

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Third Special Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the first day of December
two thousand and eight

AN ACT CREATING THE AMERICAN SAMOA DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATING WITHIN THIS DEPARTMENT THE OFFICE OF VITAL STATISTICS, THE TERRITORIAL EMERGENCY MANAGEMENT COORDINATION OFFICE, THE TERRITORIAL OFFICE OF HOMELAND SECURITY AND THE OFFICE OF TERRITORIAL AND INTERNATIONAL CRIMINAL INTELLIGENCE AND DRUG ENFORCEMENT, AMENDING SECTIONS 4.0301, 4.0330, 26.0105 AND 26.0106, A.S.C.A.; AND CREATING A NEW TITLE 8 A.S.C.A.

Preamble:

WHEREAS, the events of September 11, 2001 have galvanized the nation to rapidly achieve and diligently maintain an enhanced level of domestic preparedness to detect, prevent and respond to acts of terrorism and weapons of mass destruction (WMD);

WHEREAS, since that infamous day the US Department of Homeland Security has been established by the "Homeland Security Act of 2002" and the new department has requested the Governor of each state and territory to establish an Office of Homeland Security within each state and territory to oversee and coordinate the activities of state and territorial agencies and advise the Governor on matters of domestic preparedness and to liaise with the national office and the local communities; and

WHEREAS, the Territory of American Samoa is vulnerable to destructive forces, both natural and man-made; and

WHEREAS, these threats to the safety and security of our islands and people should be met with a concerted effort made up of local and federal government agencies and offices working together with competence and efficiency; and

WHEREAS, there must also be an agency within the American Samoa Government which can centralize the gathering of criminal intelligence for the enhancement of crime prevention and suppression; and

WHEREAS, drug trafficking and white collar crime have reached epidemic proportions in the United States and Pacific island nations and have inundated law enforcement capabilities. In this regard, the collection, sharing and dissemination of criminal information is a necessary element of crime prevention; and

WHEREAS, the Governor of American Samoa had recently, by Executive Order, established the Department of Homeland Security, consolidating within that department various offices and agencies of the American Samoa Government in order to coordinate their efforts and maximize their effectiveness and provide a Single State Agency (SSA) that would provide the overall coordination and administration of efforts to be funded by the US Department of Homeland Security; and

WHEREAS, such a consolidation of authority has proven useful and effective in the fight against threats against American Samoa and its citizens and should therefore be set in statute to ensure permanence; and

WHEREAS, due to the urgent need to have the Department of Homeland Security up and running immediately and without delay, this Act shall become effective after passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 4.0301 is amended to read:

"4.0301 Required departments.

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

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

- (10) a department of parks and recreation;
- (11) a department of human resources;
- (12) a department of treasury;
- (13) a department of marine and wildlife resources;
- (14) a department of commerce;
- (15) a department of human and social services; ~~and~~
- (16) a department of youth and women's affairs; and
- (17) a department of homeland security.

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

Sec 2. 4.0330 is amended to read:

"4.0330 Registrar of Vital Statistics.

(a) The Governor of American Samoa or his authorized representative shall create and establish the position of Registrar of Vital Statistics. The Registrar of Vital Statistics shall be under the control and supervision of the Director of Homeland Security.

~~(b) The Registrar of Vital Statistics shall be a part of the executive branch and shall have his offices where the Governor or his authorized representative shall designate."~~

Sec 3. 26.0105 is amended to read:

"26.0105 Responsibility of Governor - Disaster emergency council.

(a) The Governor is responsible for meeting the dangers to the Territory and people presented by disasters.

(b) Under this chapter, the Governor may issue executive orders, proclamations, and regulations, and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

(c) There shall be a disaster emergency council consisting of the Director of Public Safety, the Director of Homeland Security and 6 members appointed by the Governor for 4-year terms to advise him on matters relating to disasters; 3 members of the council are district governors of the 3 political districts of the territory.

(d) A disaster emergency shall be declared by executive order or proclamation of the Governor if he finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the Governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than 30 days unless renewed by the Governor. The Legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation

ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency.

An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster prevent or impede, promptly filed with the office of the Director of ~~Public Safety~~ Homeland Security, and the Office of the Territorial Registrar.

(e) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the territory, local, and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and be authorized for the deployment and use of any forces to which the plan or plans apply and for use of distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law relating to disaster emergencies.

(f) During the continuance of any state of disaster emergency, the Governor is Commander-in-Chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein restricts his authority to do so by orders issued at the time of the disaster emergency.

(g) In addition to any other powers conferred upon the Governor by law, he may:

(1) suspend the provisions of any regulatory statute prescribing the procedures for conduct of territorial business, or the orders, rules, or regulations, of any Territorial agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(2) utilize all available resources of the Territorial Government as reasonably necessary to cope with the disaster emergency and of each political subdivision of the Territory;

(3) transfer the direction, personnel, or functions of Territorial departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(4) subject to any applicable requirements for compensation under \$10, commandeer or utilize any private property if he finds this necessary to cope with the disaster emergency;

(5) direct and compel the evacuation of all or part of the population from any stricken or threatened area within the Territory if he deems this

action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(6) prescribe routes, modes of transportation, and destinations in connection with evacuation;

(7) control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(8) suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles; and

(9) make provision for the availability and use of temporary emergency housing.”

Sec 4. 26.0106 is amended to read:

“26.0106 Office of Territory Emergency Management Coordination.

(a) An Office of Territory Emergency Management Coordination is established in the ~~Office of the Governor~~ Department of Homeland Security. The office is under the supervision and control of the ~~Governor~~ Director of Homeland Security or his designee who is the disaster assistance coordinator. The office has a disaster assistance planner and other professional, technical, secretarial, and clerical employees necessary for the performance of its functions.

