



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

Senate Chamber
December 4, 1987

I certify that Senate Bill No. 91 passed third reading on this date in the Senate during its Second Special Session of the Twentieth Legislature of American Samoa.

Lialye Jiani Auesu
for MRS. SALILO K. LEVI
Secretary of the Senate

House Chamber
December 10, 1987

I certify that Senate Bill No. 91 passed third reading on this date in the House of Representatives during its Second Special Session of the Twentieth Legislature of American Samoa.

Wally F. Utu
WALLY F. UTU
Chief Clerk
House of Representatives

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Second Special Session

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

AN ACT CONFORMING THE PROVISIONS OF THE POWERS OF THE AMERICAN
SAMOA ECONOMIC DEVELOPMENT AUTHORITY WITH EXISTING LAW; AMEND-
ING SECTION 11.1905 ASCA.

PREAMBLE:

This act is effective immediately upon passage by the
Legislature and approval by the Governor due to the emergency
need to provide continued financing of the Executive Office
Building.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 11.1905 is amended to read:

"11.1905 Powers of the authority.

(a) The authority has the following specific powers with
respect to any project together with all other powers inciden-
tal, necessary or appropriate for the implementation of these
projects not in conflict with the provisions of this chapter;

(1) to acquire, whether by construction, devise, pur-
chase, gift, lease, condemnation or otherwise or any one or
more of such methods, and to construct, improve, maintain,
equip, and furnish one or more projects other than a project
involving governmental facilities, located within the
Territory or within the coastal waters of the Territory;

(2) to lease or lease-purchase to a lessee or from a
lessor all or any part of a project for rentals upon terms
and conditions which its members consider advisable;

(3) to sell or acquire by installment payments or other-
wise and convey or receive conveyance of all or any part of a
project other than a project involving government facilities,
for a purchase price upon the terms and conditions which its
members consider advisable;

(4) to lease for a term coterminous with the term of
any bonds issued by the authority, from the government all or
any part of a project for governmental facilities provided
that any lease of ten years or more is subject to approval of
submitted to the Legislature, as may be required by section
37.2030 ASCA;

(5) to make secured or unsecured loans for the purposes of providing temporary or permanent financing or refinancing of all or part of the cost of a project, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the cost of a project; and to charge and collect interest on these loans for the loan payments upon the terms and conditions which its members consider advisable;

(6) to issue bonds for the purpose of financing any project as provided in this chapter, and to sell bonds at a price determined by the members or to exchange bonds for property, labor, services, material, or equipment, comprising a project or incidental to the acquisition of a project, and those bonds may bear interest at any rate or rates, including variable rates, and contain other terms, provisions or conditions determined by the members to be necessary or appropriate;

(7) as security for the payment of the principal of and interest on any bonds issued and any agreements made in connection with that issuance, to mortgage and pledge all or part of these projects, whether then owned or later acquired, and to assign, mortgage, and repledge security available to the authority to secure a loan made by or to the authority and to pledge the revenues, rentals, receipts and other payments therefrom;

(8) to enter into any contracts or agreements, in addition to the bond documents, which it deems necessary or appropriate on terms and conditions the members deem appropriate;

(9) to charge to applicants for bond financing reasonable, application, administration, and other fees;

(10) to agree, notwithstanding anything to the contrary contained in this chapter or in any other provision of law, to any conditions attached to federal government financial assistance in the development or operation of projects; and the authority may include in any contract, made in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid to the project;

(11) to obligate itself, as required by the federal government or as necessary to acquire mortgage insurance, in any contract with the federal government for contributions to the authority, to transfer or convey to the federal government possession of or title to the project to which such contract relates, to the extent that the authority has obtained possession or title to a project, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the authority is subject; and such contract may further provide that in case of such transfer or conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with project and funds in accordance with the terms of such contract, provided that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the project have been or will be cured and that the project will thereafter be operated in accordance with the terms of the contract, the federal government shall transfer back, or reconvey to the authority the project as then constituted;

(12) to lease real property to or from private entities or the government, for such periods as are authorized by law, and to hold and manage or to sublease said property;

(13) to borrow or lend money, to issue temporary or long term evidence of indebtedness, and to repay the same;

(14) to pledge the assets and receipts of the authority as security for debts, and to acquire, sell, lease, exchange, transfer or assign, real, personal or mixed property, or any

interest therein;

(15) the authority shall have no authority to purchase or otherwise acquire communal or native land;

(16) to undertake and carry out studies and analyses of housing needs, to prepare plans to remedy housing needs, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing project or any part thereof;

(17) with respect to any dwellings, accommodations, lands, buildings or facilities embraced within any housing project (including individual cooperative or condominium units), to lease or rent, sell, enter into lease-purchase agreements or lease with option to purchase; to establish and revise rents or required monthly payments; to make rules concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to promulgate further rules as the board of directors may deem necessary and desirable to effectuate the powers granted by this chapter;

