




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
March 25, 1988

I certify that Senate Bill No. 48 passed third reading on this date in the Senate during its Third Regular Session of the Twentieth Legislature of American Samoa.


MRS. FIALUPE AUMOEUALOFO
Asst. Secretary of the Senate

House Chamber
September 13, 1988

I certify that Senate Bill No. 48 passed third reading on this date in the House of Representatives during its Fourth Regular Session of the Twentieth Legislature of American Samoa.


WALLY F. UTU
Chief Clerk
House of Representatives

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
one thousand nine hundred and eighty eight

AN ACT CLARIFYING THE PROCEDURES AND AUTHORITY OF INVESTIGATING COMMITTEES; AMENDING AND RENUMBERING SECTIONS 2.1003, 2.1004, 2.1005, 2.1006, 2.1007, 2.1008, 2.1009, 2.1010, 2.1011, 2.1012, 2.1013, 2.1014, 2.1015, 2.1016, AND 2.1018 ASCA; AMENDING SECTION 46.4605 ASCA; CREATING NEW SECTIONS 2.0104, 2.0105, 2.0114 AND 2.0115 ASCA; AND REPEALING SECTIONS 2.1001 AND 2.1002 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 2.1003 is renumbered and amended to read:

~~"2.1003~~ 2.1001 Code of fair practices procedures--Establishment--Purpose.

A code of fair procedures for legislative investigating committees is established to provide for their operation in a manner which will enable them to execute properly the powers and duties vested in them, including the conduct of hearings in a fair and impartial manner, consistent with protection of the constitutional rights of persons involved in the proceedings and the preservation of the public good."

Sec 2. 2.1004 is renumbered and amended to read:

~~"2.1004~~ 2.1002 Definitions as-used-in-this-code.

~~{a}--"Investigating-committee"--means-any-of-the-following-which-has-the-power-to-compel-the-attendance-and-testimony-of-witnesses-or-the-production-of-books, records, papers, and-documents-to-secure-information-on-a-specific-subject-for-the-use-of-the-Legislature.~~

~~{1}--a-standing-or-select-committee-of-the-Legislature.
{2}--a-subcommittee-of-a-legislative-committee, or
{3}--any-body-created-by-law, the-members-of-which-may include-nonlegislators.~~

{a) "Investigating committee" means a committee created by law or resolution to inquire, research, or explore any matter on which the Legislature may act. All standing committees and their subcommittees are considered an investigating committee.

(b) "Hearing" means any meeting in the course of an investigatory proceeding (other than a preliminary conference or

interview at which no testimony is taken under oath) conducted by an investigating committee for the purpose of taking or producing testimony or receiving other evidence. A hearing may be open to the public or closed to the public.

(c) "Relevant" in reference to any form of information sought by an investigating committee means any information which tends to clarify or settle the establishment of any facts or matters under investigation or which may lead to further information which tends to clarify or settle such facts or matters."

Sec 3. 2.1005 is renumbered and amended to read:

~~"2.1005~~ 2.1003 Establishment of investigating committees by Legislature.

(a) An investigating committee may be established by law or by resolution. It may exercise its powers during sessions of the Legislature, and also in the interim between sessions when so provided by law or by the resolution ~~or statute~~ by which the committee was established or from which it derives its investigatory powers.

(b) The resolution or statute establishing an investigating committee shall state the committee's purposes, powers, duties, and duration, the subject matter and scope of its investigatory authority, and number of members."

Sec 4. 2.1006 is renumbered to read:

~~"2.1006~~ 2.1004 Adoption of rules.

Each investigating committee shall adopt rules, not inconsistent with law or any applicable rules of the Legislature, governing its procedures, including the conduct of hearings."

Sec 5. 2.1007 is renumbered and amended to read:

~~"2.1007~~ 2.1005 Additional staff may be employed.

(a) Each investigating committee may employ for the duration of the investigation professional, technical, clerical, or other personnel as necessary for the proper performance of its duties. ~~to the extent of funds~~ shall be made available to it by the house or houses which passed the law or resolution establishing the committee for such purpose and subject to the restrictions and procedures relating to ~~it~~ the investigating committee as may be provided by law or any applicable rules of the Legislature.

(b) Counsel for the investigating committee is fully authorized to represent it or its members in any legal action by or against the committee or member during the course of an investigation.

Sec 6. 2.1008 is renumbered and amended to read:

~~"2.1008~~ 2.1006 Membership--Quorum--Action by majority vote.

(a) An investigating committee shall consist of not less than 5 members.

(b) A quorum shall consist of a majority of the total authorized membership of the committee.

(c) No action may be taken by a committee at any meeting unless a quorum is present. Unless it is specified in this Code chapter or any other statute that action must be taken by a majority or greater vote of all of the members of the committee, action may be taken by a majority vote of the members present and voting at a meeting at which there is a quorum."

Sec 7. 2.1009 is renumbered and amended to read:

"~~2.1009~~ 2.1007 Hearings.

(a) An investigating committee may hold hearings as it considers appropriate for the performance of its duties, at such times and places as the committee determines.

(b) The committee shall provide by its rules that its members be given at least 3 2 days' written notice of any hearing to be held when the Legislature is in session and at least 7 4 days' written notice of any hearing to be held when the Legislature is not in session. The notices shall include a statement of the subject matter of the hearing. A hearing and any action there taken, shall not be considered invalid solely because notice was not given in accordance with this requirement.

(c) A hearing may not be conducted by an investigating committee unless a quorum is present."

Sec 8. 2.1010 is renumbered and amended to read:

"~~2.1010~~ 2.1008 Issuance of subpoenas, and filing of suit.

