

THE THIRTY-SEVENTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

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

AN ACT ESTABLISHING A SAMOAN LANGUAGE COMMISSION OF AMERICAN SAMOA, PROVIDES A SOURCE OF FUNDING AND ESTABLISHES SAMOAN AND ENGLISH AS OFFICIAL LANGUAGES IN THE TERRITORY AND LANGUAGES OF INSTRUCTION IN PUBLIC SCHOOLS; AMENDING SECTION 16.0510 A.S.C.A.; AND CREATING A SECTION 1.0110 IN CHAPTER 01 OF TITLE 1 A.S.C.A.; AND A NEW CHAPTER 17 IN TITLE 16 A.S.C.A."

Preamble:

WHEREAS, there is a need to ensure the Samoan language remain vibrant to support the survival and development of the *fa'aSamoa*; and

WHEREAS, reports show 90% of American Samoa speak Samoan as their home language or their first language, that the majority of the students in public schools read 3 grades below level, and that more than 90% of high school graduates entering American Samoa Community College require Remedial English and Remedial Math; and

WHEREAS, children learn best when the first language of instruction is their mother tongue, and using the mother tongue in the classroom has been found to enhance classroom participation, decrease attrition, and increase the likelihood of family and community engagement in the child's learning, and most research now concludes that learning achievement is enhanced when children are taught in their mother tongue for at least the first six years of primary school before the second language is introduced; and

WHEREAS, it is critical that the Samoan Language be declared by Territorial law as one of the Official Languages in American Samoa and is recognized as of equal importance with the English language in education, government, economic and social life of the people of American Samoa; and

WHEREAS, there is a need for authoritative guidance for Samoan language instruction, to support literacy in the development of four language domains: listening, speaking, reading, and writing.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 16.0510 is amended to read:

**“16.0510 Language of instruction.**

**Instruction in all public schools shall be in the Samoan and English languages. To ensure students acquire proficiency in Samoan, English and academic subjects, the Department of Education shall develop quality literacy programs based on research and the current needs of students, but the Samoan language may be used when necessary to facilitate teaching the English language.”**

Sec 2. There is created a section 1.0110 in Chapter 01 of Title 1 A.S.C.A. which reads:

**“1.0110 Official languages.**

**Samoan and English shall be the official languages of American Samoa, except that Samoan shall be required for public acts and transactions only as provided by law.”**

Sec 3. There is created a new Chapter 17 in Title 16 A.S.C.A. which reads:

**“CHAPTER 17  
SAMOAN LANGUAGE COMMISSION OF AMERICAN SAMOA**

**Sections:**

**16.1701 Samoan Language Commission of American Samoa.**

**16.1702 Membership.**

**16.1703 Duties.**

**16.1704 Powers.**

**16.1705 Power of the Secretary of Samoan Affairs unaffected.**

**16.1701 Samoan Language Commission of American Samoa.**

**(a) There is created a Samoan Language Commission of American Samoa which shall consist of 15 members appointed by the Governor and confirmed by the Legislature. Members shall serve for 4-year staggered terms and may be reappointed.**

**(b) To establish staggered terms, the first members shall be divided into 2 groups of 4 and one group of 3. One group shall serve an initial term of two (2) years. Another group shall serve an initial term of three (3) years. The remaining group shall serve an initial term of four (4) years.**

**(c) If a member resigns or is unable to complete their term, a new member shall be appointed to fulfill their predecessor's unexpired term to maintain**

staggered terms. Vacancies may be filled by recess appointment when the Legislature is not in session. Provided no member appointed by recess appointment may serve after the last day of the next regular or special session unless confirmed by the Legislature.

**16.1702 Membership.**

The members of the Commission shall include three individuals from the public at large with demonstrated knowledge and dedication to the language as well as a representative from the:

- (1) American Samoa Community College head of the Department of Samoan Studies;
- (2) Department of Education, either the Director or the Director's designee;
- (3) clergy;
- (4) clergy, from a denomination other than the member appointed under paragraph (3);
- (5) clergy, from a denomination other than the members appointed under paragraph (3) and (4);
- (6) Senate;
- (7) House of Representatives; and
- (8) Secretary of Samoan Affairs.

