fa'aalia mai ai se fa'apupulaga talafeagai mo lena fete'ena'iga;

(3) ua soli ai se aiaiga fa'aletulafono aiaia e fa'atatau i ai; pe

(4) e le lagolagoina e fa'amaoniga tāua e tusa ma fa'amaumauga a le ofisa. O le iai o ia fa'amaoniga tāua pe afai e fa'ailoa mai i fa'amaumauga, ua iloiloina au'ili'ili atoa, ma o le a mafai e se tagata mafaufau ona faia se fa'ai'uga na faia e lea ofisa."

Maga 2. 4.0604 ia suia e faitauina:

"4.0604 Malosiaga o le Fa'amasino o Tulafono Fa'alepulega.

O le Ofisa o le Fa'amasino o Tulafono Fa'alepulega o le a iai le malosi'aga e fa'atulaga ai iloiloga ma tu'uina atu fa'ai'uga, ripoti o se i'uga, ~~poloa'iga po'o fa'ai'uga o aiā o itu fa'amasinoga~~ fa'atatau i mata'upu ua ta'ua i lalo:

(a) o talosaga mo le tauia mo tagatafaigaluega e tula'i mai ona manu'a, maliu po'o afaina o le tino e tusa ma tualumaga ua fa'atulagaina i maga 32.0635 e o'o ma e aofia ai le 32.0646. Ma o isi pulega uma a le Komisi o Tau'i mo Tagatafaigaluega i lalo o le mata'upu 06 o le Ulutala 32 TTAS o le a tumau i le komisi.

(e) o finauga ma fe'ese'esea'iga uma, ma apili fa'alepulega mai tagatafaigaluega a le malo i mata'upu e fa'atatau i galuega, e aofia ai mata'upu e fa'atatau i le fa'afaigaluegaina, fa'amutaga, fa'amaloloina letumau ma a'oa'iga. O le avegatau'ave na tau'aveina muamua e le Komiti Faufautua a Tagatafaigaluega e tusa ma le maga 7.0102; e fa'atatau i ia

mata'upu, ua fa'ae'eina atu nei i le Ofisa o le Fa'amasino o Tulafono Fa'alepulega. O isi fatuaiga a le Komiti Faufautua a Tagatafaigaluega e le o a'afia ai e 'ese mai ai o le a fa'atumauina pea i le komiti.

(i) o apili mai i'uga a le Komiti o Femalaga'iga i mata'upu uma vagana ai fa'ai'uga e fa'atatau i le ave'esea fa'amalosia o tagata mai fafo e pei ona aiaia i le maga 41.0208 - 41.0212. O apili o i'uga o le ave'esea fa'amalosia a le komiti ia fa'ao'o atu i le Vaega o Tagi Le-malie o le Fa'amasinoga Sili e pei ona aiaia e le tulafono. A'o isi i'uga uma a le komiti e mafai ona apili i le Fa'amasino o Tulafono Fa'alepulega.

(o) o finauga ma fe'ese'ese'iga uma e fa'atatau i talosaga mo le le totogia po'o totogi e le sa'o ona totogi fa'apea ma itula e tusa ma le mata'upu 03 o le Ulutala 32 TTAS, vagana ai mata'upu e fa'atatau i le malosi'aga e fai ai fa'ai'uga a le komiti o totogi ma itula.

(u) taulimaina apili o fa'ai'uga taualoa a le ali'i ofisa o fa'atauga i se finauga o tauofoga o fa'atauga e pei ona fa'amatalaina i le maga 10.0282 TTAS. O le malosi'aga o le Kovana e tofia ai se komiti e to'atolu o totino e fa'afogaina finauga o mata'upu e fa'atatau i finauga o fa'atauga ua soloia nei.

(f) o so'o se i isi mata'upu fa'afinauina, sesē po'o fa'afinauga fa'afinauina e mafai ona tu'uina atu e vaega, ofisa ma matagaluega i le Ofisa o le Fa'amasino o Tulafono Fa'alepulega mo se fa'ai'uga pe afai e iai le malosi e iloilo ai na mata'upu e le Ofisa o le Fa'amasino o Tulafono Fa'alepulega.

(g) o apili uma mai fa'ai'uga fa'alepulega po'o i'uga a so'o se vaega fa'alepulega, vanaga ai mata'upu ua fa'aagafuaina ma'oti i lenei tulaga pe e ala i tulafono a se matagaluega, ofisa, vaega, komisi, fono po'o komiti a le lala Fa'amalosi Tulafono po'o le Malo o Amerika Samoa ma e ao ona mua'i fa'atau atu i le Ofisa o le Fa'amasino o Tulafono Fa'alepulega. O le i'uga a le Fa'amasino o Tulafono Fa'alepulega e mafai ona apili i le Vaega o Tagi Le-malie o le Fa'amasinoga Sili o Amerika Samoa.