(18) to finance the purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the federal government;

(19) to terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or homebuyer;

(20) to establish income limits for admission that insure that dwelling accommodations in a housing project shall be made available only to persons of low income or moderate income;

(21) to purchase insurance from any stock or mutual company for any property or against any risk or hazards;

(22) to invest such funds as are not required for immediate disbursement;

(23) to establish and maintain such bank accounts and other banking relationships as may be necessary or convenient;

(24) to employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the authority may require and to delegate to such officers and employees such powers or duties as the board of directors shall deem proper;

(25) to join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a state, territory or Indian tribe in the exercise, either jointly or otherwise, of any or all of the powers of the authority and such other public housing agency or agencies for the purposes of financing, (including but not limited to the issuance of notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects of the authority or such other public housing agency or agencies, so joining or cooperating with the authority, in the name of the authority or in the name of such agency or agencies;

(26) to take such further actions as the board of directors may deem necessary and desirable to effectuate the purposes of the authority.

(b) The authority may not own or operate any industrial enterprise, commercial enterprise, or utility, other than as lessor, seller, or lender or pursuant to the requirements of any bond documents or other contract or agreement deemed appropriate by the board of directors of the authority. Accordingly, the lessee, purchaser, or borrower, pursuant to any lease, sale or loan agreement related to an industrial enterprise, a commercial enterprise, or utility is considered the owner of the project for the purposes of the application of, any property, sales, or use taxes or any other taxes levied or imposed by the Territory and its political subdivisions. The purchase and holding by the authority of mortgages, deeds of trust, or other security interests and contracting for any servicing of them may not be construed as the operation of any such project.

(c) The authority shall receive applications for approval of projects which must contain such information as is required by the authority. After an application is submitted which meets the requirements of the authority, the authority shall hold a public hearing on the application. Notice of the hearing must be published no less than 3 days nor more than 30 days prior to the hearing. All interested persons who appear at the hearing shall be given reasonable opportunity to be heard. The hearing shall be conducted by either the board of directors, one of its members, an employee of the authority, or another person designated by the board of directors as the hearing examiner. The person conducting the hearing may administer oaths and question witnesses, and shall make a recommendation to the board of directors regarding the project. The board of directors shall then make a recommendation to the Governor regarding which projects should be approved, and may make a determination that the project is necessary and appropriate to the implementation of the purposes of this chapter. The Governor must give final approval of each project. Following approval by the Governor, and execution of bond documents by all parties, the authority may deliver its bonds. Neither the recommendations of the persons conducting the hearings nor the determination by the board of directors, nor actions of the Governor regarding approval, are reviewable by a court except in cases of fraud. The bonds of the authority, when delivered shall be incontestable for any cause and shall be valid, binding and enforceable in accordance with their terms and conditions.

(d) In undertaking any project, the authority shall adhere to the following criteria and requirements:

(1) the project, in the determination of the authority, is appropriate for the needs and circumstances of, and makes a significant contribution to, the economic well-being of the Territory, and serves a public purpose by advancing the economic prosperity, public health, safety or general welfare of the Territory or its inhabitants;

(2) financing of a project involving an industrial enterprise, a commercial enterprise or utility may not be entered into with a person who is not financially responsible and fully capable and willing to fulfill its obligations to make payments in the amounts and at the times required, to fulfill the obligation to operate, repair and maintain any project involving an industrial enterprise, commercial enterprise or utility at its own expense, and to serve the purposes of this chapter, and other responsibilities as imposed under the bond documents. In determining financial responsibility of the party, consideration must be given to the party's ratio of current assets to current liabilities, net worth earning trends, coverage of all fixed charges, the nature of the

industry or activity involved and its inherent stability, and guarantee of the obligations by some other financially responsible corporation, firm or person, and other factors determinative of the capability of the party, financially and otherwise, to fulfill its obligations consistently with the purposes of this chapter.

(e) The authority is authorized to issue each year the full amount of bonds available under federal law for industrial development projects, including, but not limited to, private activity bonds, as well as the full amount of bonds available under federal law for housing projects.

(f) The obligations of the authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities, and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Territory or the government and any local unit or political subdivision of the Territory or the government. The tax exemption provisions of this chapter shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this chapter and without necessity of being restated in the obligations, a contract between the authority and the government, and the holders of obligations and each of them, including all transferees of the obligations from time to time.

(g) Obligations of the authority shall be issued and sold in the following manner:

(1) obligations of the authority shall be authorized by a resolution adopted by the vote of a majority of the full board of directors and may be issued in one or more series;

(2) the obligations shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide;

(3) the obligations may be sold at public or private sale at no less than par.