(b) The office shall prepare and maintain a territorial disaster assistance plan and keep it current, which includes:

(1) prevention and minimization of injury and damage caused by disaster;

(2) prompt and effective response to disaster;

(3) emergency relief;

(4) identification of areas particularly vulnerable to disasters;

(5) recommendations for zoning, building, and other land use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(6) assistance to local official in designing local emergency actions plans;

(7) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster;

(8) identification of federal, territory, and private assistance programs;

(9) organization of manpower and chains of command;

(10) coordination of the territorial disaster plan with the disaster plans of the federal government; and

(11) other necessary matters.

(c) The office shall take an integral part in the development and revision of territory wide disaster plans. To this end it shall employ or

otherwise secure the services of professional and technical personnel capable of providing expert assistance. These personnel shall consult with the office on a regularly scheduled basis and shall make examinations of the areas, circumstances and conditions to which the disaster plans are intended to apply and may suggest or require revisions.

(d) In preparing and revising the Territorial disaster plan, the office shall seek the advice and assistance of local government, business, labor, industry, agriculture, and volunteer organizations and community leaders.

(e) The Territorial Disaster Assistance Plan or any part thereof may be incorporated in rules of the office or executive orders which have the force and effect of law.

(f) The office shall:

(1) with the assistance of the political subdivisions, determine requirements of each village for food, clothing, and other necessities in the event of an emergency or disaster;

(2) adopt standards and requirements for the Territorial Disaster Assistance Plan;

(3) annually review the Territorial Disaster Assistance Plan;

(4) establish and assist political subdivisions, to operate training programs and programs of public information;

(5) make surveys and industries, resources, and facilities, within the Territory both public and private, as are necessary to carry out the purposes of this chapter;

(6) plan and make arrangement for the availability and use of any private facilities, services, and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon;

(7) establish a register of persons with types of training and skills important in emergency prevention, preparedness, response, and recovery;

(8) establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency;

(9) prepare, for issuance by the Governor, executive orders, proclamations, and regulations as necessary or appropriate in coping with disasters;

(10) cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparation, response, and recovery; and

(11) do other things necessary, incidental, or appropriate for the implementation of this chapter."

Sec 5. There is created a new Title 8 A.S.C.A. which reads:

**"TITLE 8
CIVIL DEFENSE"**

Sec 6. There is created a new chapter 01 under Title 8 A.S.C.A. which reads:

**“CHAPTER 01
DEPARTMENT OF HOMELAND SECURITY**

Sections:

- 8.0101 Short Title.**
- 8.0102 Definitions.**
- 8.0103 Department of Homeland Security - Creation –Responsibilities.**
- 8.0104 Director of Homeland Security - Functions – Authority.**
- 8.0105 Agencies under the Department of Homeland Security.**
- 8.0106 Annual report.**
- 8.0107 OTICIDE policy board.**
- 8.0108 Budget.**
- 8.0109 Interpretation.**
- 8.0110 Severability clause.**

8.0101 Short Title.

This Act shall be cited as the “Civil Defense Act of 2008”.

8.0102 Definitions.

For purposes of this Act, these words shall have the following meaning:

(1) “Department” shall mean the American Samoa Department of Homeland Security.

(2) “Director” shall mean the director of the American Samoa Department of Homeland Security.

(3) “Governor” shall mean the Governor of American Samoa.

(4) “Local agency” shall mean an agency or office of the American Samoa Government.

(5) “OTICIDE” shall mean the Office of Territorial and International Criminal Intelligence and Drug Enforcement.

(6) “Territory” shall mean the Territory of American Samoa.

8.0103 Department of Homeland Security - Creation – Responsibilities.

(a) There is established a Department of Homeland Security, as an executive department of the American Samoa Government within the meaning of Title 4, Chapter 3, A.S.C.A.

(b) The responsibilities of the department are to:

(1) work with agencies of the American Samoa Government and the US Department of Homeland Security and other federal agencies, to prevent terrorist attacks within American Samoa, reduce the vulnerability of American Samoa to terrorism, and minimize the damage, and assist in the recovery, from terrorist attacks that do occur within American Samoa;

(2) act as the Single State Agency (SSA) of the American Samoa Government designated to provide the overall coordination and administration of efforts to be funded by the US Department of Homeland Security;

(3) be the lead agency in all efforts for the preparation of the Territory against natural or man-made disasters, and shall coordinate with federal agencies to secure and receive federal assistance in order to prepare for, or to recover from natural or man-made disasters;

(4) develop a Territorial Homeland Security Operations Plan. This plan is to identify security and response weaknesses and prioritize specific homeland security projects and programs to address shortfalls and security lapses;

(5) work with frontline first responders, government agencies, private sector and local communities in American Samoa to enhance security and the overall state of readiness in the territory;

(6) identify and negotiate federal, state and community resources (human, financial, equipment) for the implementation of homeland security projects and programs;

(7) ensure the appropriate expenditure of federal and local resources for the purposes of homeland security, drug and human trafficking enforcement and prevention;

(8) monitor the implementation of homeland security programs and projects and reporting on the territorial state readiness to the Governor and the US Department of Homeland Security;

(9) record and store all vital records and statistics of the Territory of American Samoa to assure their safe keeping, accuracy and authenticity upon their proper issuance;

(10) coordinate, consolidate and collaborate the efforts of its component agencies into a cogent whole that supports the overall purposes of all-hazard preparedness, response, detection, deterrence, prevention and enforcement;