(l) i mata'upu e a'afia ai laisene aveta'avale ua taofia letumau fa'alepulega e tusa ma ulutala 22, mata'upu 06 o lenei tulafono, e iai le malosi i le Fa'amasino o Tulafono Fa'alepulega e fa'atulaga ai iloiloga ma tu'uina atu i'uga e fa'atatau i le taofia letumau o laisene aveta'avale pe a musu e gau'i e faia su'esu'ega e tusa ma TTAS 22.0601 ma isi."

Maga 3. 4.0607 ua suia e faitauina:

"4.0607 Tulafono o taualumaga ma fa'amaoniga.

(a) O iloiloga e faia i luma o le Fa'amasino o Tulafono Fa'alepulega o le a iloiloga-faia i se tulaga o se iloiloga e fa'avae i fa'amaoniga ma mata'upu e tu'uina atu i vaega ma e le afaina ai le tulaga o fefinaua'iga po'o fe'ese'esea'iga, e fa'aatoatoa ai e ala i so'o se fa'amaoniga fa'aopoopo ua

fa'atagaina i lalo o le maga 4.0608. ma O le a avea ma tiute tau'ave a le Fa'amasino o Tulafono Fa'alepulega e fa'asao mo le lelei o fa'amaumauga mo le fa'amoemoe o se apili.

(e) I iloiloga i luma o le Fa'amasino o Tulafono Fa'alepulega, o le Tulafono o Tualumaga o Aiā ma Tulafono o Fa'amaoniga e fa'atatau i le Fa'amasinoga Sili o Amerika Samoa o le a fa'aaogaina e avea ma ta'iala o le a mulimulita'i iai e tatau ai. ~~I lena tulaga, o so'o se taimi e tula'i mai se le upu Fa'amasinoga Sili i tulafono, o upu o le fa'amasino o tulafono fa'alepulega o le a suitulaga ai.~~ O ia tulafono e mafai ona fa'aatoatoaina pe suia e le Fa'amasino o Tulafono Fa'alepulega fa'atasi ai ma so'o se isi tulafono fa'aopoopo ua aiaia e tusa ma aiaiga o le Tulafono o Tualumaga Fa'alepulega."

Maga 4 Ua fa'avaeina se maga fou 4.0608 e faitauina:

"4.0608 Mata'upu o fa'amaoniga fou ua fa'atapula'aina.

(a) E mafai ona fa'atagaina e le Fa'amasino o Tulafono Fa'alepulega fa'amaoniga fou e fa'aopoopo i fa'amaumauga sa faia e le ofisa pe afai e feso'ota'i lona aoga ma gaoioiga o le ofisa i le taimi na faia ai ma e mana'omia e iloiloia ia mata'upu e fa'atatau i ai:

(1) o le fa'atulagaina le talafeagai e avea ma totino e aiaia fa'ai'uga po'o mafua'aga mo le fa'aleaogaina o i latou na fa'atinoina le gaoioiga a le ofisa; ma

(2) o tualumaga e le tusa ma le tulafono po'o tualumaga o aiaiga o fa'ai'uga; ma

(3) o le atoatoa o fa'amaumauga fa'amaoniaina i luma o le Fa'amasino o Tulafono Fa'alepulega.

(e) O mata'upu e le'i ta'ua i luma o le ofisa e le mafai ona aumaia i le apili i luma o le Fa'amasino o Tulafono Fa'alepulega.

(1) O le itu o lo'o apiliina le i'uga a le ofisa na te le'i iloaina ma e le iai se tiute e sa'ili ai pe e leai fo'i se mau fa'amaonia;

(2) O le tagi a le ofisa e a'afia i se toeiloiloga o se tulafono ma o lea tagata e le o se itu o se iloiloga o le ofisa ua iloiloia;

(3) O le tagi a le ofisa e a'afia i se toeiloiloga o se poloa'iga ma o lea itu e le'i fa'aailoa atu i ai le iloiloga ua iloiloia i le usita'ia lelei o lenei mata'upu po'o tulafono a le ofisa; po'o

(4) O mana'oga amiotonu o le a fa'atinoina e ala i le i'ugafono o se mata'upu ua tula'i mai mai se suiga i le tulafono o lo'o pulea, ina ua uma ona fai le tagi a le ofisa."

Maga 5. 4.0608 ua toefa'anumeraina e faitauina:

"4.06089 Paketi.

O le Ofisa o le Fa'amasino o Tulafono Fa'alepulega o le a aofia ai i le paketi fa'aletausaga e tu'uina atu a le Kovana i le Fono Faitulafono."

Maga 6. 22.0602 ua suia e faitauina:

"22.0602 Tu'uina atu o su'ega--Musu--Ripoti.

(a) O le a fa'ataunu'uina se su'ega i luga o se talosaga a se ali'i ofisa leoleo ona ua iai ni mafua'aga tatau e talitonuina ai o se tagata ua fa'apagotaina ua na fa'afoeina se ta'avale a o i lalo o le a'afiaga o le 'ava malosi.