**16.1703 Duties.**

The Commission has the following duties:

- (1) Generally promote, preserve and give guidance to the furtherance of the Samoan language, in particular the language as a living and ordinary means of communication, intrinsically related to the culture as a living heritage and wealth of knowledge and skills that is transmitted to nourish diversity and human creativity;
  - (2) develop a strategic plan;
  - (3) develop and publish an authoritative Samoan language dictionary and review grammar/usage and dictionaries for public use;
  - (4) establish authoritative guidelines for:
    - (A) Samoan language education,
    - (B) translation and interpretation,
    - (C) standardized spelling, and
    - (D) Samoanized/borrowed words in response to local and global changes;
  - (5) gather information from relevant sources, including but not limited to:
    - (A) monitoring developments or changes in the Samoan language;
    - (B) consulting with representatives from various domains of usage;
- including:
- (i) the mass communication media community,
  - (ii) the local athletic community,
  - (iii) the local arts community, and

(iv) the local computer information systems/information technology community.

(6) study issues of bilingual multicultural education;

(7) provide advice to the American Samoa Department of Education and American Samoa Community College in the areas of curriculum, instruction, assessment;

(8) review all curriculum sponsored teaching materials that are to be used in the teaching of Samoan language;

(9) explore mediums of publication and encourage distribution of Samoan language materials in a variety of formats;

(10) encourage and support the efforts of authors, artists, craftspeople and others whose work reflects and perpetuates the Samoan language;

(11) promote and support publication and distribution of children's literature and poetry in the Samoan language;

(12) keep a ledger of the items that have been approved by the Commission, as well as one copy of every such item for purposes of record keeping and verification of approval, and make an annual report to the Governor and the Legislature on the items that the Commission has approved for public use in teaching Samoan language in American Samoa schools;

(13) elect its own Chairman, Vice Chairman, and Secretary who shall all serve for 1 year;

(14) adopt bylaws which do not conflict with this chapter or any applicable laws of American Samoa, to govern its own affairs and to aid in executing the tasks which the Commission may undertake in effecting this chapter, and file them in accordance with the Administrative Procedures Act, before conducting any official business;

(15) request an annual budget to carry out its duties and prepare grant proposals for federal and private support in the development of the Samoan Language; and

(16) carry out other functions conferred on it by law.

#### 16.1704 Powers.

The Commission may do any other thing necessary to carry out its functions, including but not limited to:

(1) appoint a full time Executive Director or Administrator and other staff as is approved by the budget who shall all serve at the pleasure of the Commission;

(2) conduct or attend any inquiries, hearings, or meetings as desirable to enable it to determine views of the public relating to the promotion and use of the Samoan language;

(3) undertake or commission research into the use of the Samoan language;

(4) consult with and receive reports from other agencies of the government and other bodies on the use of the Samoan language;

(5) publish information relating to the use of the Samoan language; and

(6) report to the Governor on any matter relating to the Samoan language that the Commission considers should be brought to the Governor's attention.

**16.1705 Power of the Secretary of Samoan Affairs unaffected.**


This chapter shall not alter the requirements of Section 16.0304 providing for approval of courses on Samoan culture by the Secretary of Samoan Affairs.”

**Sec 4. Source of funding.**

Funds of \$150,000 shall be made available for the initial operating costs of the Commission from unbudgeted, unexpended, and unobligated surplus of the American Samoa Government for the Fiscal Year 2019 and 2020 to support the FY 2022 budget of the Commission.

**Sec 5. Effective date.**

This bill shall become effective 60 days after the end of the session at which it has been passed.

  
SAVALI TALAVOU ALE  
Speaker, House of Representatives

  
TUAOLO MANAIA FRUEAN  
President of the Senate

  
Hon. Lemanu S. P. Mauga  
Governor  
of American Samoa

NOFOA'IGA TOLUSEFULU-FITU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso-sefulu o Ianuari  
Lua afe luasefululua

O SE TULAFONO E FAAVAE AI SE KOMISI O LE GAGANA SAMOA A AMERIKA SAMOA, INA IA SAUNIA NI ALAGATUPE E FAATUPE MA FAAVAE AI LE GAGANA SAMOA MA LE FAAPERETANIA (IGILISI) E AVEA MA GAGANA ALOA'IA I LE TERITORI MA AVEA FOI MA GAGANA E FAIA AI A'OGA I A'OGA UMA A LE MALO O AMERIKA SAMOA; SUIA AI LE MAGA 16.0510 TTAS; FAAVAE AI SE MAGA 1.0110 I LE MATAUPU 01 O LE ULUTALA I T.T.A.S., MA LE MATAUPU 17 FOU I LE ULUTALA 16 T.T.A.S.