(11) carry out those functions and responsibilities as stated in Section 26.0106, A.S.C.A.;

(12) execute the duties and responsibilities necessary to fulfill the American Samoa Government's obligations and commitments to the: South Pacific Islands Criminal Intelligence Network (SPICIN), International Criminal Police Organization (INTERPOL), Federal Bureau of Investigation's National Crime Information Center (FBI-NCIC), El Paso Intelligence Center (EPIC), National Law Enforcement Telecommunications System (NLETS), and other regional and international law enforcement programs;

(13) gather intelligence information regarding drug trafficking and elements of organized crime and other illegal or suspect activities in the

Territory and share the same with other law enforcement agencies in the Territory;

(14) coordinate the flow of information between involved agencies on major criminal investigations involving narcotics, white collar crime, and corruption in government operations; and

(15) coordinate information collection and sharing on drug and human trafficking and white collar crimes with federal, state, territorial and local law enforcement agencies which have similarly provided for the coordination of enhanced intelligence sharing, investigative efforts, training, and the increased competence and proficiency of law enforcement officers.

8.0104 Director of Homeland Security - Functions – Authority.

(a) There is a director of the Department of Homeland Security, appointed by the Governor, and subject to confirmation procedures in section 4.0112, A.S.C.A.

(b) The director is the head of the department and shall have direction, authority and control over it.

(c) All functions of all officers, employees, and organizational units of the department are vested in the director.

(d) The director:

(1) may delegate any of his functions to any officer, employee, or organizational unit of the department;

(2) may promulgate rules and regulations to carry out the intent of this Act pursuant to A.S.C.A. 4.1001, et seq; and

(3) shall report directly to the Governor any immediate and present threat against the Territory of American Samoa, as well as the activities of the department and its component agencies to assure that they are in direct alignment with the priorities and goals of the American Samoa Government.

8.0105 Agencies under the Department of Homeland Security.

(a) The following agencies of the American Samoa Government shall be transferred to and permanently made a part of the department:

(1) Office of Vital Statistics;

(2) Territorial Emergency Management Coordination Office (TEMCO);

(3) Territorial Office of Homeland Security; and

(4) Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE).

(b) The agencies shall keep their functions as they have been established by executive order, regulations, or existing law and shall be maintained as distinct entities within the department.

8.0106 Annual Report.

On or before December 31, of each year, the director shall provide to the Governor a report on the state of security of the Territory as it relates to the functions and activities of the department for that year.

8.0107 OTICIDE policy board.

(a) There is established an Office of Territorial and International Criminal Intelligence and Drug Enforcement Policy Board. The board shall be responsible for developing policies, plans, and programs for improving the coordination, administration and effectiveness of OTICIDE in the Territory.

(b) The OTICIDE policy board shall comprise of the Director of Criminal Justice Planning Agency, Treasurer, U.S. Drug Enforcement Administration (DEA) and Coast Guard representatives, the Director of Homeland Security, or his designated representative, as an ex officio member, and the Commissioner of the Department of Public Safety, as chairman.

8.0108 Budget.

The Governor shall provide a budget for the department pursuant to the provisions of Title 10, A.S.C.A..

8.0109 Interpretation.

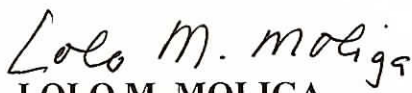
In this chapter, unless the context otherwise requires, words in the singular include the plural, and words in the plural include the singular.

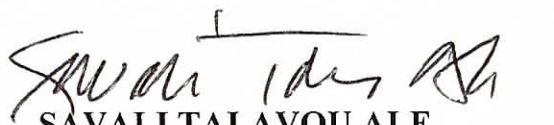
8.0110 Severability clause.

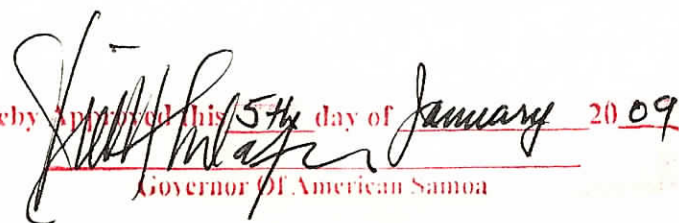
If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable."

Sec 7. Effective date.

This act shall become effective immediately upon passage by the Legislature and approval by the Governor.


LOLO M. MOLIGA
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives


Hereby Approved this 5th day of January 2009
Governor of American Samoa

NOFOAIGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA

Fono Fa'apitoa Lona Tolu

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso muamua o Tesema
lua afe ma le valu

O SE TULAFONO E FAATU AI LE MATAGALUEGA MO LE SAOGALEMU I LE LOTOIFALE A AMERIKA SAMOA, E TUUFAATASI I AI LE OFISA O FAAMAUMAUGA TAUUA, O LE OFISA MO FAALAVELAVE FAAFUASEI, (TEMCO), O LE OFISA FAATERITORI O LE SAOGALEMU O LE LOTOIFALE (TOHS) MA LE OTICIDE, SUIA AI MAGA 4.0301, 4.0330, 26.0105 MA LE 26.0106 MA FAABAE AI SE ULUTALA 8 FOU TTAS."