(e) Afai o se tagata ua fa'apagotaina e musu e fa'ataunu'u se su'ega o vaila'au o lana manava, toto, suavaivale po'o le faua, mo le aveina o se ta'avale a'o a'afia i le 'ava malosi, ma ua mae'a ona fautuaina i le i'uga o le musu, e pei ona aiaia i le 22.0608 ma le 22.0611, fa'apea ai ma ona aia e pei ona aiaia i le 22.0604, e leai se su'ega e mafai ona faia, ae o le a saunia e le ali'i ofisa leoleo se ripoti fa'atautoina o le musu ma ia saunia e tu'uina atu i le ~~Teutupe o Amerika Samoa~~. Ofisa o le Fa'amasino o Tulafono Fa'alepulega.

(i) O se ripoti o le musu e fa'ataunu'u se su'ega o le a fa'ailoa atu ai:

(1) pe o se tagata i le taimi sa talosagaina ai e fa'ataunu'u se su'ega, sa fa'apagotaina mo le aveina o se ta'avale a'o i lalo o le a'afiaga o le 'ava malosi;

(2) pe sa iai ni mafua'aga tatau i le ali'i ofisa leoleo e talitonuina ai, i le taimi sa talosagaina ai, o lona tagata sa te'ena le faia o se su'ega sa aveina a'o i lalo o le a'afiaga o le 'ava malosi;

(3) pe sa te'ena e lona tagata se faia o se su'ega;

(4) pe sa fautuaina lona tagata i tulaga e o'o iai ona o lona musu e fa'ataunu'u se su'ega; ma

(5) pe sa fautuaina lona tagata i ona aia e pei ona aiaia i le 22.0604."

Maga 7. 22.0608 ua suia e faitauina:

"22.0608 Taofia letumau mo le musu e fa'ataunu'u se su'ega--Fa'aaliga o le aia mo se iloiloga.

(a) Pe afai e tauaaoina se ripoti a se ali'i ofisa leoleo, e pei ona mana'omia fa'atonuina e le soamaga (e) o le 22.0602. o le ~~Teutupe o Amerika Samoa~~ Fa'amasino o Tulafono Fa'alepulega o le a fa'ailoa atu i le tagata ua ripoti mai e ala i le tu'uina atu i le tagata pe pe auala atu i le meli le fa'amoemoe e taofia letumau lona laisene, pemita po'o le avanoa e 'ave ai se ta'avale mo se vaitaimi o le 90 aso ma tu'uina atu i le tagata se vaitaimi o le 20-aso pe a mavae le aso na tauaaoina ai po'o le meli atu se fa'aaliga tusinga e talosaga ai, se iloiloga i luma o se sui o le Teutupe o le Fa'amasino o Tulafono Fa'alepulega. Afai e leai se talosaga ua failaina i totonu o le piriota o le 20-aso, o le ~~Teutupe~~ Fa'amasino o Tulafono Fa'alepulega o le a, e tusa ma

lea tulaga, taofia letumau le laisene, pemita po'o le avanoa o lea tagata e fa'afoe ai se ta'avale afi mo le piriota o le 90 aso.

(e) Fa'aaliga o le fa'amoemoe e taofia letumau po'o se poloa'iga mo le taofiga letumau e talitonuina ua tauaoina pe a mavae aso e 5 pe a uma ona tu'uina atu i le falemeli a le Iunaite Setete i se teutusi ua mua'i totogia le fa'aailoga, fa'atuatusi i le tagata o lona tuatusi mulimuli sa nofo ai e pei ona fa'alauiloa i lana talosaga mo se ulua'i laisene, toefa'afouina po'o se kopi o le laisene, o le auina atu i le meli e mafai ona fa'amaoniaina i se fa'amatalaga tusitusia fa'atautoina e so'o se ali'i ofisa po'o se tagatafaigaluega a le Teutupe Ofisa o le Fa'amasino o Tulafono Fa'alepulega e sili atu i le 21 tausaga le matua ua fa'ailoatino mai ai le taimi ma le nofoaga sa tu'uina atu ai le fa'aaliga."

Maga 8. 22.0609 ua suia e faitauina.

"22.0609 Iloiloga--Tautoga ma tusivala'au.

(a) Afai ua failaina se talosaga mo se iloiloga, o lea iloiloga o le a fa'atulagaina i luma o le Teutupe po'o lona sui Fa'amasino o Tulafono Fa'alepulega, i se taimi ma le nofoaga o le a e fa'atulagaina e le Teutupe ia.

(e) O le Teutupe po'o lona sui fa'atagaina Fa'amasino o Tulafono Fa'alepulega e mafai ona faia tautoga ma e tu'uina atu tusivala'au mo le auai o tagata molimau e talosagaina e le tagata e talosagaina le iloiloga, o le Matagaluega o Mata'upu Fa'aletulafono, po'o le Matagaluega o le Saogalemu Lautele, fa'apea ai ma le aumaia o fa'amaumauga tauā."

Maga 9. 22.0610 ua suia e faitauina:

"22.0610 Iloiloga--Fa'amaumauga.

(a) O le iloiloga o le a fa'amaumauina i se auala e filifilia e le Teutupe Fa'amasino o Tulafono Fa'alepulega ma o le a aofia ai molimau ma fa'aaliga a molimau, pe afai e iai.