Fa'atomuaga:

TALUAI, ua i ai le manaoga ina ia fa'atamau pea le fa'aolaola o le gagana Samoa e lagolago ai i le tulai mai pea ma le atina'e o le fa'asamoa; ma

TALUAI, ua fa'aalia i lipoti o le 90% o tagata Amerika Samoa o loo tautatala i le Gagana Samoa i totonu o le latou aiga, po'o le latou uluai gagana lava o le gagana Samoa, ma o le tele o tamaiti a'oga a le malo e pa'u poo le tolu vasega i lalo ifo le maulalo o le tulaga o le faitautusi, ma e silia i le 90% o tamaiti fa'au'u i a'oga maua'uga e ulufale i totonu o le Kolisi Tuufaatasi (ASCC) e manaomia ona toe ave o vasega i le Faaperetania (Igilisi) ma le Numera e saunia ai ma oo atu i se tulaga e oo ai i le Kolisi; ma

TALUAI, e sili atu ona lelei le a'oa'oina o fanau pe afai e fa'aaoga la latou lava gagana e masani ai e faia ai a'oga, ma ua iloa foi o le faiga lea e sili atu ai ona toatele tamaiti e fefaasoaa'i mai i totonu o potu a'oga, e le tele ai foi tamaiti e faavaivai, faaopoopo ai le fesoasoani ma le amana'ia-e aiga ma isi o le olaga a'oa'oina o le tamaiti. O le tele o suesuega ua faailoa ai e faaosofia atili le tauivi o fanau i le a'oga pe afai e a'oa'oina latou i le latou lava gagana mo le uluai 6 tausaga o a'oga tulaga lua ae lei oo ina amata faasolosolo atu i le gagana lona lua; ma

TALUAI, e matua taua lava le ta'u atu i se tulafono a le Teritori le avea o le gagana Samoa ma se tasi o Gagana Aloa'ia i Amerika Samoa ma ia faailoaina foi le tutusa o le taua o le gagana Samoa ma le Faaperetania i a'oga, o le malō, o le tamaoaiga ma le soifua lautele o tagata o Amerika Samoa; ma

TALUAI, e i ai le manaoga ina ia i ai ta'ita'iala o a'oga i le gagana Samoa e lagolago ai le iloa ona faitautusi i le atina'e o gagana: i le faalogo, tautala, faitautusi ma le tusitusi.

## IA FA'ATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

**Maga 1. 16.0510 ua suia e faitauina:**

**"16.0510 Gagana e faia ai a'oga.**

**O le faia o a'oga i totonu o a'oga a le malo o le a faia lea i le gagana Samoa ma le Igilisi. Ina ia mautinoa le lelei o tamaiti a'oga i le faasamoa, Igilisi ma mataupu tau a'oa'oga, o le a atina'e e le Matagaluega o A'oga porokalama lelei mo le faitautusi e faavae i luga o suesuega ma manaoga o loo i ai o tamaiti a'oga, ae mafai ona fa'aaoga i le gagana Samoa pe a talafeagai ai ina ia faafaigofie ai le a'oa'oina o le gagana Peretania.**"

**Maga 2. Ua faavae nei se magā 1.0110 i le Mataupu 01 o le Ulutala 1 e faitauina fa'apea:**

**"1.0110 Gagana aloa'ia.**

**O le gagana Samoa ma le Igilisi o le a avea ma gagana aloa'ia i Amerika Samoa, vagana ai lā, o le a mana'omia le faasamoa mo gaoioiga lautele ma fefa'ataua'iga e pei ona aiaia mai e le tulafono."**