Faatomuaga:

- TALUAI, mea na tutupu ia Setema 11, 2001 na manatu ai le Iunaite Setete ina ia vave ona tali atu ma faamausaliina le tulaga nofo sauni e iloa ai, puipuia ma tali atu i gaoioiga faatupu faalavelave ma auupega e faatama'ia ai le toatele;
- TALUAI, talu mai lena aso matautia na faavae ai loa le Matagaluega a le Iunaite Setete mo le Saogalemu o lona Lotoifale e ala i le "Tulafono o le Saogalemu o le Lotoifale o le 2002" ma sa talosagaina ai Kovana o setete taitasi uma ma teritori ina ia tofua faatu ni o latou Ofisa faapea e vaaiia ma faafaeina gaoioiga a vaega o le malo ma fautuaina le Kovana i mataupu tau sauniuniga ma fesootai atu ma le ofisa I Amerika atoa foi ma totonu o le setete lava ia poo le teritori; ma
- TALUAI, o le Teritori o Amerika Samoa e ono afea gofie e faalavelave e le gata o le natura ae faapena foi mea e faia e le tagata; ma
- TALUAI, o le lamatia o le saogalemu o tatou atumotu ma o tatou tagata e tatau lava ona faafetauia i se taumafaiga e tutu faatasi ai vaega a lo tatou malo ma le malo tele; ma
- TALUAI, e tatau ona i ai lava se ofisa latou i totonu o le Malo o Amerika Samoa e totonugalemu i ai le tuufaatasia o faamatalaga ma faamaumauga tau i gaoioiga solitulafono mo le faaleleia atili o le puipuia ma le taofiofia o ia faiga; ma

TALUAI, ua maoa'e le maualuga o le tulaga o soligatulafono o le le faamaoni i totonu o galuega ma le fela'ua'ia o vaila'au faasaina i le Iunaite Setete ma motu o le Pasefika ma ua matua tofotofina ai le malosi o le aufaamalosi tulafono. O le itu la lena, ua matua alagatatau ai lava ona aoina mai, faasoa ma fetufaa'i faamatalaga talafeagai mo le puipuia o le solitulafono; ma

TALUAI, e talu ai nei ona faatuina e le Kovana o Amerika Samoa e ala i sana Poloa'iga, le Matagaluega o le Saogalemu o le Lotoifale, e tuufaatasia ai ni isi ofisa ma vaega a le Malo o Amerika Samoa ina ia mafai ona latou pulupululima faatasi ma faalautele atili le aoga o a latou taumafaiga e sau mai totonu o se Vaega e tasi e maua ai le pulea lelei ma le tutufaatasi i a latou taumafaiga e faatupe mai e le Matagaluega o le Saogalemu o le Lotoifale a le Iunaite Setete; ma

TALUAI, o le tuufaatasia faapea o se pulega ua faamaonia lona aoga i le taua faasaga i mea e lamatia ai Amerika Samoa ma ona tagata ma ua tatau ai ona faatulafonoina loa ina ia faamausali ai; ma

TALUAI, le manaoga vave ina ia faagaoioi loa le Matagaluega lea, o le a taualoa ai lenei Tulafono i le taimi lava e pasia ai e le Fono ma faamaonia e le Kovana.

IA FAATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 4.0301 ua suia nei e faitauina faapea:

"4.0301 Matagaluega e mana'omia.

(a) O totonu o le lala Faamalosi tulafono o loo I ai matagaluega nei:

(1) matagaluega o mataupu tau tulafono (loia sili);

(2) matagaluega o le soifuamaloloina;

(3) matagaluega o galuega lautele;

(4) matagaluega o a'oga;

(5) matagaluega o faato'aga;

(6) matagaluega o auaunaga tau le pulega;

(7) matagaluega o le pulega o le taulaga;

(8) matagaluega o le malo faalotoifale;

(9) matagaluega o le saogalemu lautele;

(10) matagaluega o paka ma malaetaalo;

(11) matagaluega mo tagata faigaluega;

(12) matagaluega o le tupe;

(13) matagaluega o alamanuia o le sami ma le vaomatua;

(14) matagaluega o fefaataua'iga;

- (15) matagaluega o auaunaga mo tagata ma le soifua lautele; ~~ma~~
(16) matagaluega o talavou ma mataupu tau tamaitai; ma
(17) matagaluega o le saogalemu ole lotoifale.
(e) O matagaluega uma e tofua ma matafai e faatonu mai e le tulafono ma faatonu ai foi e le Kovana.”

Maga 2. 4.0330 ua suia nei e faitauina faapea:

“4.0330 Lesitala o Faamaumaga Taua

(a) E faatuina e le Kovana o Amerika Saa poo sona sui faatagaina le galuega o le Lesitala o Faamaumaga Taua. O le Lesitala o Faamaumaga Taua o le a i lalo o le ta’ita’iga ma le pule a le Faatonusili o le Saogalemu i le Lotoifale.

Maga 3. 260105 ua suia nei e faitauina faapea:

“26.0105 Matafai a le Kovana – Vaega mo faalavelave tupu faafuasei.

(a) O le kovana ua i ai le fatuaiga e feagai ma puapuaga e aliali mai ona o faalavelave.

(e) I lalo o lenei mataupu, e mafai e le Kovana ona tuuina atu ni poloa’iga faalauaitale, o ni tuutuuga faaletulafono, pe suia foi pe toe faaleaogaina. O Faatonuga faakovana, o poloa’iga ma tuutuuga faaletulafono e tutusa lava lo latou malosi ma le tulafono.

(i) E i ai se fono o faalavelave faafuasei e i ai le Faatonusili o le Saogalemu Lautele, o le Faatonusili o le Saogalemu i le Lotoifale ma totino e 6 e tofia e le Kovana mo tausaga ta’ifa e fautuaina ia i mataupu e uiga i faalavelave; o le toatolu o totino o kovana faafalelima o itumalo faapalota e 3.