(a) By majority vote of all its members, an investigating committee may issue subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records, and the giving of relevant testimony.

~~(b) -- A person subpoenaed to attend a hearing of an investigating committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in the High Court.~~

(b) An investigating committee is authorized to file any action in the High Court which is directly related to the conduct and purpose of its investigation. Such action must be approved by a majority vote of all of its members and be duly recorded in the minutes of a committee meeting.

Sec 9. 2.1011 is renumbered to read:

"~~2.1011~~ 2.1009 Notice to witnesses.

(a) Service of a subpoena authorized by this chapter shall be made in the manner provided by law for the service of subpoenas in actions at least 7 days prior to the time fixed in the subpoena for appearance or production of records unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of 7 days' notice is not practicable; but if a shorter period of time is authorized

the person to whom the subpoena is directed shall be given reasonable notice consistent with the particular circumstances involved.

(b) Any person who is served with a subpoena also shall be served with a copy of the resolution or statute establishing the committee, a copy of the rules under which the committee functions, a general statement informing him of the subject matter of the committee's investigation or inquiry and, if personal appearance is required, a notice that he may be accompanied by counsel of his own choosing."

Sec 10. 2.1012 is renumbered and amended to read:

~~"2.1012~~ 2.1010 Conduct of hearings.

(a) All hearings of an investigating committee shall be public unless the committee, by majority vote of all its members, determines that a hearing should not be open to the public in a particular instance.

(b) The chairman of an investigating committee, if present and able to act, shall preside at all hearings of the committee and shall conduct the examination of witnesses or supervise examination by other members of the committee, committee counsel and members of the committee's staff who have been authorized to examine witnesses. In the chairman's absence or disability, the vice-chairman shall serve as presiding officer. The committee shall provide by its rules for the selection of a presiding officer to act in the absence or disability of both the chairman and the vice-chairman.

(c) No hearing, or part thereof, shall be televised, filmed or broadcast except upon approval of the committee by a majority vote of all of its members.

(d) Public television shall be made available to the committee when directed by the committee chairman after approval by majority vote of all committee members. Hearings shall then be televised live or taped as directed by the committee for later broadcast."

Sec 11. 2.1013 is renumbered and amended to read:

~~"2.1013~~ 2.1011 Rights to counsel and submission of questions.

(a) Every witness at a hearing of an investigating committee may be accompanied by counsel of his own choosing who may advise. Counsel's role is limited to advising the witness as to his rights; provided, that limitations may be prescribed by the committee to prevent obstruction of or interference with the orderly conduct of the hearing.

(b) Any witness at a hearing, or his counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there have been questions or submission of evidence, and the committee shall ask such of the questions as it may deem appropriate to the subject."

Sec 12. 2.1014 is renumbered to read:

~~"2.1014~~ 2.1012 Testimony.

(a) An investigating committee shall cause a record to be made of all proceedings in which testimony or other evidence is received or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements which the committee authorizes a witness to submit, and such other matters as the committee or its chairman may direct.

(b) All testimony given at a hearing shall be under oath or affirmation unless the requirement is dispensed with in a particular instance by majority vote of the committee members present at the hearings.

(c) Any member of an investigating committee may administer an oath or affirmation to a witness.

(d) The presiding officer at a hearing of an investigating committee may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute grounds for citation for contempt, except that production of any book, paper, or other document may be required only by subpoena.

(e) A witness at a hearing, or his counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(f) A witness at a hearing, upon his advance request and at his own expense, shall be furnished a certified transcript of his testimony.

(g) Testimony and other evidence given or adduced at a hearing closed to the public may not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released. Nothing herein may be construed to prevent a witness or other supplier of evidence from disclosing such of his own testimony or other evidence concerning which only he could claim a privilege against disclosure."

Sec 13. 2.1015 is renumbered to read:

"~~2.1015~~ 2.1013 Appearance of interested persons.

(a) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who, in the opinion of the committee, may be adversely affected thereby, may, upon his request or upon the request of any member of the committee, appear personally before the committee and testify in his own behalf, or, with the committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.

(b) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance or submission of evidence shall limit in any way the investigating

committee's power of subpoena."

Sec 14. 2.1016 is amended to read:

"2.1016 Contempt of an investigating committee.

(a) A person shall be in contempt if he:

(1) fails or refuses to appear before the committee in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(2) fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of an investigating committee;

(3) commits any other act or offense against an investigating committee which, if committed against the Legislature or either house thereof, would constitute a contempt.

(b) An investigating committee may, by majority vote of all of its members, apply ~~to the Legislature~~ for a contempt citation, to the single House which created it or, in the case of a joint committee or a committee created by law, to both Houses. The application shall be considered as though the alleged contempt had been committed in or against the entire House or Houses of the Legislature itself. If the investigating committee is an interim committee, its application shall be made to the High Court."

Sec 15. 2.1018 is amended to read:

"2.1018 Violation--Penalty.

(a) A person guilty of contempt under the provisions of this chapter shall be sentenced as for a class C-misdemeanor D felony.

(b) If an investigating committee fails in any material respect to comply with the requirements of this chapter, any person subject to a subpoena who is substantially prejudiced by such failure shall be relieved of any requirements of compliance. Such failure and prejudice shall be a complete defense in any proceeding against such person for contempt or other punishment.

~~(c) --Any person who violates §-1311(g) section 2.1012(g) shall be sentenced as for a class C-misdemeanor. --The appropriate prosecuting officer, on his own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the trial of issue and imposition of the penalties provided herein. --Nothing in this subsection limits any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court."~~

(c) Either or both Houses may discipline a member or employee of the committee or Legislature and impose a penalty upon such member or employee who causes any unauthorized disclosure of testimony or evidence."