(h) Obligations of the authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any obligation of the authority or the security therefor, any such obligation reciting in substance that it has been issued by the authority to aid in financing a project pursuant to this chapter shall be conclusively deemed to have been issued for such purpose, and the project for which such obligation was issued shall be deemed to have been planned, located and carried out in accordance with the purposes and provisions of this chapter.

(i) In connection with the obligations set forth in bond documents or other contracts and obligations, the authority, subject to the limitations in this chapter may:

(1) pledge all or any part of its gross or net rents, fees or revenues to which its rights then exist or may thereafter come into existence;

(2) provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the obligations;

(3) covenant against pledging all or any part of its rents, fees and revenues or personal property to which it is already entitled or may thereafter be entitled to or permitting or suffering any lien on such revenues or property;

(4) covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof;

(5) covenant as to the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and disposition on the proceeds thereof;

(6) provide for the replacement of lost, destroyed or mutilated obligations;

(7) covenant against extending the time for payment of its obligations or interest thereon;

(8) covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof;

(9) create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the moneys held in such funds;

(10) prescribe the procedure, if any, by which the terms of any contract with holders of the obligations may be amended or abrogated;

(11) covenant as to the use, maintenance and replacement of its real, personal or mixed property, the insurance to be carried thereon and the use and disposition of insurance moneys;

(12) covenant as to the rights, liabilities, powers and duties arising upon the breach of any covenant, condition or obligation;

(13) covenant and prescribe as to events of default and the terms and conditions upon which any or all of its obligations become or may be declared due for maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(14) vest in any obligees or any portion of them the right to enforce the payment of the obligations or any covenants securing or relating to the obligations;

(15) exercise all or any part or combination of the powers granted in this section;

(16) make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character;


(17) make any covenants and do any acts and things necessary, convenient or desirable in order to secure its obligations, or in the absolute discretion of the authority, tending to make the obligations more marketable although the covenants, acts or things are not enumerated in this section.

(j) American Samoa and all its public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, including savings and loan associations, all investment companies, insurance companies, insurance associations, and other persons carrying on an insurance business in the Territory and all personal representatives, guardians, trustees, and other fiduciaries in the Territory may legally invest any moneys or funds belonging to them or within their control and available for investment under other provisions of law, in any obligations issued by the authority or in any bonds or other obligations issued by any public housing authority or agency in the United States when such bonds or obligations are secured by a pledge of annual contributions or other financial assistance to be paid by the federal government or any agency thereof, and the obligations of the

authority and the bonds and other obligations of any such public housing authority or agency shall be authorized security for all public deposits and shall be fully negotiable in American Samoa. It is the purpose of this section to authorize any of the foregoing to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension, and trust funds and funds held on deposit, for the purchase of any such bonds or other obligations, provided that nothing contained in this section shall operate to relieve any person, firm, or corporation from liability for failure to exercise reasonable care in selecting investments or in the case of a guardian or trustee from liability for failure to exercise the judgment and care to observe the duties required of a guardian or trustee."

Sec 2. Effective date.

This act is effective immediately upon passage by the Legislature and approval by the Governor due to the emergency need to provide continued financing of the Executive Office Building.


LETULI TOLOA
President of the Senate


TUANA'ITAU F. TUIĀ
Speaker of the House

Hereby Approved this 21st day of December, 19 87


Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Faapitoa Lona Lua

Nofoaia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso tolusefulu o Novema
tasi le afe iva selau valusefulu fitu

O SE TULAFONO IA GAUAI I AIAIGA O LE MALOSI O LE PULE ATIINA'E
TAMAOAIGA AMERIKA SAMOA I TULAFONO O IAI NEI; SUIA LE MAGA
11.1905 TFAS.

FAATOMUAGA:

O lenei tulafono e taualoa vave pe a pasia e le
Fonofaitulafono ona o le fa'anatinati o le mana'oga e saunia
tulaga faia pe a saili tupe o le Fale Lala Fa'amalosi Tulafono.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 11.1905 ua suia e faitauina:

"11.1905 Malosi o le pulega.

(a) O le puleaga ua i ai malosi patino e tusa i so'o
se galuega fa'atasi ma isi malosi uma e ala mai ai, tatau
ma talafeagai mo le fa'atinoina o nei galuega ae le feteena'i
ma fuaitau o lenei mataupu:

(1) e mauaina pe i le fauina, faameaalofa, faatau, foa'i,
lisi, aveina pe ese ai po'o so'o se tasi pe silia o ia faiga
ma e fauina, fa'alelei, tausia, fa'atotoga, faameafale le
tasi po'o silia o galuega ese ai se galuega a'afia ai mea
a le malo, i totonu o le Teritori po'o i totonu o gataifale
o le Teritori.