(o) O se faalavelave faafuasei ia faalauiloa i se poloa’iga a le Kovana pe afai ua iloa e ia ua tupu se faalavelave poo ua taulalata mai foi. O le tulaga o le faalavelave faafuasei ia faaauau pea se’ia silafia e le Kovana ua mavae le tulaga lamatia poo ua oo foi i le taimi ua le toe tulai mai ai se tulaga faaletonu ma faapena ona faamaui ai loa le tulaga o faalavelave faafuasei e ala i sana poloa’iga poo se folafolaga ae le mafai lava ona faaauau se tulaga faapea i tua atu o le 30 aso sei vagana ua toe faafou e le Kovana. E mafai e le Fonofaitulafono e ala i se iugafono malilie faatasi ona faamaui o se tulaga o faalavelave faafuasei i soo se taimi. O le taimi foi la lena e tuu mai ai se faatonuga poo se folafolaga a le Kovana e faamuta ai le tulaga lea o faalavelave faafuasei. O faatonuga uma faakovana poo ni folafolaga foi e faia i lalo o lenei soamaga, ia faaalia ai le uiga o le faalavelave, o le oganuu poo nuu o loo pagatia ai, ma le mafuaaga na ala ai ona tupu poo le mafuaaga foi ua tata ai ona faamuta o le tulaga o le faalavelave faafuasei.

O se faatonuga a le kovana poo se folafolaga foi ia vave ona faasalalauina ina ia iloa vave e le lautele ma vagana ai o ni tulaga lava e tau i le faalavelave ua taofia ai pe faatuai ai foi, ia tata lava ona failaina vave i le ofisa o le Faatonusili o le ~~Saogalemu Lautele~~ Saogalemu i le Lotoifale, ma le ofisa o le Lesitala o le Teritori.

(u) O se faatonuga a le Kovana e faatatau i le tulaga o faalavelave faafuasei, ia faatupuaina ai le tali mai i le faalavelave ma le toe faaleleia o fuafuaga mo le teritori, o nuu ma isi vaega i taimi o faalavelave ma ia faatagaina mo le faaaoga o soo se malosiaga e faaaoga ia fuafuaga ia ma faaaoga mo le tufatufaina o ni sapalai, o meafaigaluega ma isi ituaiga fesoasoani poo ni fuafuaga foi ua faatulaga mo le faaavanoaina e tusa ai ma lenei mataupu poo se isi lava aiaiga o le tulafono e faatatau i faalavelave faafuasei.

(f) Ao faaauau pea le tulaga o faalavelave faafuasei, o le Kovana o ia lava lea e pulea le gaoioiga atoa o le faamaopoopoga ma le faataapeina o tagata galulue ma isi lava fesoasoani mo tiute ole faalavelave. Ina ia faafaigofie pe a mafai, ia tuu atu pe tofia foi e le Kovana ni tagata e faia faatonuga i se faiga sa uluai faia i le faasalalauga o poloa'iga e tatau ai, ae leai se mea e faatapulaa ai lana pule e faia ai lea e ala i ni ploa'iga na te faia mai lea taimi i lea taimi o le faalavelave.

(g) E faaopoopo i soo se isi lava malosi ua tuuina atu i le Kovana e le tulafono, e mafai e ia ona:

(1) faagafua aiaiga o soo se tulafono faapoloa'iga e faatonu mai ai aiaiga o galuega a le teritori, poo faatonuga poo poloa'iga, o soo se ofisa o le malo, pe afai ia matua usitai lelei i aiaiga o soo se tulafono, faatonuga, poloaiga, poo fuafuaga e puipuia ai, taofia, pe faatuai ai galuega e fesoasoani ai i le faalavelave faafuasei;

(2) faaaoga fesoasoani uma o loo avanoa i le Malo o le Teritori pe afai ua tatau mo le togafitia ai o le faalavelave ma itu faapalota o le Teritori;

(3) fesui ai le pulega, o tagata, poo fatuaiga a vaega mo le faia o galuega pe faafaigofie ai foi le auunaga mo le faalavelave;

(4) mai manaoga e faaono i ai mo totogi i lalo ifo o le \$10, ia pulea ma faaaoga soo se mea totino e iloa e ia e talafeagai mo le taumfaiga o le faalavelave;

(5) faatonu ma faamalosi ia o ese tagata uma poo se vaega mai le oganuu o pagatia poo nuu ua lamatia pe afai ua iloa e ia e tatau mo le puipuia o le soifua poo isi avega, o le tali atu, poo le toe fausia;

(6) faatonu auala, faiga o fela'ua'iga, ma le mea e ave i ai tagata;

(7) pulea le o atu ma le omai i le nofoaga o loo i ai le faalavelave ma le nofoia o fale o loo i ai;

(8) faagafua pe faatapulaa le faatau atu, tufaina atu, poo le fela'ua'iga o le 'ava malosi, auupega, fanai'a ma isi mea faapena; ma

(9) faia ni aiaiga mo le faaavanoaina ma le faaaogaina o fale e nonofo ai mo se taimi puupuu."

Maga 4. 26.0106 ua suia nei e faitauina faapea:

"26.0106 Ofisa o Fuafuaga Mo Faalavelave Faafuasei (TEMCO)

(a) O se Ofisa mo Fuafuaga Mo Faalavelave Faafuasei (TEMCO) ua faatuina nei i le Ofisa o le Kovana Matagaluega o le Saogalemu i le Lotoifale. O

le ofisa ua i lalo o le pulega ma le vaavaiga a le Kovana Faatonusili o le Saogalemu i le Lotoifale poo lona suitofia o ia lea na te pulea fesoasoani mo faalavelave. O le ofisa ua i ai le tagata na tusia fuafuaga mo taimi o faalavelave ma isi tagata atamamai faapitoa i matata eseese mo le tau'avea o ana fatuaiga.