**Maga 3. Ua faavae nei se Mataupu 17 fou i lalo o le Ulutala 16 T.T.A.S. e faitauina faapea:**

### **"MATAUPU 17**

### **KOMISI O LE GAGANA SAMOA A AMERIKA SAMOA**

**Maga:**

**16.1701 Komisi o le Gagana Samoa a Amerika Samoa.**

**16.1702 Totino.**

**16.1703 Tiute.**

**16.1704 Malosi.**

**16.1705 Malosi o le Failautusi o Mataupu Tau Samoa e le aafia ai.**

**16.1701 Komisi o le Gagana Samoa a Amerika Samoa.**

**(a) Ua faavae nei se Komisi o le Gagana Samoa a Amerika Samoa e to'a 15 ona sui/totino e tofia e le Kovana ma faamaonia e le Fonofaitulafono. E ta'ifā tausaga faasolosolo e galue ai totino ma e ono toe tofia.**

(e) Ina ia faavae taimi faasolosolo, o ulua'i totino o le a vaevae i vaega e lua ta'ito'afā ma le vaega e toatolu. O le tasi vaega o le a muai galulue mo se umi e 2 tausaga. O le isi vaega e ta'i 3 tausaga. O le vaega e totoe ai o le a amata latou e ta'ifā tausaga.

(i) Afai e faamavae se totino pōo ua lē mafai foi ona faamae'a lona taimi, o le a tofia se sui fou e faatumu le avanoa lea mo le taimi o totoe, ina ia faatumau ai le fetuuna'iga o taimi faasolo. E mafai ona faatumu o avanoa i ni tofiga i taimi o malologa pe afai e le o tauaofia le Fonofaitulafono. E leai se totino e tofia i le taimi o le malologa e mafai ona galue pe a mae'a le aso mulimuli o le tauaofiaga tele e sosoo ai a le Fonofaitulafono pōo se tauaofiaga faapitoa foi sei vagana ua faamaonia e le Fono,

#### 16.1702 Totino.

O totino o le Komisi e aofia ai ni sui se toatolu mai tagata lautele e lava lō latou tomai ma agavaa i le gagana Samoa, aofia ai se sui mai le:

- (1) Kolisi Tuufaatasi Amerika Samoa - Taitai o le Matagaluega o le Suesuega o le Samoa;
- (2) Matagaluega o Aoga, pe o le Faatonusili pōo sona sui;
- (3) 'Aufailotu;
- (4) Faife'au, e ese mai ai i le tofiga i le parakalafa (3);
- (5) Failotu, e ese mai ai i le tofiga i le parakalafa (3) ma le (4);
- (6) Maota Maualuga;
- (7) Maota o Sui; ma le
- (8) Failautusi o Mataupu Tau Samoa pōo sona sui.

#### 16.1703 Tiute.

O tiute nei o le Komisi:

- (1) Una'ia, faatumauina ma faasinoala ina ia ola pea le faasamoa, ae maise ai lava i le gagana ina ia avea ma auala e fesoota'i ai, ma ia avea foi le aganuu ma tofi faasolo ma ia tamaoaiga i le poto ma le iloa e mafai ona faailoa atu ai le tele o suiga ma le soifua atia'e o le tagata;
- (2) atia'e se fuafuaga talafeagai;
- (3) faavae ma lolomia ni lomifefilo faa-Samoa mo toe iloilo le kalama/ fa'aaoga e tagata lautele;
- (4) faavae ni taiala e lima ta'ita'iina ai:
  - (A) A'oa'oga i le gagana Samoa;
  - (E) faaliliu ma le faauigaina o upu,
  - (I) se faiga e tutusa ai le sipela o upu, ma
  - (O) upu e faasamoaina/ upu nōnō e ala mai suiga o gasologa o le lalolagi ma le lotoifale foi;
- (5) aoina faamatalaga mai alaga'oa talafeagai e aofia ai ae le gata i:
  - (A) mata'i lelei le fa'aaogaina pōo suiga i le gagana Samoa;
  - (E) fesootai ma sui mai vaega eseese o le fa'aaogaina o upu, e aofia ai:



