



TERRITORY OF AMERICAN SAMOA

OFFICE OF THE GOVERNOR

Pago Pago, American Samoa 96799



Tauese P. F. Sunia
Governor

Togiola T. A. Tulafono
Lieutenant Governor

Serial No. 425

April 16, 2000

Honorable Lutu Teñari S. Fuimaono
President of the Senate
Legislature of American Samoa
Fagatogo, American Samoa 96799

Re: H.B. No. 26-76—Tobacco Settlement Loan Authorization

Dear Mr. President:

I am pleased today to approve House Bill No. 26-76, an act authorizing implementation of Section 125 of U.S. Public Law No. 106-113, which allows us to take advantage of an \$18,600,000 loan from the federal government secured by our interest in the Tobacco Master Settlement Agreement.

This loan affords several important benefits to the government and local vendors. The loan itself will allow us to pay most of our old accounts payable and, secondly, will allow us to create and implement a comprehensive plan of fiscal and managerial reform designed to bring our revenues in balance with expenditures by the year 2003. A third potential benefit to be derived from this move is the high probability that, with payment of Hawaii health care providers, Congress will release funds which it withheld from us in 1999 and, with adoption of a fiscal reform plan, release of 1997 capital improvement funds will be likely.

I would like to extend my thanks and appreciation to you and your colleagues for the speedy passage of this extremely important bill.

Sincerely,

TAUESE P.F. SUNIA
Governor



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 OFFICE OF THE GOVERNOR
 Pago Pago, American Samoa 96799



Tauese P. F. Sunia
 Governor

Togiola T. A. Tulafono
 Lieutenant Governor

Serial No. 426

April 6, 2000

Honorable Aina Saoluaga T. Nua
 Speaker of the House of Representatives
 Legislature of American Samoa
 Fagatogo, American Samoa 96799

Re: H.B. No. 26-76—Tobacco Settlement Loan Authorization

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TAUESE P.F. SUNIA
 Governor

THE TWENTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

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

AN ACT AUTHORIZING IMPLEMENTATION OF SECTION 125 OF
U.S. PUBLIC LAW NO. 106-113; CREATING A CHAPTER 09 UNDER
TITLE 28 A.S.C.A.; AND PROVIDING FOR AN EARLY EFFECTIVE
DATE.

Preamble:

Due to the urgent need to implement the provisions of Section 125 of
U.S. Public Law No. 106-113 in order to provide for payments to certain
creditors of the American Samoa Government and to provide for a
program of fiscal and managerial reform, this act shall become effective
immediately upon passage by the Legislature and approval by the
Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a Chapter 09 under Title 28 A.S.C.A. which reads:

"Chapter 09

U.S. LOAN AGREEMENTS

28.0901 Authorization for implementation of U.S. Public Law No. 106-113

(a) The Governor, or his designee, is authorized to enter into such agreements, contracts and arrangements with the Secretary of the United States Department of the Interior (and any other officials of the United States Government as may be necessary), and to take all such other legal ministerial actions as may be required to implement Section 125 of "the Act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2000 and for other purposes (H.R. 2466; P.L. No. 106-113)", hereinafter referred to as "the Act."

(b) The Governor is specifically authorized to enter into a loan agreement with the Secretary of Interior in accordance with the terms and conditions of Section 125 of the Act, the repayment of such loan principal and the interest thereon to be derived from an irrevocable assignment of funds as they become due and payable (annually or otherwise) to the American Samoa Government from the Escrow Account established under the terms and conditions of the Tobacco Master Settlement Agreement (and the subsequent Enforcing Consent Decree, hereinafter collectively referred to as "the Agreement") entered into on November 23, 1998, and


the judgment granted by the High Court of American Samoa on January 5, 1999 in Civil Action No. 119-98.


(c) The Governor is further authorized to pledge the full faith and credit of the American Samoa Government as additional security for the loan as required by Section 125(b)(1) of the Act.

(d) The Governor, or his designee, shall provide regular monthly reports to the Legislature on the progress of debt payments undertaken, regular quarterly reports to the Legislature on fiscal and managerial reform programs instituted in relation to Section 125(d) of the Act and regular annual reports to the Legislature on the status of repayment of the loan.


Sec 2. Effective Date.

Due to the urgent need to implement the provisions of Section 125 of U.S. Public Law No. 106-113 in order to provide for payments to certain creditors of the American Samoa Government and to provide for a program of fiscal and managerial reform, this measure shall be effective immediately upon passage by the Legislature and approval by the Governor.


Lutu Tenari S. Fuimaono
PRESIDENT OF THE SENATE


Aina Saoluaga T. Nua
SPEAKER OF THE HOUSE

Hereby Approved this 6th day of April, 2000


Governor of American Samoa

NOFOA'IGA LUASEFULU-ONO FONOFAITULAFONO O AMERIKA SAMOA

FONO TELE LONA TOLU

Nofolia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu o Ianuari
tausaga lua afe

O SE TULAFONO E FA'ATAGAINA AI LE TAUALOAINA O LE MAGA 125 O
LE TULAFONO LAUTELE NU. 106-113 A LE IUNAITE SETETE; FA'AVAEINA
AI SE MATA'UPU 09 I LALO O LE ULUTALA 28 T.T.A.S.; MA E
FA'ATULAGAINA AI MO SE ASO E TAUALOA VAVE.