(e) O le fa'amaumauga o le iloiloga e mafai ona 'oto'oto molimau nai lo le fa'amatala gutu atu, ma e le mafai ona taina vagana ua talosagaina e se itu o lea iloiloga."

Maga 10. 22.0611 ua suia e faitauina:

"22.0611 Iloiloga--Fa'alauteleaga--I'uga

(a) O le fa'alauteleina o le iloiloga o le a fa'atapula'aina i:

(1) pe o le tagata, i le taimi sa talosaga ai e fa'ataunu'u se su'ega, pe sa fa'apagotaina mo le ave'ina o se ta'avale afi a'o i lalo o le malosi o le 'ava malosi;

(2) pe sa iai ni mafua'aga tataua ma mafua ai ona fa'atalitonuina le ali'i ofisa leoleo, i le taimi sa talosagaina ai ia faia, ae sa musu le tagata e

fa'ataunu'u se su'ega sa aveina le ta'avale a o i lalo o le a'afiaga o le 'ava malosi;

(3) pe sa musu le tagata e fa'ataunu'u se su'ega;

(4) pe sa fautuaina le tagata i le tulaga e feagai ma ia ona o lona musu e fa'ataunu'u ae su'ega;

(5) pe sa fautuaina le tagata i ona aiā e pei ona aiā i le 22.0604.

(e) E fa'avae i luga o se su'esu'ega fa'amaonia i mata'upu ta'itasi ua lisiina i le soamaga (a), o le Teutupe-Fa'amasino o Tulafono Fa'alepulega o le a tu'uina atu se poloa'iga e taofia letumau ai le laisene, avanoa, po'o le pemita a le tagata e ave ai se ta'avale afi mo le 90 aso; a leai, e leai se taofia letumau o le a poloa'iina."

Maga 11. 22.0612 ua suia e faitauina:

22.0612 Apili.

(a) Afai, e uma se iloiloga o le taofia letumau, ona tu'uina atu lea o se poloa'iga o le taofia letumau, ma o le a iai le aiā i le tagata, i totonu o le 30 aso pe a uma ona maua e ia le fa'aaliga o le poloa'iga o le taofia letumau, e apili leni mata'upu e ala i le failaina o se talosaga i le fa'amasinoga itumalo.

(e) O le fa'amasinoga, pe a tauaoina le talosaga, o le a na fa'atulagaina leni mata'upu mo le tagi le malie i se fa'aaliga o le 10-aso i le Teutupe Ofisa o le Fa'amasino o Tulafono Fa'alepulega, le Matagaluega o Mata'upu Fa'aletulafono, le Matagaluega o le Saogalemu Lautele ma itu le malie.

(i) O le iloiloga o le a fa'atapula'a lava i le fa'amaumauga sa faia i le iloiloga o le taofia letumau."

Maga 12. 32.0629 ua suia e faitauina:

"32.0629 Gaoioiga i le talosaga ua failaina.

(a) O so'o se taimi lava pe afai ua uma ona failaina se talosaga e fa'asaga ia te ia, o le Komesina e mafai ona tu'uina atu lea mata'upu i so'o se totino o le Komisi mo le fa'amoemoe o le faia o su'esu'ega, fa'amaumauina o molimau, fa'atulagaina o su'esu'ega o le tino po'o le fa'ataunu'uina o se gaoioiga talafeagai e pei ona fa'atonuina, mo le fa'amoemoe autu e fa'avae ai se fa'amaumauga mo le fa'ai'uga a le Fa'amasino o Tulafono Fa'alepulega e tusa ma le TTAS 32.0635 i le 32.0646.

(e) O le komesina po'o lona sui tofia o le a na su'esu'eina fo'i, fa'amaumau molimau, fa'atulaga su'esu'ega o le tino po'o le uia fo'i o isi gaoioiga talafeagai e pei ona fa'atonuina mo fa'amoemoga fa'aopopo e ausia ai se malilie ma le itu talosaga. O le komesina e mafai ona fa'atulagaina iloiloga masani mo le fasefulu-lima aso pe a uma ona failaina le talosaga. Ma afai e muta le 45 aso e leai se malilie, ona auina atu lea o le

talosaga e le komesina po'o lona sui tofia i le Fa'amasino o Tulafono Fa'alepulega mo se i'uga e faia e tusa ma le TTAS 32.0635. O le a fa'aauau pea ona su'esu'e, fa'amaumau molimau, fa'atulaga su'esu'ega o le tagata e le komesina po'o lona sui tofia po'o le uia fo'i o isi gaoioiga talafeagai e pei ona fa'atonuina e le Fa'amasino o Tulafono Fa'alepulega e tusa ma le fa'amoemoe ua fa'atulagaina i le maga (a) ma le (e)."

Maga 13. 32.0636 ua suia e faitauina:

"32.0636 Iloiloga o talosaga--Fa'aaliga, su'esu'ega, taimi fa'atapula'aina.