Sec 16. 46.4605 is amended to read:

"46.4605 Perjury.

(a) A person commits the crime of perjury if, with the purpose to deceive, he knowingly testifies falsely or procures another to testify falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, the Legislature or either House or a committee thereof, public body, notary public, or other officer authorized to administer oaths.

(b) A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter, or proceeding.

(c) Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:

(1) the defendant mistakenly believed the fact to be immaterial; or

(2) the defendant was not competent for reasons other than mental disability or immaturity to make the statement.

(d) It is a defense to a prosecution under subsection (a) that the actor retracted the false statement in the course of the official proceeding in which it was made provided he did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceedings, including but not limited to statements made before a grand jury, at a preliminary hearing at the taking of a deposition or at previous trial are made in the course of the same proceeding.

(e) The defendant shall have the burden of injecting the issue of retraction under subsection (d).

(f) Perjury committed in any proceeding not involving a felony charge is a class D felony.

(g) Perjury committed in any proceeding involving a felony charge is a class C felony unless:

(1) it is committed during a criminal trial for the purpose of securing the conviction of an accused for murder, then it is a class A felony; or

(2) it is committed during a criminal trial for the purpose of securing the conviction of an accused for any felony except murder, then it is a class B felony."

Sec 17. There is created a new section 2.0104 which reads:

"2.0104 Administration of oaths.

Any member of the Legislature, while acting as a member or as a member of any committee thereof, shall have authority to administer oaths to such persons as shall be examined before the Legislature or any committee thereof."

Sec 18. There is created a new section 2.0105 which reads:

"2.0105 Contempt of the Legislature.

(a) For the purposes of this section, contempt of the

Legislature shall consist of any of the following acts:

(1) knowingly arresting a member or officer of the Senate or the House, or procuring such member or officer to be arrested in violation of his privilege from arrest;

(2) disorderly conduct in the immediate view of the Senate, the House, or any legislative committee, directly tending to interrupt its proceedings;

(3) refusing to be examined as a witness before the Senate, the House, or any legislative committee, or before any person authorized to take testimony in legislative proceedings;

(4) giving or offering a bribe to a legislator, or attempting, by menace or other corrupt means or devise, directly or indirectly, to control or influence a legislator's vote, or to prevent his giving the same.

(b) A person who is found in contempt of the Legislature is guilty of a class D felony."

Sec 19. There is created a new section 2.1014 which reads:

"2.1014 Committee reports.

Every investigating committee shall produce an official report of its investigation. Unless otherwise required by resolution or law, such report shall be approved by a majority of the entire committee and shall be, without further approval of either house of the Legislature, considered the official report of the Legislature.

Sec 20. There is created a new section 2.1015 which reads:

"2.1015 Immunity in legislative investigation.

(a) When a witness refuses to testify or provide requested information of any form or description, on the basis of the privilege against self incrimination, before an investigating committee of either or both houses of the Legislature the witness may be compelled to testify or provide other information only upon the issuance of an order under this section.

(b) In the case of an individual who refuses to testify or provide information on the basis of the privilege against self incrimination, an investigating committee may, upon request of a committee member, issue an order compelling such individual to testify and provide information, such order becoming effective upon personal service on the witness at a hearing of the investigating committee.

(c) Before issuing such an order the issuing body shall make findings that the request for such an order has been approved by a majority vote of all the members of the investigating committee requesting the order except that in the case of a committee of a whole House or both Houses, approval is required by a majority of all members present at a meeting called for the purpose of deciding on the request.

(d) Once an order is properly issued and served on a witness at a hearing, the witness may not refuse to testify or provide information on the basis of the privilege against self incrimination, but no testimony or other information

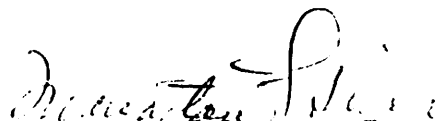
compelled under the order, nor evidence derived from such testimony or information, may be used against the witness in any criminal case, except for prosecution for perjury, giving a false statement, or otherwise failing to comply with the order."

Sec 21. Repealer.

"Section 2.1001 and 2.1002 are repealed."


LETULI TOLOA

President of the Senate


TUANA'ITAU F. TUI

Speaker of the House

Hereby Approved this 19th day of October, 19 88


Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Fa

Nofolia ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulutasi o Iulai
tasi le afe iva selau valusefulu valu

O SE TULAFONO E FA'MANINO TAUALUMAGA MA LE PULE A LE KOMITI
SU'ESU'E; SUIA MA TOE FA'ANUMERA MAGA 2.1003, 2.1004, 2.1005,
2.1006, 2.1007, 2.1008, 2.1009, 2.1010, 2.1011, 2.1012,
2.1013, 2.1014, 2.1015, 2.1016, MA LE 2.1018 TFAS,
SUIA LE MAGA 46.4605 TFAS; FA'AVAEINA MAGA FOU 2.0104,
2.0105, MA LE 2.0115 TFAS; MA SOLOIA MAGA 2.1001 MA LE
2.1002 TFAS.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 2.1003 ua toe fa'anumera ma suia e faitauina:

"2-1003 2.1001 Tulafono o taualumaga galuega tonu--Fa'a-
tuina--Mafua'aga.

O se tulafono o taualumaga tonu mo le komiti su'esu'e
a le Fonofaitulafono ua fa'atuina e saunia ai mo a latou
gaoioiga i se tulaga e mafai ai ona fa'ataunu'u tatau malosi
ma tiute ua fa'ae'e atu ia i latou, e aofia ai le faia o
iloiloga i se tulaga tonu ma le leai o se fa'ailogaina
tagata, e o gatasi ma aia o tagata i le fa'avae o lo'o a'afia
i iloiloga ma le tausia o le lelei lautele."