(e) O le ofisa o le a ia saunia ma tausia se fuafuaga e faafou pea mo faalavelave faafuasei e aofia ai le:

- (1) le puipuia ma le faaititia o tagata manunu'a ma mea faaleagaina;
- (2) vave ma ia sa'o le tali i se faalavelave;
- (3) maua se mapusaga vave;
- (4) faailoga oganuu e pu'e gofie e faalavelave;
- (5) fautuaga mo le faailogaina, fausia, ma isi puipuiga o le faaaogaina o fanua, aiaiga mo le saogalemu mo le faasaogalemuina o fale e mafai ona fe'avea'i poo isi fausaga le tumau ma faiga mo le puipuiga ma le sauniuni ina ia faaititia ai pe taofi ai foi le tutupu o faalavelave poo mea foi e mafua mai i faalavelave;
- (6) fesoasoani i le tusia o fuafuaga mo taimi o faalavelave;
- (7) faatagaga ma le faagasologa o le fausia poo le fausaga foi o galuega le tumau e fuafua mo le puipuia faasaga i mea e lamatia ai, o mea faaleagaina pe leiloa foi ona o lologa ma isi mea e tulai mai ona o faalavelave;
- (8) faailogaina o porokalamaina fesoasoani a le malo tele ma le teritori;
- (9) faamaopoopoga o tagata ma le alu i le faasologa o le pule;
- (10) tuufaatasiga o fuafuaga a le teritori ma le malo tele mo le fesoasoani i faalavelave; ma

(11) o isi lava mea e tatau ai.

(i) O le ofisa ia tausolomua I le atina'ega ma le toe iloilo ina o fuafuaga mo le teritori atoa. O lena lava faamoemoe o le a faafaigaluegaina ai pe su'e foi nisi tagata atamai maoa'e ma le poto faapitoa e mafai ona maua ai se fesoasoani. O nei tagata faigaluega e ao ina fesootai lelei ma le ofisa I tulaga masani, ma ia faia asiasiga o nofoaga, o uiga ma tulaga o fuafuaga ua fai agai I faalavelave ma ia aumai foi ni fautuaga e ono moomia e toe suia ai.

(o) I le fuafuaina ma le toe iloilo ina o le fuafuaga a le Teritori mo faalavelave, ia sa'ili e le ofisa fautuaga ma fesoasoani mai malo faalotoifale, o pisinisi, leipa, faatoaga, o faalapopotoga ma tagata ofo mai ma taitai o nuu.

(u) O le Fuafuaga a le Teritori mo Fesoasoani i Faalavelave poo se tasi o ona vaega e mafai ona tuufaatasi i tulafono a le ofisa poo poloa'iga a le Kovana ua I ai le malosi o le tulafono.

(f) O le ofisa e ao ona:

(1) faatasi ai ma le fesoasoani mai o itu faapalota, iloa manaoga o nuu taitasi mo taumafa, lavalava, ma isi mea manaomia pe afai e tupu mai se faalavelave faafuasei;

(2) pasia/faaaoga manaoga mo le Fuafuaga mo Fesoasoani mo Faalavelave Faafuasei a le Teritori;

(3) toe iloilo i tausaga taitasi le Fuafuaga mo Fesoasoani mo Faalavelave Faafuasei;

(4) faavaeina ma fesoasoani i vaevaega faa upufai o malo (faapalota), e faia a’oa’oga ma porokalama mo le lautele;

(5) faia se sailiiliga ma kamupani, o alamanuia, ma fale o le malo ma pisinisi tua i totonu o le Teritori e talafeagai ona faaaogaina mo lenei mataupu;

(6) fuafua ma faia fesootaiga mo le faaavanoaina ma le faaaogaina o soo se fale tua, o auaunaga, meatotino ma, afai e tatau ai ona faaaoga, ia totogi atu mo le faaaogaina I tuutuuga ma feagaiga ua malilie faatasi i ai;

(7) faia se tusi e lesitala ai tagata e i ai o latou agavaa taua e aoga i faalavelave faafuasei, o sauniuniga, o le tali atu ma le toe fauina;

(8) faia se tusi e lesitala ai meafaigaluega e mafai ona feaveai ma fausia ai galuega ma fale e mapu i ai mo sina taimi i le taimi o faalavelave faafuasei;

(9) sauni, mo le faatonuga mai le Kovana, o poloa’iga ma aiaiga e tatau pe talafeagai ai mo le feagai ai ma faalavelave’

(10) galulue faatasi ma le malo tele ma soo se ofisa o le malo poo kamupani tua foi i le faataunuuna o le manaoga o lenei mataupu ma faagaoioi porokalama mo le puipuiga, o sauniuniga, o le tali atu ma le toe fauina; ma

(11) faia isi galuega e tatau ona fai ma talafeagai mo le faagaoioia o lenei mataupu.”

Maga 5. Ua faavae nei se Ulutala 8 fou TTAS e faitauina faapea:

“MATAUPU 01 MATAGALUEGA O LE SAOGALEMU O LE LOTOIFALE

Maga:

8.0101 Ulutala Puupuu.

8.0102 Uiga

8.0103 Matagaluega o le Saogalemu i le Lotoifale – Faavaeina – Fatuaiga.

8.0104 Faatonusili o le Saogalemu o le Lotoifale – Matafaioi - Pulega

8.0105 Vaega i lalo o le Matagaluega o le Saogalemu o le Lotoifale.

8.0106 Lipoti faaletausaga

8.0107 komiti mo faigatausisia a le OTICIDE

8.0108 Tupe faasoasoa (Paketi)

8.0109 Faaliliuga

8.0110 Faaupuga e faamuta ai.

8.0101 Ulutala Puupuu.

O lenei Tulafono o le a ta’ua o le “Tulafono o Puipuiga Savili o le 2008”.