(a) O le Komesina, i le fa'aaogaina o lona malosi e tusa ma le 32.0629 (e), fa'apea ma le Fa'amasino o Tulafono Fa'alepulega e iai le malosi'aga ma le pule atoatoa e fa'afofoga ma iloilo ai fesili uma e fa'atatau i talosaga mo totogi.

(e) O le Komesina ma le Fa'amasino o Tulafono Fa'alepulega o le a faia pe u'una'ia fo'i e faia ia su'esu'ega e manatu o-ia i latou e alagatau e fa'atatau i le talosaga, ma, e tusa ma se talosaga a so'o se itu e a'afia ai, e tatau ona fa'atonuina se iloiloga e faia.

(i) Afai o se iloiloga masani i lona talosaga ua fa'atonuina, o le Komesina Fa'amasino o Tulafono Fa'alepulega o le a na tu'uina atu i le itu talosaga ma isi itu e a'afia ai e le itiiti ifo i le 10 aso o se fa'aaliga o lea iloiloga, ia tauaaoina atu i itu uma pe auina atu i le ala i le meli fa'amauiina, ma o le a i totonu o le 20 aso pe a uma lea iloiloga, e ala i se poloa'iga, te'ena le talosaga po'o le faia o se i'uga e tusa ma le talosaga."

Maga 14. 32.0637 ua suia e faitauina:

"32.0637 Fa'alauteleina o iloiloga--Mana'omia se Fa'amaumauga.

O iloiloga i luma o le Komesina Fa'amasino o Tulafono Ta'alepulega o le a tatalaina i le lautele ma o le a fa'amaumauina i le tusilima fa'apu'upu'u po'o masini. O le Komesina Fa'amasino o Tulafono Fa'alepulega e tusa ai ma tulafono ta'iala o le a na fa'atulagaina mo le sauniaina o se fa'amaumauga o le iloiloga ma isi taualumaga i luma o le Komesina Fa'amasino o Tulafono Fa'alepulega."

Maga 15. 32.0638 ua suia e faitauina:

"32.0638 Su'esu'ega fa'aletino e mana'omia fa'atonuina.

O se tagatafaigaluega talosaga ua manu'a pe ua ta'uagava'aina mo se totogi e tatau ona fa'ataunu'u lea su'esu'ega o le tino e se foma'i agava'a ua fa'asinoina ma'oti pe ua fa'amaoniaina e le Komisi e avea ma Komesina po'o le Fa'amasino o Tulafono Fa'alepulega e mana'omia fa'atonuina. O le nofoaga po'o nofoaga o lea su'esu'ega e tatau ona avanoa lelei mo lea tagatafaigaluega. O se foma'i po'o foma'i e mafai ona filifilia ma totogia e le

tagatafaigaluega, pisinisi e fa'afaigaluegaina tagata po'o sē e faigaluega totogi e mafai ona auai i se su'esu'ega pe afai e talosagaina e le tagatafaigaluega, pisinisi/tagata e fa'afaigaluegaina tagata po'o va'a ma va'alele. O tualumaga o le a taofia letumau ma o le a leai fo'i se totogi e mafai ona totogi atu mo so'o se vaitaimi e te'ena ai e le tagatafaigaluega mo le tu'uina atu ina ia su'esu'eina."

Maga 16. 32.0640 ua suia e faitauina:

"32.0640 Fa'atulagaina o su'esu'ega po'o iloiloga.

I le fa'ataunu'uina o se su'esu'ega po'o le sa'iliga o fa'amatalaga po'o le fa'atulagaina o se iloiloga, ~~o le a le notia le Komesina i le tulafono lautele po'o tulafono aiaia o fa'amaonia po'o tulafono fa'apitoa po'o tulafono ma'oti o tualumaga, vagana ai e pei ona aiaia i leni mata'upu ma le Mata'upu 32.05, ae mafai ona faia lea su'esu'ega po'o le fa'atulagaina o lea iloiloga i se tulaga e mafai ona fa'amaotino ai aiā o itu e a'afia ai. o le Fa'amasino o Tulafono Fa'alepulega e tatau ona fa'aaogaina tulafono o fa'amaoniga ma tualumaga e fa'aaogaina i le Fa'amasinoga Sili o Amerika Samoa e avea ma taiala, e tusa ma le TTAS 4.0607."~~

Maga 17. 32.0644 ua suia e faitauina:

"32.0644 Tagata molimau--Tu'uina atu i se tautoga..

E leai se tagata e mana'omia fa'atonuina e auai e avea ma tagata molimau i so'o se iloiloga i luma o le komesina po'o le Fa'amasino o Tulafono Fa'alepulega i se nofoaga i fafo o le Teritori, ae o le molimau a so'o se tagata molimau e mafai ona fa'amaumauina e ala i se tautoga po'o fesili e tusa ma tulafono o tualumaga fa'aletulafono o le Fa'amasinoga Sili o Amerika Samoa."

Maga 18. 32.0645 ua suia e faitauina:

"32.0645 Totogi o tagata molimau.