Maga 2. 2.1004 ua toe fa'anumera ma suia e faitauina:

"2-1004 2.1002 Fa'amatalaga e-pea-ena-fa'aaoga-i-lenei
tulafono.

{a}--"Komiti-su'esu'e"-e-lona-uiga-so'o-se-mea-ua-fa'a-
alia-i-lalo-ua-iai-le-malosi-e-fa'amalosi-ona-auai-ma-ta'u-
tinoga-e-melimaupo'o-le-saunia-e-tusi;-fa'amaumauga;-pepa,
ma-tusitusiga-e-mau-mai-tala-i-se-mataupu-fa'apitea-me-le
fa'aaogaina-e-le-Fonofaitulafono.

{1}--se-komiti-tumau-po'o-se-komiti-filifilia-a-le
Fonofaitulafono;

{2}--se-seakomiti-a-se-komiti-a-le-Fonofaitulafono.

{3}--se'o-se-komiti-fa'atuina-i-le-tulafono;-e-lateu
totino-e-mafai-ena-aofia-ai-ni-ai-ni-tagata-e-le-e-ni
faipule.

(a) "Komiti su'esu'e" o lona uiga o se komiti fa'atu-
ina i le tulafono po'o se i'ugafono e saili, su'esu'e, po'o
le iloilo so'o se mataupu e galulue ai le Fonofaitulafono.
O komiti tumau uma ma o latou soakomiti e taua o komiti
su'esu'e.

(e) "Iloiloga" o lona uiga so'o se fono i le tulaga

o taualumaga o su'esu'ega (e ese i lo ulua'i feiloaiga po'o fa'atalanoaga e leai ni tautoga e faia se folafolaga) e faia e se komiti su'esu'e mo le tu'uina mai pe fa'amauina ta'utinoga pe talia i se mau fa'amaonia. O se iloiloga e mafai ona avanoa mo le lautele pe tapunia tagata lautele.

(i) "Tagata" e fa'asino i so'o se ituaiga fa'amatalaga e saili e se komiti su'esu'e o lona uiga so'o se tala e fa'amanino pe fa'amaonia ai ona fa'atumauiina o mau po'o mataupu o lo'o su'esu'eina e i'u ai ina mau isi fa'amatalaga e fa'amanino pe fa'amaonia ai ia mau po'o mataupu."

Maga 3. 2.1005 ua toe fa'anumera ma suia e faitauina:

"~~2-1005~~ 2.1003 Fa'atuina komiti su'esu'e e-~~le~~-Fonofaitulafone.

(a) O se komiti su'esu'e e mafai ona fa'atuina i le tulafono po'o se i'ugafono. E mafai ona fa'aaoga ona malosia'o usua fono tele a le Fonofaitulafono, e fa'apea fo'i pe a malolo i le va o fono tele pe afai ua saunia fa'apea e le tulafono po'o le i'ugafono ~~pe~~le-tulafone-ua-ia sa fa'atuina ai le komiti pe sa maua mai ai lona malosia e fai ai su'esu'ega.

(e) O le i'ugafono po'o le tulafono sa fa'atuina ai se komiti su'esu'e ia fa'aailoa le mafua'aga o le komiti, malosia, tiute, ma le taimi, o le mataupu ma le lautele o lana pule e faia ai su'esu'ega, ma le numera o totino."

Maga 4. 2.1006 ua toe fa'anumera e faitauina:

"~~2-1006~~ 2.1004 Taliaina o tulafono galue.

O komiti su'esu'e ta'itasi ia talia tulafono galue, e le fete'ena'i ma le tulafono pe so'o se tulafono tatau iai e le Fonofaitulafono, e pulea ai taualumaga, e aofia ai amioga i taimi o le iloiloga."

Maga 5. 2.1007 ua toe fa'anumera ma suia e faitauina:

"~~2-1007~~ 2.1005 Tagata faigaluega fa'aopoopo e mafai ona galulue.

(a) O komiti su'esu'e ta'itasi e mafai ona fa'afai-galuega mo aso o le su'esu'ega fa'apolofesa, poto fa'apitoa, failautusi po'o isi tagata faigaluega e mana'omia mo le fa'ataunu'uina lelei o ona tiute. ~~i-le-teugatupe~~ O teugatupe ia mafai ona avanoa i le komiti e le maota po'o maota sa pasia le tulafono po'o i'ugafono e fa'atuina ai le komiti me-~~lea~~ galuega-ma ae usita'i i mea fa'apitoa ma taualumaga i le komiti su'esu'e e pei ona saunia e le tulafono po'o poloaiga tatau o le Fonofaitulafono.

(e) O le loaia fautua mo le komiti su'esu'e ua iai le fa'atagaga atoa e fai ma sui o le komiti po'o ona totino i so'o se tagi pe tagi fa'asaga fo'i i le komiti o le taimi o faia le su'esu'ega."

Maga 6. 2.1008 ua toe fa'anumera ma suia e faitauina:

~~"2-1008~~ 2.1006 Totino--Fulisia--Iuga i le to'atele o le palota.

(a) O se komiti su'esu'e ia aofia ae le itiiti i le 5 totino.

(e) O le fulisia ia iai se to'atele o totino fa'atagaina o le komiti.