(2) e lisi, lisi fa'atau i se tagata fia fai lisi
po'o mai se ona se lisi atoa po'o se vaega o se galuega mo
le mautotogi i luga o tulaga ma tu'utu'uga ua silafia e
ona totino ua talafeagai;

(3) e fa'atau atu pe maua mai i totogi vaega pe ese
ai le tu'uina atu po'o le mauaina mai atoa po'o so'o se
vaega o se galuega ese ai se galuega a'afia ai mea a le
malo, mo se tau e fa'atau ai i luga o tulaga ma tu'utu'uga
ua silafia e ona totino ua talafeagai;

(4) e lisiina mo se umi feagai ma tu'utu'uga o so'o
se pone avatuina e le puleaga, mai le malo le atoa po'o so'o
se vaega o se galuega mo mea a le malo ae peita'i ona o so'o
se lisi faapena o le sefulu tausaga pe silia ua-a'afia-i-le
fa'amaoniga-a-le-Fonofaitulafono ua auina i le Fonofaitula-
fono. e pei ona mana'omia e le maga 37.2030 TFAS:

(5) e faia louni puipuia pe le puipuia mo autu o le saunia faatupega le tumau pe tumau po'o le toe fa'atupeina atoa po'o se vaega le tau o se galuega, aofia ai le toe fa'atupeina i so'o se aitalafu o i ai, mokesi, tupe maua mai muamua, sa faia, po'o avatuina e so'o se tagata mo se tau o se galuega; ma faia ma acina tului o nei louni mo totogi o louni o tu'utu'uga ma tulaga ua silafia e ona totino ua talafeagai;

(6) e avatuina pone mo le autu o le fa'atupeina so'o se galuega pei ona saunia i lenei mataupu, ma e fa'atau atu pone i se tau fuafuaina e totino po'o e fa'afuase'i pone mo meatotino, galuega, tautua, mea e fai ai galuega, masini, tusa ai ma se galuega po'o a'afia ai i le mauaina o se galuega, ma o na pone ia iai se pasene i so'o se fua po'o fua, aofia fua eseese, ma aofia ai isi tu'utu'uga, fuaitau po'o tulaga fuafuaina e totino ua tatau ma talafeagai;

(7) ona o se puipuiga o le totogia o le tupe faavae ma tului o so'o se pone avatuina ma so'o se maliliega ua faia, tusa ma le avatuina, e mokesi ma folafola i le atoa po'o se vaega o nei galuega, pe ua umia pe maua mulimuli ane, ma e faau, mokesi, ma toe folafola puipuiga avanoa i le puleaga e puipuia se louni ua faia e po'o i le puleaga ma e folafola alagatupe, tupe mautotogi, risiti ma isi totogi maua mai ai;

(8) e ulufale so'o se konekalati po'o maliliega, fa'apoopo i pepa pone, ua ia silafia ua tatau po'o ua feagai i luga o tu'utu'uga ma tulaga ua silafia e totino ua tatau;

(9) e mana'omia totogi mai tagata talosaga mo le fa'atupeina o pone ma isi tautua tatau, galuega ma isi totogi;

(10) e malie, e le afaina so'o se mea ua ese ai aofia i lenei mataupu po'o i totonu o so'o se fuaitau o le tulafono, i so'o se tulaga fa'apipi'i i fesoasoani tau tupe a le malo tele i le ati'ina'e po'o le fa'agaoioiga o galuega; ma o le puleaga e mafai ona aofia i so'o se konekalati, faia e tusa ai o se galuega, fa'aupuga mana'omia fa'apea o le konekalati ma so'o se soakonekalati usita'i i mana'oga e tusa i le tele o itula faigaluega, ma usita'i i so'o se tu'utu'uga e mafai ona fa'apipi'i mai e le malo tele i ana fesoasoani tau tupe i le galuega;

(11) e saisaitia o ia lava, pei ona mana'omia e le malo tele pe ina ua tatau mo le mauaina mai o inisiua mokesi, i so'o se konekalati ma le malo tele mo le fa'asoasoaina i le puleaga, e fa'au atu po'o le tu'u atu le aia po'o le pule i le galuega ua faia ai lea konekalati, i le tulaga faapea o le puleaga ua maua le aia po'o le pule i le galuega, ina ua tupu mai se fa'afitauli tele (pei ona aiaia i lea konekalati) e tusa i le feagaiga po'o tu'utu'uga e a'afia ai le puleaga; ma o se konekalati e mafai atili ona aiaia faapea i le tulaga o sea avatuina po'o le fa'au atu, o le malo tele e mafai ona fa'amae'a, fa'agaoioiga, pulea, lisi, faau atu pe faafeagai ma le galuega ma vaegatupe tusa ai ma tu'utu'uga o sea konekalati, ae peita'i ona o le konekalati e mana'omia faapea, i le vave e mafai ai ina ua malie le malo tele faapea o faafitauli uma e tusa o le galuega ua po'o le a faia, ma o le galuega o le a faia tusa ai ma tu'utu'uga o le konekalati, o le malo tele ia toe tu'uina mai, po'o le toe faau mai i le puleaga le galuega e pei ona tulaga ai i lea vaitaimi;