O tagata molimau e samaniaina i se iloiloga i luma o le Komesina po'o le Fa'amasino o Tulafono Fa'alepulega po'o o lana ta'utinoga fa'atautoina sa fa'amaumauina e mafai ona maua le totogi lava e tasi ma maila e pei o tagata molimau i le Fa'amasinoga Sili o Amerika Samoa."

Maga 19. 41.0205 ua suia e faitauina:

"41.0205 Malosi ma tiute.

O le Komiti e mafai ona:

(1) fa'atulagaina iloiloga e fa'atatau i le tulaga po'o le tu'u'esea o so'o se tagata e 'ese mai ai tagata Amerika Samoa, o latou ta'ito'alua ma a latou fanau, talosagaina le fa'atagaga e ulufale mai ai pe nofo i Amerika Samoa: ma

e iloiloina apli o i'ua a le Loia Sili ma le vaega o femalaga'ia; o le komiti o le a fa'avaeina ma tausia se fa'amaumauga o taualumaga uma e faia i luma o le komiti e mafai ai ona fa'asaoina se fa'amaumauga atoatoa mo le toeiloiloga e le Fa'amasino o Tulafono Fa'alepulega e tusa ma TTAS 4.0601;

(2) tipoti ('ave'esea fa'amalosia) o so'o se tagata mai fafo ina ua uma ona tu'uina atu se avanoa mo se iloiloga lautele;

(3) fa'atulaga so'o se isi iloiloga e talafeagai mo le fa'amalosiaina o lenei ulutala;

(4) su'esu'e so'o se mata'upu e fa'atatau i le fa'amalosiaina o lenei ulutala, e ala i se sui ua fa'atagaina e le Komiti;

(5) tusivala'auina fa'amaumauga ma tagata molimau, fa'amalosia molimau ma molia mo le anuilagi;

(6) su'esu'e tusi, fa'amaumauga ma teugatupe a pisinisi/tagata e fa'afaigaluegaina tagata i Amerika Samoa e fa'atatau i galuega a tagata mai fafo;

(7) aiaia tulafono ma poloaiga talafeagai mo le fa'amalosiaina o lenei ulutala; ma o ia poloa'iga e tatau ona aofia ai aiaiga e fa'atatau i le tipotiina (ave'esea fa'amalosia) e fa'apea:

(a) e tatau ona tu'uina atu se fa'aaliga i le tagata mai fafo, e talafeagai i lalo o tulaga uma, i le tulaga o moliaga e fa'asaga ia te ia fa'apea ma le taimi ma le nofoaga o le a fa'ataunu'u ai le iloiloga;

(e) o le tagata mai fafo e iai lona aiā e fautuaina ai e se loia, e le tologia e le malo lea loia, ma o ia ua fa'atagaina e a'oa'o tulafono i luma o le Fa'amasinoga Sili a Amerika Samoa, pe afai e filifili iai o ia;

(i) o le a iai se avanoa talafeagai o le tagata mai fafo e su'esu'e ai fa'amaoniga e aumaia e fa'asaga ia te ia, e tu'uina atu fa'amaoniga mo lona puipuiga, ma fesiligia molimau e aumaia e le Malo e molimau e fa'asaga ia te ia; ma

(o) e leai se i'uga e ave'ese ai e taualoa vagana ai ua fa'avae i luga o fa'amaoniga talafeagai, tauā, ma fa'amaoniaina; ma o lea fa'ai'uga e tatau ona tusitusia;

(8) aiaia tulafono ma poloaiga e fa'atatau i le fa'amaoniaina po'o le te'enaina o tagata mai fafo e auai i a'oga po'o kolisi, e fa'amautu ai se laisene pisinisi, po'o le fa'afaigaluegaina i le Teritori;

(9) ia fa'aavanoaina mo su'esu'ega lautele tulafono ma fa'amaumauga tusitusia o tulafono fa'afoe, po'o fa'aliliuga fa'atulagaina, ua fa'amaoniaina pe fa'aogaina e le Komiti e fa'atino ai āna avegatau'ave;

(10) ia fa'aavanoaina mo su'esu'ega lautele poloa'iga taualoa uma, fa'ai'uga ma manatu;

(11) tu'uina atu so'o se tiute fa'alepulega i le Loia Sili po'o ali'i/tama'ita'i ofisa o le femalaga'iga o Amerika Samoa;

(12) mana'omia fa'atonuina le resitaraina o tagata mai fafo o lo'o nonofo i Amerika Samoa ma pu'e atu ma fa'ailoga o tamatama'ilima o ia tagata mai fafo e tu'uina atu i ai pepa e fa'ailoa ai i pepa ua fa'atulagaina ma saunia e le Komiti."

Maga 20 Ua fa'avaeina se maga 41.0206 e faitauina:

"41.0206 Malosiaga ma tiute o le Fa'amasino o Tulafono Fa'alepulega.

(a) O le Fa'amasino o Tulafono Fa'alepulega o le a iai le malosiaga e toeiloilo ai i'uga uma a le komiti o femalaga'iga e tusa ma aiaiga o lenei ulutala, e tusa ma le TTAS 4.0601, ma e a'afia i tapula'a e fa'atatau i ai.