(i) E leai se iuga e faia e le komiti i so'o se fonotaga vagana ua auai le fulisia. Vagana ua fa'amaoti mai i lenei mataupu tulafone pe so'o se isi lava tulafono o lena iuga e tatau ona faia e le fulisia po'o le palota to'atele o totino uma o le komiti, o se iuga e mafai e le fulisia o le palota o totino o auai ma palota i se fono sa auai lo latou fulisia."

Maga 7. 2.1009 ua toe fa'anumera ma suia e faitauina:

~~"2-1009~~ 2.1007 Iloiloga.

(a) O se komiti su'esu'e e mafai ona faia iloiloga ua latou iloa e tatau mo le fa'ataunu'uina o ona tiute, i se taimi ma se nofoaga ua filifili e le komiti.

(e) O le komiti ia saunia i ana poloaiga galue ina ia tu'uina atu i ona totino fa'aaliga 3 2 aso o so'o se iloiloga e faia pe afai o nofoia le Fonofaitulafono ma e 7 4 aso o le fa'aaliga o so'o se iloiloga e faia pe afai o malolo le Fonofaitulafono. O fa'aaliga ia ta'u mai ai mataupu o le iloiloga. O se iloiloga ma so'o se iuga e faia iai, e le fa'apea o le a le taualoa na'o le pona ua leai se fa'aaliga sa auina atu e tusa ma lenei mana'oga.

(i) O se iloiloga e le faia e se komiti su'esu'e vagana ua auai lo latou fulisia."

Maga 8. 2.1010 ua toe fa'anumera ma suia e faitauina:

~~"2-1010~~ 2.1008 Tu'uina atu tusi valaau, ma fa'auluina o tagi.

(a) I le fulisia o le palota o totino uma, o se komiti su'esu'e e mafai ona tu'uina atu tusi valaau, e a'afia ai tagata ma pepa fa'amaumau, mana'omia ona tula'i tonu le tagata, saunia o pepa aoga, ma le fa'aalia o molimau moni.

(e)--~~O-se-tagata-ua-valaauina-e-auai-i-le-iloiloga a-le-komiti-o-le-a-maua-tupe-ma-totegi-e-pe-i-o-le-tagata valaaulia-e-faia-ta'utinoga-i-se-tag-i-i-luma-e-le-fa'a-masinega-sili.~~

(e) O se komiti su'esu'e ua fa'atagaina e fa'auluina so'o se tagi i le Fa'amasinoga Sili e talafeagai lelei ma le faiga ma mafua'aga o lana su'esu'ega. O lea tagi e tatau ona fa'amaonia e le fulisia o le palota o ona totino uma ma fa'amauina tonu i minute o fonotaga a le komiti."

Maga 9. 2.1011 ua toe fa'anumera e faitauina:

~~"2-1011~~ 2.1009 Fa'aaliga i molimau.

(a) O le auina atu o tusi valaau fa'atagaina o tane mataupu ia faia i le tulaga ua saunia i le tulafono mo le auina atu o tusi valaau i tagi e le itiiti i le 7 aso a'o le'i o'o i le taimi fa'atulagaina i le tusi valaau ina ia tula'i po'o le saunia o fa'amaumauga vagana se taimi pu'upu'u ua fa'atagaina e le fulisia o le palota o totino uma o le komiti i se tagi e tasi, pe afai, i lo latou taofi, o le auina o le fa'aaliga i aso e 7 e le talafeagai; ae peita'i afai o se taimi pu'upu'u ua fa'atagaina ai le tagata ua tu'usa'o iai le tusi valaau e mafai ona avatu iai se fa'aaliga tatau fa'atasi ma uiga fa'apitoa ua a'afia ai.

(e) So'o se tagata ua auina iai se tusi valaau ia tu'uina atu fo'i iai ma se kopi o le iugafono po'o le tulafono sa fa'atuina ai le komiti, se kopi tulafono faigaluega o lo'o fa'afoe ai galuega a le komiti, se fa'amatalaga lautele e fa'ailoa ia te ia le uiga o le mataupu o le su'esu'ega a le komiti po'o iloiloga ma, pe afai e mana'omia ona iai tonu se tagata, o se fa'aaliga e tatau ona aufa'atasi o ia ma lana fautua ua filifilia e ia."

Maga 10. 2.1012 ua toe fa'anumera ma suia e faitauina:

"~~2-1012~~ 2.1010 Fa'afoeina o iloiloga.

(a) O iloiloga uma a se komiti su'esu'e e avanoa mo le lautele vagana o le komiti, i le fulisia o le palota a o latou totino, ua filifili fa'apea o se iloiloga e le tatau ona avanoa i le lautele i se mataupu fa'apitoa.

(e) O le ta'ita'ifono o le komiti su'esu'e, pe afai o iai ma e mafai ona galue, ia ta'ita'i iloiloga uma a le komiti ma faia le su'esu'ega o molimau pe va'avaai su'esu'ega a ia totino o le komiti, fautua a le komiti ma totino o tagata faigaluega a le komiti ua fa'atagaina e su'esu'e molimau. Afai e le auai le ta'ita'ifono pe ma'i, o le sui ta'ita'i komiti ia galue e avea ma ta'ita'ifono. O le komiti ia saunia i ana tulafono galue mo le filifiliga o lana ta'ita'ifono e galue pe a le auai pe ma'i o le ta'ita'i po'o le sui ta'ita'i.

(i) E leai se iloiloga, po'o lona vaega, o fa'asalalau i le televise, pu'eina se ata pe fa'asalalau i le ea vagana ua fa'amaonia e le komiti i le fulisia o le palota a ona totino uma.