8.0102 Uiga.

Mo mafuaaga o lenei Tulafono, o upu nei ma o latou uiga:

(1) “Matagaluega” o lona uiga o le Matagaluega o le Saogalemu i le Lotoifale a Amerika Samoa.

(2) “Faatonusili” o lona uiga o le faatonusili o le Matagaluega o le Saogalemu i le Lotoifale a Amerika Samoa.

(3) “Kovana” o lona uiga o le Kovana o Amerika Samoa.

(4) “Vaega/Ofisa mai le lotoifale lava o lona uiga o se vaega/ofisa o le Malo o Amerika Samoa.

(5) “OTICIDE” o lona uiga o le Ofisa e gafa ma Suesuega/Faamaumauga o Solitulafono a le Teritori ma le Va o malo ma le Faamalosia o Tulafono tau Vaila’au Faasaina.

(6) “Teritori” o lona uiga o le Teritori o Amerika Samoa.

8.0103 Matagaluega o le Saogalemu i le Lotoifale – Faavaeina - Fatuaiga

(a) Ua faatuina nei se Matagaluega o le Saogalemu i le Lotoifale e avea ma matagaluega i totonu o le lala faamalosi tulafono o le Malo o Amerika Samoa i totonu o le faauigaina o le Ulutala 4, Mataupu 3, TTAS.

(e) O matafaioi nei a le Matagaluega:

(1) galulue ma vaega a le Malo o Amerika Samoa ma le Matagaluega o le Saogalemu o le Lotoifale a le Iunaite Setete ma isi vaega a le malo tele, e taofia osofaiga faatupufaalavelave i totonu o Amerika Samoa, faaititia le pu’ea gofie o Amerika Samoa i faiga faatupu faalavelave ma faaititia mea faaleagaina ma fesoasoani i le toe fausia, mai osofaiga faatupufaalavelave i totonu o Amerika Samoa;

(2) faia ma Vaega e Tasi (SSA) a le Malo o Amerika Samoa e tofia e vaaia atoa le tuufaatasia ma le pulea o taumafaiga e faatupeina e le Matagaluega o le Saogalemu ile Lotoifale a le Iunaite Setete (USHLS);

(3) ta’ita’ia taumafaiga uma mo sauniuniga a le Teritori faasaga i faalavelave faanatura ma faalavelave e faatupu e le tagata, ma galulue ma vaega a le malo tele e faamautu mai ma talia fesoasoani mai le feterale e sauniuni ai pe toe faaleleia ai mai soo se ituaiga o faalavelave;

(4) atiae se Fuafuaga o Gaoioiga mo le Saogalemu o le Lotoifale a le Teritori. O lea fuafuaga e faailoa ai mea o loo vaivai ai le vaaiga o le saogalemu ma le tali atu ma faavasega ai galuega ma porokalama e tuu i ai le faamuamua ina ia fofu ai ia vaivaiga;

(5) galulue ma vaega i le laina i luma e muai tali atu, o vaega a le malo, pisinisi ma nuu ina ia una’ia le tulaga o le saogalemu ma le nofo sauni o le teritori;

(6) faailoa ma feutagai ni alamanuia mai le malo tele, setete ma le atunuu (tagata, tupe, meafaigaluega) mo le faagaoioia o galuega ma porokalama mo le saogalemu;

(7) ia mautinoa le faaaoga tatau o tupe ma isi alamanuia mai le malo tele ma le lotoifale lava foi mo le saogalemu, o le faamalosia ma le taofia o le fela’ua’ia o fuala’au/vaila’au faasaina;

(8) tulituliloa ma vaai lelei le faagaoioia o porokalama ma galuega mo le saogalemu o le lotoifale ma le lipotia i le Kovana ma le USHLS o galuega e faatatau i le lava sauni o le teritori;

(9) faamaumau ma teu faamaumauga taua uma a le Teritori ina ia mautinoa le malupuipua, ma ia lelei ma sa'o;

(10) tuufaatasia ma galulue faatasi i taumafaiga e pulupululima ai vaega taitasi uma I totonu o le matagaluega e lagolagoina ai le faamoemoe aoao o le lava sauni, o le tali atu, o le iloa, o le faatuai, puipui ma le faamalosi;

(11) faia galuega ma fatuaiga e pei ona ta'u mai i le Maga 26.0106 TTAS;

(12) faia tiute ma galuega e tatau ona fai e faataunuu ai fatuaiga tausi ma matafaioi a le Malo o Amerika Samoa ua uma ona folafola mo vaega nei: Faamataupuga o Suesuega o Solitulafono a Atumotu o le Pasefika i Saute (SPICIN), Faalapopotoga o Leoleo mo Solitulafono i le Va o Malo (INTERPOL), Vaega e Taulai i ai Faamatalaga o Solitulafono a le FBI (FBI-NCIC), Vaega Tutotono mo Suesuega o Solitulafono a El Paso (EPIC), Faamalosi Tulafono mo Fesootaiga Mamao a le Atunuu (NLETS), ma isi lava porokalama uma faapea;

(13) aoina faamatalaga e faatatau ile feavea'ia o vaila'au faasaina ma solitulafono a se vaega e aofia ai ni tagata se toatele e galulue faatasi, atoa ai ma isi lava gaoioiga e faaono masalomia ma fefaasoaai ai ma isi vaega faamalosi tulafono i le Teritori;