(e) O le Fa'amasino o Tulafono Fa'alepulega o le a fa'aaogaina malosiaga uma e pei ona aiaia i Tulafono o Taulumaga Fa'alepulega ma fa'aopoopo i ai ma isi ua tu'uina atu i Tulafono a le Fa'amasino o Tulafono Fa'alepulega i le fa'atinoga o ona tiute e tusa ma lenei aiaiga.

(i) E leai se mea i lenei aiaiga o le a a'afia ai malosiaga ua aiaia atu i le komiti, le Loia Sili po'o le Ofisa o Femalaga'iga e pei ona tolaulauina i lenei Ulutala."

Maga 21. 41.0206 ua toefa'anumeraina e faitauina:

"41.02067 Malosi'aga ma matāfaioi a le Loia Sili.

E fa'ae'eina iā te ia tulaga o le pule ma le fa'amalosiaina o lenei tofiga fa'apea ma isi tulafono tau i le ulufale mai, femalagā'iga, resitalaina, ma tulaga o tagata mai fafo, vaganā o se tulaga e uiga i lenei tofiga po'o ni tulafono tau i le malosi'aga, gaoioiga, ma ni matāfaioi ua fa'ae'e atu i ai e le Komiti Fa'afoe. Pe afai o lenā iloiloga po'o se fa'ai'uga faia e le Loia Sili i tulaga o fesili uma tau i le tulafono ua fa'apea ona fa'amautuina. E iā te ia tulaga o le puleaina, fa'atonuina, ma le va'ava'aiga o tagata faigaluega uma ma faila uma fa'apea ma fa'amaumauga o le vaega o femalagā'iga ma le Komiti Fa'afoe. Na te fa'avaeina ni tulafono-fa'afoe, fa'atonuina pepa tau pone (bond), ripoti, tulaga i le ulufale mai ma isi pepa, tu'uina atu fa'atonuga, ma faia isi gaoioiga e talafeagai ma mana'omia i le tau'aveina o lona malosi'aga i lalo o aiaiga o lenei ulutala e aofia ai ma lona fa'asalaina o ni mata'upu ua tula'i i luma o le Komiti Fa'afoe. E mafai ona ia tu'uina ia tiute e manatu o ia e alagatatau e fa'atino ai pe fa'aaoga fo'i so'o se malosi'aga, aiā po'o tiute ua fa'ae'eina atu pe tu'uina atu e lenei ulutala po'o tulafono fa'afoe ua tu'uina atu i lalo i so'o se tagatafaigaluega o le ofisa o le Loia Sili fa'apea ma le vaega o le femalaga'iga. O le a ia te ia le malosi'aga ma le tiute e pulea ma puipua ai tuaoi ma tapula'a o Amerika Samoa e fa'atatau i le ulufale mai e le tusa ma le tulafono o tagata mai fafo ma o le a, i lana faitalia, tofia mo lona fa'amoemoe se aofa'iga o tagatafaigaluega o le vaega o le femalaga'iga e manatu o ia e talafeagai ma alagatatau e tusa ma le tulafono."

Maga 22. 41.0207 ua toefa'anumeraina e faitauina:

"41.02078 Avegatau'ave o le fa'amaoniaina.

(a) So'o se taimi lava e talosagaina ai e so'o se tagata mo so'o se fa'amaumauga e mana'omia fa'atonuina mo le ulufale mai po'o se tulaga o le nofomau po'o le taumafai e ulufale mai i Amerika Samoa, o le avegatau'ave mo le fa'amaoniaina o le a feagai ma lena tagata ina ia fa'amautu ai lona ta'uagava'aina e tauaaoina lea fa'amaumauga ma e le o a'afia fo'i o ia i le taofiga e ulufale mai. Afai e le mafai ona ia fa'amautuina lea tulaga e fa'atalitonuina ai le ofisa o le femalaga'iga i le taulaga e ulufale mai ai, e le mafai ona agava'a o ia e ulufale mai i Amerika Samoa.

(e) I tualumaga mo le ave'esea fa'amalosia e fa'asaga i so'o se tagata, o le avegatau'ave o le fa'amaoniaina o le a feagai ma lena tagata e fa'aailoa mai ai i lea taimi, nofoaga ma le tulaga na ulufale mai ai i totonu o Amerika Samoa, peita'i o le tu'uina atu o lena fa'amaoniga, e iai lona aiā e aumaia ai so'o se fa'amaumauga o le ulufale mai po'o isi pepa fa'amaonia ma fa'amaumauga, e fa'apea e le fa'alau'iteleina, e fa'atatau i lona ulufale mai ma o lo'o i lalo o le tausiga a le Loia Sili.

(i) Afai o le a le lagolagoina le avegatau'ave o le fa'amaoniga, e faitauina lenei tagata o lo'o i Amerika Samoa ua solia le tulafono."