(o) O le televise lautele ia fa'avanoa i le komiti pe afai e fa'atonuina e le ta'ita'i komiti pe a uma ona fa'amaonia e le fulisia o le palota ona totino uma. O iloiloga o le a fa'asalalauina loa i le televise e pei ona faia pe pu'eina i le ripine e pei ona fa'atonuina e le komiti mo le fa'asalalauina mulimuli."

Maga 11. 2.1013 ua toe fa'anumera ma suia e faitauina:

"~~2-1013~~ 2.1011 Aia e fai ai se fautua ma fa'auluina o fesili.

(a) O molimau ta'itasi i iloiloga a se komiti su'esu'e e mafai ona auai fa'atasi ma se fautua ua malie iai o ia e-fautuaina. O le galuega a le fautua e gata i le fautua o le molimau e tusa ma ona aia; pe afai, fa'apea o le malosi e fa'atonuina e le komiti e puipuia ai se fa'alavelave pe taofia ai fa'afoeina o le iloiloga.

(e) So'o se molimau i se iloiloga, po'o lana fautua, e mafai ona fa'auluina i le komiti ni fesili fuatua e fesili ai i le tagata molimau pe so'o se isi lava molimau e tatau ma le mataupu ua iai se fesili po'o fa'auluina e mau fa'amaonia, ma ia faia e le komiti ia fesili ua talafeagai ma e tatau ma le mataupu o lo'o su'esu'eina."

Maga 12. 2.1014 ua toe fa'anumera e faitauina:

"~~2-1014~~ 2.1012 Ta'utinoga.

(a) O se komiti su'esu'e ia fa'atonuina se fa'amaumauga ia faia o taualumaga uma ua faia ai ta'utinoga po'o isi mea ua tu'uina mai pe fa'aailoa mai, o lea fa'amaumauga ia aofia ai iuga a le ta'ita'i, fesili a le komiti ma ana tagata faigaluega, ta'utinoga po'o tali a le tagata molimau, fa'ama-talaga fa'atautoina tusia ua fa'ataga e le komiti e auina mai, ma isi mataupu ua fa'atonuina e le komiti po'o lona ta'ita'i.

(e) O ta'utinoga uma e faia i se iloiloga ia faia i lalo o tautoga po'o fa'amaoniga vagana ua fa'agafua mana'oga i lea mataupu fa'apitoa i le palota fulisia o le palota o totino o le komiti o lo'o auai i le iloiloga.

(i) So'o se totino o le komiti e mafai ona fa'atautoina se molimau.

(o) O le ta'ita'ifono i se iloiloga a se komiti su'esu'e e mafai ona fa'atonu se tagata molimau e tali so'o se fesili tatau pe saunia ni tusi tatau, pepa, po'o iai fa'amaumauga. Vagana o lea fa'atonuga ua fa'agafua i le palota fulisia o totino o le komiti o lo'o auai, o le le usita'i e avea ma fa'amaonia mo le tausalaina o le gaupule, vagana fa'apea o le saunia o tusi, pepa po'o isi fa'amaumauga e mafai ona mana'omia na'o se tusi valaau.

(u) O se molimau i se iloiloga, po'o lana fautua, i le maliliega a le fulisia a totino o le komiti o lo'o auai i le iloiloga, e mafai ona fa'auluina i le komiti mo le tu'uina i totonu o fa'amaumauga o le iloiloga se ta'utinoga tusia e tatau mo le mataupu aano o le iloiloga, ma le lautele o le su'esu'ega a le komiti po'o le sailiiliga.

(f) O se molimau i se iloiloga i se talosaga faia mua-mua ma e totogi laua e ia, saunia mo ia se kopi fa'amaonia tusitusia o lana ta'utinoga.

(g) O ta'utinoga ma isi mau fa'amaonia sa faia pe sa fesiligia i se iloiloga i le lautele e le fa'alaua'itele vagana ua fa'atagaina e le fulisia o le palota o totino uma o le komiti, o lea fa'atagaga ia fa'aailoa fa'amaoti le ituaiga ma le faiga e fa'aailoa lautele ai, ta'utinoga po'o isi mau fa'amaonia. E leai se mea i lenei maga e fa'auigaina e puipuia ai le molimau po'o isi tagata saunia mau mai le fa'aailoa lana lava ta'utinoga po'o isi mau e uiga i ia mau na'o ia e taualoa se tulaga fa'apitoa e fa'aaoga i le fa'alauiloa lautele."

Maga 13. 2.1015 ua toe fa'anumera e faitauina:

"~~2-1015~~ 2.1013 Tula'i o tagata o iai le maelega.

(a) So'o se tagata ua taua lona igoa pe fa'aailoaina i le taimi o le iloiloga a se komiti su'esu'e ma o ia, i le

manatu o le komiti, atonu e afaina ona o le iloiloga e mafai, i lana talosaga po'o se talosaga a so'o se totino o le komiti, ona tula'i lava ia i luma o le komiti ma faia lana molimau mo ia lava, po'o, le malie o le komiti, failaina se ta'utinoga tusia o mau po'o isi mau tusitusia mo le tu'uina i totonu o fa'amaumauga o le iloiloga.

(e) Mai le maliliega a le fulisia o ona totino, o se komiti su'esu'e e mafai ona fa'ataga iai lava tagata ma faia molimau i se iloiloga pe tu'uina atu se tala tusia o mau po'o isi mau fa'amaonia tusia mo le tu'uina i totonu o fa'amaumauga o le iloiloga. E leai se talosaga e molimau, tula'i pe tu'uina atu o mau e fa'agataina i so'o se tulaga le malosia o le komiti su'esu'e e auina atu tusi valaau."

Maga 14. 2.1016 ua toe fa'anumera ma suia e faitauina:

~~"2.1016~~ 2.1014 Gaupule: a se komiti su'esu'e.