(14) vaaia le faagasologa o faamatalaga i le va o vaega aafia i suesuega o solitulafono tetele e aafia ai nakoti, o solitulafono I galuega, ma le le faamaoni i totonu o le malo; ma

(15) vaaia faamatalaga o loo aoina ma faasoa atu i vaega a le malo tele, o setete ma isi vaega faamalosi tulafono o faapena foi ona latou faasoa mai o ia foi ituaiga faamaumauga e faatatau i le fela'ua'ia o fuala'au faasaina ma le faafaigaluega faapologa o tagata, ma solitulafono i luga o galuega aua lava le faaleleia ma le una'ia atili o taumafaiga su'esu'e, o toleni ma le faateleina o le tomai o tagata o loo faamalosi tulafono.

8.0104 Faatonusili o le Saogalemu i le Lotoifale - Matafaioi - Pulega

(a) E i ai le faatonusili o le Matagaluega o le Saogalemu ile Lotoifale, e tofia e le Kovana, ma e tatau ona faamaonia e pei ona ta'ua I le maga 4.0112, TTAS.

(e) O le faatonusili o le ulu lea o le matagaluega ma o ia e pulea le ofisa.

(i) O matafaioi a ofisa uma, o tagata faigaluega ma isi vaega o le matagaluega e I luga lava o le faatonusili.

(o) O le faatonusili:

(1) e mafai ona tuu atu ana matafaioi i soo se ofisa, o se tagata faigaluega poo se vaega foi o loo i lalo o lana matagaluega;

(2) e mafai ona faalauaitele ni aiaiga faaletulafono e faataunuu ai le mana'oga o lenei Tulafono ina ia tusa ai ma le TTAS 4.1001 ma isi maga e mulimuli mai ai; ma

(3) e lipoti sa'o lava i le Kovana se luitau ua tupu poo ua lalata mai i le Teritori o Amerika Samoa, faapena foi ma gaoioiga a le matagaluega ina ia mautinoa ai o loo ogatasi pea a latou sauniuniga ma sini ma faamoemoe o loo faamuamua o le Malo o Amerika Samoa.

8.0105 Vaega i Lalo o le Matagaluega o le Saogalemu ile Lotoifale (DHLS).

(a) O vaega nei a le Malo o le a avatu e fai ma vaega tumau o le matagaluega:

(1) Ofisa o Faamaumauga Taua;

(2) TEMCO

(3) Ofisa o le Teritori mo le Saogalemu i le Lotoifale (HLS); ma

(4) OTICIDE.

(e) O vaega ia o le a tumau pea a latou matafaioi e pei ona sa faavae mai ai i poloaiga faakovana, o poloaiga faaletulafono, poo tulafono foi ma o le a tumau pea foi ona vavae ese lava lana fatuaiga I totonu ole matagaluega.

8.0106 Lipoti faaletausagea.

O Tesema 31, poo se taimi foi i luma mai, o tausaga taitasi, e aumai ai e le faatonusili i le Kovana se lipoti I le tulaga o le saogalemu o le Teritori e tusa ai ma fatuaiga ma gaoioiga a le matagaluega mo lena tausaga.

8.0107 Komiti o faigatausisia a le OTICIDE.

(a) Ua faavaeina se Ofisa mo Suesuega o Solitulafono ma le Faamallosia o Tulafono tau le fela'ua'ia o vaila'au Faasaina (OTICIDE) ma le Komiti e gafa ma Faigatausisia a lea vaega. O le komiti lea e feagai ma le atina'ega o faigatausisia, o fuafuaga, ma porokalama mo le faaleleia atili o le tuufaatasia, o le pulea ma le aoga o le OTICIDE i totonu o le Teritori.

(e) O le komiti a le OTICIDE o le a i ai le Faatonusili o le Vaega o Fuafuaga mo Mataupu tau Solitulafono (CJPA), o le Teutupe, o le Pulega o le Faamallosia o Tulafono tau Vaila'au Faasaina a le Iunaite Setete (DEA), ma sui o le Puipuiga o le Gataifale (Coast Guard), o le Faatonusili o le Puipuiga o le Saogalemu i le Lotoifale poo sona sui tofia, ona o lona ofisa, ma le Komesina o le Puipuiga o le Saogalemu Lautele e fai ma taitaikomiti.

8.0108 Tupe faasoasoa.

O le a aumaia e le Kovana se tupe faasoasoa mo le matagaluega e tusa ai ma aiaiga o le Ulutala 10, TTAS.

8.0109 Faaliliuga.

I lenei mataupu, sei vagana ai e ese se isi manaoga o upu o loo i ai, ae o upu faatatau i se mea/tagata e tasi e aofia ai lava foi ma le numera tele, e faapena foi lava ona felafoai ma le numera tasi.

8.0110 Faaupuga e faaeseese ai.

Afai e ta'uleaogaina se aiaiga o lenei tulafono poo lona faaaogaina foi i se tagata poo se tulaga foi, o lena ta'uleaogaina e le aafia ai fua isi aiaiga poo le faaaoga o lenei tulafono e mafai ona faaaoga e aunoa ai ma le aiaiga lea e pei ona ta'ua, ma o le mea la lena e mafai ai ona tuueseese aiaiga o lenei tulafono."

Maga 7. Aso e taualoa ai.

O lenei tulafono o le a taualoa I le taimi lava e pasia ai e le Fonofaitulafono ma faamaonia e le Kovana.

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

Savali Talavou Ale
SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 5th day of January 2009
[Signature]
Governor of American Samoa