Maga 23. 41.0208 e toefa'anumeraina e faitauina:

"41.02089 Toeiloiloina o tualumaga o le taofia i le to'ese.

(a) O le Vaega Iloilo Tagi a le Fa'amasinoga Sili a Amerika Samoa e mafai ona toeiloiloina i se iloiloga o le taofia e le tusa ai ma le tulafono mai pulega e agava'a ai, i so'o se fa'ai'uga a le Loia Sili e fa'atatau i le taofia i le to'ese, fa'asa'olotoina i se pone, pe palolo i tu'utu'uga, a'o fa'atalitali se i'uga o le ave'esea fa'amalosia.

(e) Afai e fa'amaonia e le Fa'amasinoga Sili e le'i mulimulita'i le Loia Sili i lea tulaga, o le fa'ataunu'uina vave talafeagai e pei ona fa'aalia i fa'amaoniga patino ma mafua'aga e iloiloina ai le ave'esea fa'amalosia, e mafai e le Fa'amasinoga ona fa'atonuina le fa'asa'olotoina o lenei tagata i tu'utu'uga ma aiaiga e manatu le Fa'amasinoga e alagatatau."

Maga 24 41.0209 ua toefa'anumeraina e faitauina:

"41.020910 Talosaga e toeiloiloina.

O se talosaga mo le toeiloiloina e mafai ona failaina i le Vaega o Tagi Le-malie o le Fa'amasinoga Sili e le itiiti ifo nai le 1-5 aso mai le aso o le i'uga tualoa a le Komiti; o lenei tagi o le a aumais e fa'asaga i le Komiti o sē itu molia."

Maga 25. 41.0210 ua toefa'anumeraina e faitauina:

~~41.021011~~ Fa'amoemoega o le toeiloiloga--Fa'amaoniga.

(a) E le mafai e le Fa'amasinoga ona suitulaga lana i'uga i le fa'ai'uga a le Komiti i le mamafa o le fa'amaoniga i le fesiligiaina o mea moni. I le toeiloiloina o le fa'aliliuga o fa'amaoniga a le Komiti, o āna fa'autaga o mea moni, ma lana fa'ai'uga fa'aletulafono, e tatau ona fa'atauaina ma taga'i toto'a iai le Fa'amasinoga i le tomai fa'apitoa o le Komiti, agava'a, tomai i tulafono fa'afoe ma le malamalama fa'apitoa i fa'afitauli tau femalaga'iga i Amerika Samoa.

(e) O le toeiloiloga o le a fa'apatino lava i fa'amaumauga; ae peita'i, o le Fa'amasinoga i lana fa'autaga mamao e mafai ona mauaina fa'amaoniga e fa'aatoatoa ai fa'amaumauga."

Maga 26. 41.0211 ua toefa'anumeraina e faitauina:

~~"41.021112~~ O le fa'auluina o se talosaga i lalo o le ~~41.020910~~ o le a le taofia ai le ave'esea fa'amalosia o so'o se tagata a'o fa'atalitali le i'uga a le Fa'amasinoga vagana ai ua fa'atonuina e 'ese mai ai.

Maga 27. 41.0212 ua toe fa'anumeraina e faitauina:

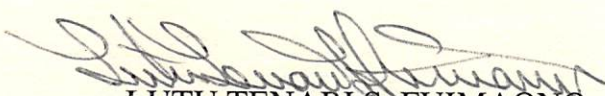
~~"41.021213~~ I'uga mai le Fa'amasinoga.

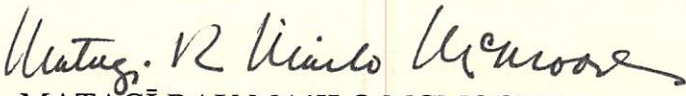
O le Fa'amasinoga na te fa'alēaogāina pe suia le fa'ai'uga a le Board, po'o le toefa'afo'i o le mataupu mo nisi taulumage, pe afai o aiā moni o le tagata talosaga ua saisaitia ona o le fa'ai'uga a le Board ua:

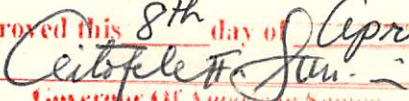
- (1) i le soliga o le fa'avae talafeagai po'o aiaiga o le tulafono;
- (2) fuafuaina o le malosi'aga fa'ale-tulafono o le Ofisa;
- (3) faia i luga o tulaga e le tusa ai ma le tulafono;
- (4) a'afia ona o nisi fa'aletonu o le tulafono'
- (5) manino i le iloiloga le fa'aletonu o le fa'atuatuaina, tu'uva'ava'aia ma tulaga o mau fa'amaonia i le fa'amaumauga aota;
- (6) lē mulimuli i se tulafono, fesuia'iga, po'o le fa'ailoa e ala i le so'onafai o le filifiliga sa'oloto."

Maga 28. Soloia.

"Maga 32.0635 ua soloia."


LUTU TENARI S. FUIMAONO
Peresetene, Maota Maualuga


MATAGI RAY MA'ILO MCMOORE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 8th day of April 2004

Governor Of American Samoa