(a) O se tagata ua gauple pe afai o ia:

(1) le iai pe musu e tula'i i luma o komiti e tusa o le tusi valaau pe, ua tula'i le faia pe musu e molimau i le fa'atauto po'o fa'amaoniga;

(2) le faia pe musu e tali i so'o se fesili tatau pe le faia pe musu e saunia tusi tatau, pepa, po'o isi fa'amaumauga sa fa'atonu i le tusi valaau pe avea ma sui o le komiti su'esu'e;

(3) faia so'o se amio pe fa'asaga i le komiti su'esu'e o lea amio e fai e faia i le Fonofaitulafono pe so'o se maota o le a avea ma gaupule.

(e) O se komiti su'esu'e e mafai, i le fulisia o le palota a totino uma o iai, ona talosaga ~~i-le-Fonofaitulafono~~ mo se fa'asalaga o le gaupule: i le maota sa fa'avaeina lea komiti, afai o se komiti so'ofa'atasi po'o se komiti sa fa'avae e le tulafono, i maota e lua. O le talosaga ia faia se iuga e pei lava o le gaupule ua faia pe fa'asaga i le Maota atoa po'o Maota o le Fonofaitulafono. Afai o le komiti su'esu'e o se komiti tofia e galulue a o tuua le fonono, o lana talosaga ia faia i le Faamasinoga Sili."

Maga 15. 2.1018 ua suia e faitauina:

"2.1018 Solia--Fa'asalaga.

(a) O se tagata e nofosala i lalo o alaiga o lenei mataupu e fa'asala mo le vasega ~~i-selitulafono-mama~~ O solitulafono mamafa.

(e) Afai so'o se komiti su'esu'e e le faia so'o se ituaiga la'asaga e gauai ai i mana'oga o lenei mataupu, so'o se tagata e usita'i i le tusi valaau o ia ua fa'aituau tele ona o lea tulaga e fa'asa'oloto mai so'o se mana'oga mana'omia. O lena le faia ma le faaituau e avea ma puipuiga atoa i so'o se tualumaga o fa'asaga i lena tagata mo le gaupule po'o isi fa'asalaga.

~~(i)---Se'o-se-tasi-e-solia-le-M-1311-(g)-e-fa'asalaina~~
~~i-le-selitulafono-mama-vasega-i---O-le-efisa-molitagi,-i~~
~~lana-lava-mau-pe'o-se-talosaga-a-se'o-se-tagata-sa-talo-~~
~~saga-sa-efeina-pe-fa'aituau-e-se-efisa-le-fa'atagaga-le~~

fa'atagaina-e-mafai-ona-amataina--se-tagimo-le-fa'amasinoga
o-mataupu-ma-le-fa'ae'eina-e-sala-ua-saunia-nei---E-leai-se
mea-i-lenei-seamaga-e-fa'agataina-se'o-se-malesi-ua-iai
i-le-Fonofaitulafono-e-fa'asala-ai-se-tetino-pe'e-tagata
faigaluega-pe-fa'ae'e-se-sala-pe-a-leai-se-tagie-faia-e-se
ofisa-melitaga-pe'e-le-fa'amasinoga."

(i) So'o se Maota po'o Maota e lua e mafai ona fa'a-
salaina se totino po'o tagata faigaluega a le Komiti po'o
le Faitulafono ma fa'ae'e se sala i lea totino po'o tagata
faigaluega e faia so'o se fa'alauiloa le fa'atagaina o
ta'utinoga po'o molimau."

Maga 16. 46.4605 ua suia e faitauina:

"46.4605 O le Olegia.

(a) O se tagata ua faia se soliga o le olegia pe afai,
ua iai se manatu e fa'asese, ua ta'utino ma le iloa ua sese
pe saili se tasi e faia se tala sese i so'o se mea vaايا
i se ta'utinoga ua faia i le tulafono, i so'o se fa'amasinoga
i luma o so'o se fa'amasinoga, Fonofaitulafono po'o Maota e
lua po'o ni o latou komiti, aofia lautele, ofisa fa'amaonia
lautele, po'o isi ofisa lautele ua fa'atagaina e faia
tautoga.

(e) O se mau o se mea vaايا, po'o le a lava lona tau-
lia i lalo o poloaiga o mau, pe afai e afaina tele ai, pe sa
afaina tele ai, le tulaga po'o le iuga, mataupu po'o tau-
lumaga fa'amasinoga.

(i) Mautinoa o le iloa tino se fa'amatalaga e le
o se tulaga o lenei solitulafono, ma e leai se puipuiga
fa'apea:

(1) o le tagata tete'e ua iai se talitonuga sese
fa'apea o mau e le tatau; pe

(2) o le tagata tete'e e le agava'a e ese i lo le ma'i
o le mafaufau pe la'itiiti ifo.

(o) O le tagata tete'e i le moliga i lalo o le soa-
maga o le tagata molimau ua toe fa'asa'o lana tala i le
tulaga o le iloiloiga taualoa sa faia ina ua faia e ia a'o
le'i fa'ailoa lona sese. O fa'amatalaga sa faia i se ilo-
iloga i vaega eseese lea lava fa'amasinoga, e aofia ai ae
le fa'agataina i fa'amatalaga sa faia i luma o le 'au fai
iuga tele, i le ulua'i i su'esu'ega i le fa'amaumauga po'o
le fa'amasinoga ua mavae i le mataupu lava lea.

(u) O le tagata tete'e ua iai le fa'amaoniga o le
tu'uina atu o le mataupu o le toe sui i lalo o le soamaga
(o).