(12) e lisi fanua i po'o mai vaega tua po'o le malo, mo vaitaimi pei ona faatagaina e tulafono, ma e umia ma pulea po'o le toe lisiina ia fanua;

(13) e nono pe faaune tupe, e avatuina molimau o aitalafu pe umia pe pu'upu'u, ma toe totogia ia mea;

(14) e folafola oloa ma tupe a le puleaga e fai ma fa'amau mo aitalafu, ma e maua ai, faatauina lisi, faafesuia'i fa'auitu; pe avatuina, fanua, po'o meatotino patino pe fefiloi, po'o se aia o iai;

(15) e faatau fanua po'o so'o se aia i fanua po'o le mauaina lea fanua mai vaega tua po'o le malo; ae peita'i ona o puleaga ia leai se pulea e fa'atau po'o le mauaina o fanua faitele po'o tagatanu'u;

(16) e faia ma tauaveina su'esu'ega ma sailiiliga o manaoga tau fale, e saunia fuafuaga e a'afia ai manaoga tau fale, e faia lea lava mea, e fa'agaioia ai galuega saunia mo le fauina, toe fauina, fa'alelei, soso'o, sui po'o le fa'afou o so'o se galuega tau fale po'o sona vaega;

(17) i le tulaga tusa i so'o se nofoaga, fausaga, fanua, fale po'o mea aofia i totonu o so'o se galuega tau fale (aofia ai fale e tele potu ta'itasi po'o konetomini), e lisi pe fa'amau tologi, faatau atu, ulufale i maliliegi lisi faatau po'o lisi ma le avanoa e faatau e fa'atuina ma sui tologi mautotogi pe mana'omia tologi ta'i masina; e faia tulafono masani uiga i le filifilia e tagata e nonofo ai po'o i latou e fa'atauina fale; aofia ai le fa'atuina faatulagaga muamua ona fai; ma tusa ai o le nofo ai, mautotogi, teuina ma le tausiga o faia ta'itasi ma e faia isi tulafono masani ua silafia e le komiti fa'atonu ua tatau ma mana'omia e fa'atinoina malosi ua faatagaina e lenei mataupu;

(18) e fa'atupe le fa'atauina o fale e se tagata agava'a e fa'atau fale tusa ai ma poloaiga ma mana'oga o le malo tele;

(19) e fa'amuta so'o se lisi po'o maliliegi nofo mautotogi po'o maliliegi lisi fa'atasi pe afai o le tagata o nofo ai po'o le fa'atau fale ua solia tu'utu'uga o sea maliliegi; po'o ua le faia so'o se tasi o aiaiga o iai, po'o sea fa'amutaga ua fa'ataga i lalo o fuaitau o sea maliliegi; ma aumaia tagi fa'asaga i sea tagata o nofo ai po'o fa'atau fale;

(20) e fa'atuina fa'atuaiga tupe maua mo le taliaina faapea e inisiuaina fale nonofo i se galuega tau fale ia fa'avanoa tau lava o tagata maualalo pe feoloolo tupe maua;

(21) e faatau inišua ma so'o se kamupani fai siea mo so'o se meatotino po'o faasaga i so'o se fa'afitauli po'o mea mata'utia;

(22) e fa'afaigaluegaina vaegatupe ua le mana'omia vave mo le fa'aaogaina;

(23) e faatuina ma tausia tusi tupe mo isi fesoota'iga tau faletupe ua tatau ma talafeagai ai;

(24) e faafaigaluegaina se sui fa'atonu, tagata faigaluega ma isi ofisa ma tagata faigaluega, tumau pe le tumau, ina ua mana'omia e le puleaga ma tu'u atu i ia ofisa ma tagata faigaluega malosi ma tiute ua silafia e le komiti faatonu ua tatau;

(25) e feso'ota'i ma galulue fa'atasi isi vaega po'o ofisa lautele tau galuega tau fale i lalo o tulafono po'o faatulagaga a setete, teritori po'o tagatanu'u Initia i le fa'aaogaina, pe so'o fa'atasi pe ese ai, pe o so'o po'o le atoa o malosi o le puleaga ma isi vaega po'o ofisa tau fale mo le fa'amoemoe e faatupeina (aofia ae le gata i le avatuina o pone po'o isi pepa taua ma avatua faamauga mo ia mea), fuafuaga, galuega, pule, fauina, faagaoioia po'o le faia konekalati tusa ai o se galuega tau fale o le puleaga po'o se isi vaega po'o ofisa lautele tau fale, ua feso'ota'i pe galulue fa'atasi ma le puleaga, i le igoa o le puleaga, po'o i le igoa o sea ofisa po'o vaega;

(26) e faia isi gaoioiga ua silafia e le komiti fa'atonu ua tatau ma mana'omia i le fa'atinoia autu a le puleaga.