- (i) le fesootaiga lautele a vaega faasalalau,
- (ii) le vaega o taaloga (afeleti) i totonu o le lotoifale,
- (iii) le vaega o le tomai tau atisi, ma
- (iv) le vaega tau komipiuta/faamatalaga faatekonolosi;
- (6) suesue mataupu o aoaoga i gagana e lua;
- (7) fautuaina le Matagaluega o Aoga a Amerika Samoa ma le Kolisi Tuufaatasi i mataupu e tataua ona a'oa'oinā, le faia o a'oga ma le taga'i i ai i le taua ma le aogā o mataupu;
- (8) toe iloilo uma mea e fa'aaoga i le a'oa'oina o le gagana Samoa;
- (9) suesue auala o loo faasalalau ma faamalosia le tufatufaina atu o mea fa'aSamoa i faasologa eseese;
- (10) faamalosi'au ma lagolagoina taumafaiga a le au tusitala, o atisi, o ē faia galuega taulima ma isi lava latou te faia galuega e atagia ai ma faamalosia le gagana Samoa;
- (11) faalauiloa ma lagolagoina le lomia ma le tufatufaina o tusi ma solo ma tauloto a tamaiti i le gagana Samoa;
- (12) tausi se tusi o mea ua faamaonia e le Komisi, faapea ma se kopi e tasi o ia mea mo le faamaumauina ma le molimauina o le faamaonia, ma ia saunia se lipoti faaletausaga i le Kovana ma le Fonofaitulafono i mea ia ua uma ona faamaonia e le Komisi mo le fa'aaoga lautele i le a'oa'oina o le gagana Samoa i a'oga i Amerika Samoa;
- (13) palota lo latou lava Taitaifono, Sui Taitaifono, ma le Failautusi e galulue mo le 1 tausaga;
- (14) faia tulafono e lē feteena'i ma le mataupu lenei poo isi lava tulafono a Amerika Samoa, e galulue ma pulea ai a latou lava mataupu ma fesoasoani ai i le faataunuina o galuega a le Komisi e tusa ai ma le mataupu lenei, ma failaina e tusa ai ma le Tulafono o Tualumaga tau le Pulea o Galuega, a o lei faia soo se pisinisi aloa'ia lava;
- (15) talosaga se paketi faaletausaga e faia ai o latou tiute ma saunia se talosaga o se tupe fesoasoani mai le malo tele (feterale) ma le lotoifale foi e lagolago ai le atina'e o le Gagana Samoa; ma
- (16) faia isi galuega e tuuina atu i ai e le tulafono.

#### 16.1704 Malosi.

E mafai e le Komisi ona faia o se tasi lava mea e talafeagai ai e faataunuu ai ana fatuaiga, e aofia ai ae le tapulaa ai foi i mea nei:

- (1) tofia se Faatonu Sili poo se Pule foi ma isi afaigaluega e pei ona faamaonia ai i le paketi e galulue faatasi ma le Komisi;
- (2) faia ma auai i soo se suesuega, iloiloga poo fonu e tusa ona manaomia ai ina ia mafai ai ona tagai i lagona o le lautele e faatatau i le una'ia ma le fa'aaogaina o le gagana Samoa;
- (3) faia pe faatonu foi se suesuega i le fa'aaogaina o le gagana Samoa;

(4) fesoota'i ma ia maua foi ni lipoti mai isi ofisa o le malo ma nisi lava vaega i le fa'aaogaina o le gagana Samoa;

(5) faalauaitele faamatalaga faatatau i le fa'aaogaina o le gagana Samoa; ma

(6) lipoti i le Kovana soo se mataupu faatatau i le gagana Samoa e manatu le Komisi e tatau ona faaoo i le Kovana.

16.1705 Malosi o le Failautusi o Mataupu Tau Samoa e le aafia ai.

O le mataupu leni o le a lē suia ai lava mana'oga o le Maga 16.0304 o lo'o aiaia ai le fa'amaonia o mataupu tau le aganuu e le Failautusi o Mataupu tau Samoa.

Maga 4. Puna'oa e sau ai le tupe.


O le \$150,000 o le a fa'aavanoa mai mo le amataina o galuega a le Komisi mai tupe e le'i faasoasoina, le'i fa'aaogaina, ma tupe totoe e lei faailogaina o le Tupe faasoasoa o le Tausaga Tupe 2019 ma le 2020 e lagolago ai le Paketi a le Komisi mo le Tausaga Tupe 2022.

Maga 5. Aso e taualoa ai.

O le a aloa'ia leni pili i totonu o le 60 aso talu ona mae'a le tauaofiaga na pasia ai.

  
SAVALI TALAVOU ALE  
Fofoga Fetalai, Maota o Sui

  
TUAOLO MANAIA FRUEAN  
Peresetene, Maota Mauuluga

  
Lemanu S. P. Mauga  
Kovana  
Amerika Samoa