Fa'atomu'aga:

Taluai le mana'oga fa'anatinati mo le taualoaina o aiaiga o le Maga 125 o le
Tulafono Lautele Nu. 106-113 a le Iunaite Setete ina ia fa'avanoaina ai mo le totogia
o aitalafu a le Malo o Amerika-Samoa i nisi pisinisi ma ia aiaia ai se porokalama mo
se suiga fou o taualumaga ma le puleaina o tupe, o le a taualoa vave ai lenei tulafono
pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

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

Maga 1. Ua fa'avaeina se Mata'upu 09 i lalo o le Ulutala 28 T.T.A.S. e faitauina:

"Mata'upu 09

MALILIEGA O NOGĀTUPE A LE IUNAITE SETETE

28.0901. Fa'atagaina o le taualoaina o le Tulafono Lautele Nu. 106-113 a le
Iunaite Setete.

(a) O le Kovana, po'o sona sui tofia, ua fa'atagaina ona aiaia ni maliliega, konekarate ma fuafuaga ma le Failautusi o le Matagaluega o le Initeria a le Iunaite Setete (ma so'o se isi lava ofisa o le Malo o le Iunaite Setete e talafeagai ai), ma faia uma nisi gaioioiga fa'a-minisitā fa'ale-tulafono ua tatau ai mo le galueaina o le Maga 125 o "le Tulafono o lo'o aiaia ai fa'asoasoaga o tupe mo le Matagaluega o le Initeria ma isi ofisa talafeagai mo le tausaga tupe o lo'o fa'agata iā Setema 30, 2000 ma mo isi fa'amoemoega (L.M.S. 2466; T.L. Nu. 106-113)", o le a ta'ua amata atu nei o "le Tulafono."


(e) Ua fa'atagaina fa'apitoa le Kovana e aiaia se maliliega mo se nogātupe ma le Failautusi o le Initeria e tusa ai ma aiaiga ma fuafuaga o le Maga 125 o le Tulafono, o le toe totogia o peimeni o lea nogātupe ma lona initeresi o le a auina mai ni teugatupe fa'asinoia e lē mafai ona toe suia e totogia i le taimi fa'atulagaina ma tatau ai (pe fa'ale-tausaga po'o se isi tulaga) i le Malo o Amerika Samoa mai le Teugatupe Fa'apitoa e fa'avaeina i lalo o tualumaga ma aiaiga o le Maliliega Lautele mo Tapa'a (ma le Fa'asinoga o le Maliliega e Fa'amalosia, o le a amata ona ta'ua nei o "le Maliliega") na aiaia iā Novema 23, 1998, ma o le fa'ai'uga na auina mai le Fa'amasinoga Mauuluga o Amerika Samoa iā Ianuari 5, 1999 i le Tagi Sivili Nu. 119-98.

(i) Ua fa'atagaina atili le Kovana e ta'utino le fa'atuatuaga atoa ma kereti (credit) o le Malo o Amerika Samoa e avea ma fa'amaoniga mo le puipuiga o le nogātupe e tusa ai ma mana'oga o le Maga 125(e)(1) o le Tulafono.

(o) O le Kovana, po'o sona sui tofia, o le a fa'aavanoaina mai ni ripoti fa'ale-masina i le Fono Faitulafono e tusa ai ma tulaga ua o'o i ai peimeni o aitalafu o lo'o faia, ni ripoti fa'ale-kuata i le Fono Faitulafono e tusa ai ma porokalama o tualumaga o ni suiga fou ma le puleaina o tupe ua fa'atulagaina e fa'atatau i le Maga 125(o) o le Tulafono ma ripoti fa'ale-tausaga i le Fono Faitulafono i tulaga ua o'o i ai le toe totogia o le nogātupe.

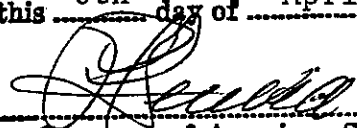
Maga 2. Aso Taualoa.

Taluai le mana'oga fa'anatinati mo le taualoaina o aiaiga o le Maga 125 o le Tulafono Lautele Nu. 106-113 a le Iunaita Setete ina ia fa'aavancaina ai mo le totogia o aitalafu a le Malo o Amerika Samoa i nisi pisinisi ma ia aiaia ai se porokalama mo se suiga fou o taualumaga ma le puleaina o tupe, o le a taualoa vave ai lenei tulafono pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.


Lutu Tenari S. Fuimaono
PERESETENE, MAOTA MAUALUGA


Aina Saoluaga T. Nua
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 6th day of April, 2000


Governor of American Samoa