(e) O le puleaga e mafai ona le umia pe faagaoioi so'o se kamupani, pisinisi, po'o iutili, ae na o se na te lisi atu, faatau atu po'o le faaune atu po'o e tusa ai ma mana'oga o so'o se pepa pone po'o konekalati po'o maliliega silafia ua tatau e le komiti fa'atonu o le puleaga. O le mea lea, o le ua lisiina iai, tagata faatau po'o le tagata aitalafu tusa ai o so'o se lisi, faatau atu po'o maliliega tau louni tusa ai o se kamupani, pisinisi, iutili ua fa'a- uigaina o le pule o le galuega mo autu o le talosaga o so'o se meatotino, faatau, po'o lafoga fa'aaoga po'o so'o se isi lafoga e faia pea aiaia e le Teritori mo ona soavaega mataupu tau faigamalo. O le fa'atauina ma le umia e le puleaga o mokesi, feagaiga, o isi aia e faamau ai ma faia konekalati mo le tausia o ia mea ia le faauigaina o le fa'agaoioiga o so'o sea galuega.

(i) O le puleaga ia tauaaoina talosaga mo le faamaonia o galuega ia aofia ai fa'amatalaga ua mana'omia e le puleaga. Afai o se talosaga ua avatuina ua feagai ma mana'oga o le puleaga, o le puleaga ia faia se iloiloga lautele i le talosaga. Fa'aaliga o le iloiloga ia lomia e le itiiti le tolu aso lumanai pe silia le 30 aso luma'i le iloiloga. O tagata anaana uma ia tu'u iai le avanoa e tautala ai. O le iloiloga ia faia e le komiti fa'atonu, se tasi o ona totino, se tagata faigaluega o le puleaga, po'o se tasi tagata na te faia le iloiloga e mafai ona faia tautoga ma su'esu'eina molimau, ma ia faia fautuaga i le komiti faatonu e uiga i le galuega. O le komiti fa'atonu e faia se fautuaga i le Kovana uiga po'o le fea o galuega e fa'amaonia, ma e mafai ona faia se fa'aiuga faapea o le galuega ua tatau ma talafeagai i le fa'atinoia o autu o lenei mataupu. O le Kovana ia faia fa'amaoniga fa'ai'u o galuega ta'itasi. Soso'o ai ma le fa'amaoniga a le Kovana, o le sainia o pepa taua e itu uma, o le puleaga e mafai ona avatuina ana pone. O fautuaga a le tagata sa faia le iloiloga po'o le fa'aiuga a le Komiti fa'atonu, po'o gaoioiga a le Kovana tusa i le fa'amaoniga, e le mafai ona toe iloiloia e se fa'amasinoga. O pone a le puleaga, pe a avatuina, ia le faafinauina mo so'o se mafua'aga ma ia aloaia, saisaitia ma fa'amalosia e tusa ai ma latou tu'utu'uga ma tulaga.

(o) I le faia o se galuega, o le puleaga ia pipi'i i aiaiga ma manaoga ia:

(1) o le galuega, i le fa'aiuga a le puleaga, ua tatau mo mana'oga ma tulaga o, ma o le faia se fa'aopoopoga taua i, tamaoiga lelei o le Teritori, ma tautua i se mana'oga lautele i le si'itia o le manuia tau tamaoiga, soifua lelei, saogalemu ma le manuia lautele o le Teritori po'o ona tagata;

(2) faatupeina o se galuega aafia ai se kamupani, se pisinisi po o iutili e mafai ona le faia faatasi ma se tagata ua le faatuatuaina i mea tau tupe ma agava'a atoa ma le malie e faataunu'u ana saisaitiaga e faia totogi i aofaiga ma i le taimi mana'omia, e faataunu'u ana aafiaga faagaoioi, faafou ma tausia so o se galuega aafia ai se kamupani, pisinisi po o iutili i ana ia lava tupe, ma sapaia ai autu o lenei mataupu, ma isi fatuaiga tuuina atu i lalo o feagaiga. I le iloiloina le faatuatuaina tau tupe o le itu, ia faautagia le fua o aitalafu a le tagata o i ai nei, tupe totoe, aluga o ana tupe maua, puipuiga o meatotino uma, o le natura o le kamupani po o gaoioiga aafia ai ma lona mautu ma le faamalumu o aafiaga e se isi pisinisi tele faatuatuaina i mataupu tau tupe, pisinisi, po o tagata, ma isi uiga o le agava'a o le itu, mataupu tau tupe po o isi tulaga, e faataunu'uina ana aafiaga tusa ai ma autu o lenei mataupu.

(u) O le puleaga ua faataga e avatuina e tausaga taitasi le aofa'i atoa o pone avanoa i lalo tulafono a le malo tele mo le atiina'e o kamupani, aofia, ae le gata i, pone tua, faapea ma aofa'i atoa o pone avanoa i lalo tulafono a le malo tele mo galuega tau tele.

(f) O pone a le puleaga ua faalauiloa e avatuina mo autu aoga lautele ma le malo ma o mea a le lautele, ma, faatasi ma ona tului ma tupe maua mai ai, ia faagafua mai lafoga faia e le Teritori po o le malo ma so o se tasi o ona vaega po o soavaega tau faigamalo o le Teritori po o le malo. O fuaitau faagafua lafoga o lenei mataupu ia faauigaina o se vaega o le puipuiga mo le toe totogia o pone ma ia aofia ai, i luga o lenei mataupu ma aunoa ma le tatau ai ona toe tusia i pone, se konekalati i le va o le puleaga ma le malo, ma le umia pone ma latou taitoatasi, aofia i latou ua faau i ai i ai pone mai lea taimi ma lea taimi.

(g) O pone a le puleaga ia avatuina ma faatau i le faiga faapea:

(1) o pone a le puleaga ia faataga i se iugafono pasia e le palota a se fulisia o le atoa o le komiti faatonu ma e mafai ona avatuina i faasologa fuainumera e tasi pe silia;

(2) o pone ia aofia ai aso, aso e matua ai, tului ma le fua, ia i ai i pepa pone, i se faiga, po o kupone pe faamauina, tauaveina le liliuina po o avanoa o le faamauina, ia i ai le tulaga po o tulaga muamua, ia aiaia i se faiga, e totogi i se ituaiga totogi ma i se nofoaga, ma ia aafia i tuutuuga o le toe totogiina, faatasi ai pe leai se tului, e pei ona saunia e sea iugafono;

(3) o pone e mafai ona faatau atu e faatauga lautele pe i tua e le itiiti i le tau o tusia ai:

(1) O pone a le puleaga ia mafai atoa ona fefaataua'i. I so o se tagi, moliga po o tualumaga aafia ai le aloaia ma le faamalosi o so o se pone a le puleaga po o lona puipuiga, so o sea pone tusia ai faapea sa avatuina e le puleaga e fesoasoani i le faatupeina o se galuega tusa ai o lenei mataupu ia faauigaina lava sa avatuina mo sea autu, ma o le galuega sa avatuina ai ia faauigaina sa fuafuaina, faatulaga ma faia tusa ai ma autu ma fuaitau o lenei mataupu.

(m) Ia tusa ai ma saisaitiaga ua i ai pepa pone o isi konekalati ma aafiaga, o le puleaga, aafia i faatuaiga o lenei mataupu e mafai:

(1) folafola uma po o so o se vaega o ana tupe, tupe mautotogi atoa po o se vaega totoe;

(2) saunia mo malosi ma tiute o i latou ua aafia ma faatuaoi latou aitalafu; ma saunia mo tuutuuga ma tulaga e mafai ai e se tagata aafia ona mafai ona faamalosia so o se feagaiga po o aia puipuia pe uiga i pone;

(3) feagaiga faasaga i le folafolaina uma po o se vaega o ana tupe mautotogi, totogi ma alagatupe po o meatotino patino ua ulua'i agavaa ai i po o e mafai ona agavaa mulimuli ai i po o le faataga po o le aafia i so o se lini i sea alagatupe po o meatotino;

(4) feagaiga uia i faatuaaiga i ona ala e faatau atu, lisi pe faataape so'o se galuega po'o sona vaega;

(5) feagaiga uiga i le avatuina o pone ma le avatuga o ia pone e faamau ai pe ese ai, ma e tusa o le fa'aaogaina ma le fa'aaluga o tupe maua mai ai;

(6) saunia mo le toe suia o pone le iloa, faaleaga ma faaleagaina;

(7) feagaiga faasaga e fa'aopoopoina le taimi so'o se totogi o ana pone po'o ona tului;

(8) feagaiga uiga i mautotogi ma totogi e faia i le fa'agaioiga o se galuega, le aofa'i e si'itia i tausaga ta'itasi po'o isi vaitaimi e totogi o le mautotogi, totogi ma isi alagatupe ma e tusa o le fa'aaoga ma le fa'aaluga o le a faia ai;

(9) fa'avae pe faataga le faavaega o teugatupe faapitoa mo tupe taofia mo le fauina po'o le tau galuega, tului o aitalafu, tupe faaleoleo po'o isi lava atu, ma faia feagaiga e tusa i le fa'aaoga ma fa'aaluga o tupe taofia i ia teugatupe;

(10) aiaia laualumaga, pe a iai, e suia ma faamuta ai tu'utu'uga o so'o se konekalati ma le umia pone;

(11) faia feagaiga uiga i le fa'aaogaina tausia ma suia o ana meatotino fanua, patino pe fefiloi, o le inisiua e tauaveina ai ma le fa'aaogaina ma le fa'aaluga o tupe inisiua;

(12) fai feagaiga e tusa i aia, aafiaga, malosi ma tiute mafua mai le solia o so'o se feagaiga, tulaga po'o tu'utu'uga;

(13) fai feagaiga ma aiai uiga i tulaga ua le mafai ona totogi ma tuutuuga ma tulaga ua iai ana pone po'o e mafai ona fa'alauiloaina ua tataua ona matua, ma e tusa i tu'utu'uga ma tulaga o le fa'alauiloaga ma ona mafua'aga e mafai ona fa'agafuaina;

(14) tu'u atu i so'o se tagata a'afia po'o so'o se vaega o i latou le aia e fa'amalosi le totogi o pone po'o so'o se feagaiga fa'amauina pe uiga i pone;

(15) fa'aaoga uma po'o so'o se vaega po'o le fa'atasiga o le malosi faataga i lenei maga;

(16) faia feagaiga ese i lo ma fa'aopoopo i feagaiga fa'aalia manino i lenei maga, e tutusa pe uiga eseese;

(17) faia so'o se feagaiga ma faia so'o se gaioioiga ma mea tatau, feagai ma mana'omia ina ia puipuia ana aafiaga, po'o i le faitalia atoa a le puleaga, faia pone ia taulia i le maketi tusa lava po'o feagaiga, gaioioiga ua le o tau-iliiliina i lenei maga.

(n) Amerika Samoa ma ona ali'i ofisa uma, fa'alapopotoga nu'u, soavaega tau faigamalo, ma vaega lautele, fale-tupe uma, pule faletupe, kamupani fa'amalumalu, faletupe tupe teu, aofia ai faletupe teu tupe ma faiga o louni, kamupani fa'afaigaluega tupe, kamupani fai inisiua, sosaiete inisiua, ma isi tagata o faia se pisinisi inisiua i totonu o le Teritori ma sui uma, fa'amalumaluga, fa'atonu, ma isi sootagata i totonu o le Teritori e mafai i ala o le tulafono o fa'afaigaluegaina so'o se tupe po'o teugatupe pulea e i latou pe i totonu o la latou puipuiga ma avanoa mo le faapaseneina i lalo o fuaitau o le tulafono, i so'o se pone avatuina e le puleaga po'o so'o se pone po'o isi pepa saisaitia avatuina mo so'o se puleaga tau fale lautele po'o vaega i le Iunaite Setete pe afai o sea pone po'o pepa saisaitia ua puipui i se folafolaga o lafoga tausaga poo isi fesoasoani tau tupe e totogia e le malo tele pe o sona ofisa, ma o pone a le puleaga ma isi pepa saisaitia a so'o sea puleaga lautele tau fale po'o vaega e avea o puipuiga faataga mo teugatupe lautele uma ma ia fa'aaogaina atoa i Amerika Samoa. Ua avea ma autu o lenei maga e faataga e fa'aaogaina so'o se teugatupe ua tauina muamua pulea pe umia e i latou, aofia (ae le gata i) teugatupe taofia, inisiua, tupe faapasene, ritaea, tau, penisione, tupe faamalumu ma teugatupe teu, mo le faatauina o so'o se pone po'o isi pepa saisaitia, ae peita'i, ona e leai se mea o aofia i lenei maga fa'aaoga e faataga so'o se tagata, pisinisi, pisinisi tele mai le a'afia mo le fa'aaoga le faautauta tatau i le filifilia tupe faapaseneina ma i le tulaga o tagata o iai le vaaiga o isi po'o tausiga mai le a'afia i le fa'aaogaina le iloiloga tatau e vaaia tiute mana'omia i le tagata o vaai ma tausia isi.

Maga 2. Aso Tualoa.

O lenei tulafono e tualoa vave pe a pasia e le Fono-faitulafono ma fa'amaonia e le Kovana ona o le fa'anatinati o le mana'oga e saunia tulaga faia pea e saili ai tupe o le Fale Lala Fa'amalosi Tulafono.



LETULI TO'LOA

Peresetene, Maota Mau'aluga


TUANA'ITAU F. TUIA

Fofoga Fetalai, Maota o Sui

Hereby Approved this 21st day of December, 1987


Governor of American Samoa