(f) Olegia sa faia i so'o se su'esu'ega e le aofia
ai tu'ua'iina mamafa i se vasega O solitulafono mamafa.

(g) Olegia sa faia i so'o se fa'amasinoga e aofia ai
se solitulafono mamafa i le vasega I solitulafono mamafa
vagana:

(1) sa faia lea soliga i le taimi o le fa'amasinoga
solitulafono mo le mafua'aga e fia maua le sala a le tagata
molima mo le fasioti tagata, ona avea lea ma vasega A soli-
tulafono mamafa; pe

(2) sa faia lea soliga a'o faia le fa'amasinoga solitulafono ona o le fia maua o le sala a se tagata molia mo so'o se soliga mamafa vagana ai le fasioti tagata, ona avea lea ma vasega E solitulafono mamafa."

Maga 17. Ua fa'avaeina se maga fou 2.0104 e faitauina:

"2.0104 Faiga o tautoga.

So'o se totino o le Fonofaitulafono, a'o galue o se totino po'o se totino o so'o se komiti, ua iai le pule atoa e faia tautoga i tagata o le a su'esu'eina i luma o le Fonofaitulafono pe so'o se komiti a le Fono."

Maga 18. Ua fa'avaeina se maga fou 2.0105 e faitauina:

"2.0105 Gaupule a le Fonofaitulafono.

(a) Mo le mafua'aga o lenei maga, o le gaupule i le Fonofaitulafono ia aofia ai so'o se tasi o mea ua fa'aalia i lalo:

(1) fa'apagota ma iloa se totino po'o se ofisa o le Maota Maualuga po'o le Maota o Sui, pe taumafai lea totino po'o le ofisa e fa'apagotaina o solia ai lona ma fa'apitoa mai le fa'apagota;

(2) amio le tusa ai i luma o le Maota Maualuga, Maota o Sui, pe so'o se komiti fonofaitulafono, e taumafai moni e fa'alavelave i ana iloiloga;

(3) musu e su'esu'eina e avea ma molimau i luma o le Maota Maualuga, Maota o Sui, pe so'o se komiti a le Fonofaitulafono, po'o luma o soc se tagata ua fa'atagaina e faia ta'utinoga i iloiloga a le Fonofaitulafono.

(4) tu'uina mai pe tu'uina atu se fa'atau i se Fonofaitulafono, e taumafai e fa'amata'u po'o isi uiga leaga po'o togafiti, fa'asagatonu pe fa'atafatafa, ina ia pulea pe fa'atosina se palota se faipule, pe taofia ona faia lana palota.

(e) O se tagata ua maua le iuga ua gaupule i le Fonofaitulafono ua nofosala i le vasega O solitulafono mamafa.

Maga 19. Ua fa'avaeina se maga fou 2.1014 e faitauina:

"2.1014 Ripoti a komiti.

O komiti su'esu'e ta'itasi ia saunia se ripoti taualoa o ana su'esu'ega. Vagana ua iai se isi mana'oga e faia i se iugafono po'o le tulafono, o lea ripoti ia fa'amaonia e le fulisia o le komiti atoa ma ia, e aunoa ma le toe pasia e maota e lua, e ta'ua o le ripoti aloaia a le Fonofaitulafono.

Maga 20. Ua fa'avaeina se maga fou 2.1015 e faitauina:

"2.1015 Puipuiga fa'apitoa i su'esu'ega a le Fonofaitulafono.

(a) Afai o se molimau e musu e molimau pe saunia ni fa'amatalaga talosagaina o so'o se ituaiga fa'amatalaga, mai

luga o le aiā fa'apitoa e fa'asaga i le fesiligia o ia, i luma o se komiti su'esu'e a so'o se Maota e lua o le Fonofaitulafono o le molimau e mafai ona fa'amalosi e molimau pe saunia isi fa'amatalaga i le tu'uina atu o se fa'atonuga i lalo o lenei tagi.

(e) Pe afai e iai se tagata e tete'e molimau pe saunia ni fa'amatalaga mai luga o ni tala taua e fa'asaga i le fesiligia o ia, o se komiti su'esu'e e mafai, i se talosaga a se totino o le komiti, tu'uina atu se fa'atonuga e fa'amalosi lena tagata e molimau ma saunia fa'amatalaga, o lena fa'atonuga e taualoa pe a tu'uina atu ia te ia lava i se iloiloga a le komiti su'esu'e.

(i) A'o le'i tu'uina lea fa'atonuga o le komiti sa auina atu lea fa'atonuga e saunia ni sailiga fa'apea o le talosaga mo lea fa'atonuga ua fa'amaonia e le palota fulisia a totino uma o le komiti su'esu'e e talosagaina le fa'atonuga vagana fa'apea o le komiti aoao a se Maota po'o Maota e lua, o le fa'amaoniga e mana'omia le palota fulisia o totino uma o auai i se fono ua valaauina e filifili ai se iuga o le talosaga.

(o) Afai loa e tu'uina atu se fa'atonuga ma maua e se molimau i le iloiloga, e le mafai e le molimau ona tete'e e molimau pe saunia ni tala mai luga o le aia fa'apitoa e fa'asaga i le fesiligia lava o ia, ae leai se ta'utinoga po'o isi tala e fa'amalosi i lalo o le fa'atonuga, po'o ni mau e maua mai lena ta'utinoga po'o ni tala, e mafai ona fa'asaga i le molimau i so'o se fa'amasinoga solitulafono, vagana ua fa'amasinoina ona o le olegia, fa'aalia tala sese, pe musu e gau'a'i i le fa'atonuga."

Maga 21. Soloia.

Maga 2.1001 ma le 2.1002 TFAS ua soloia.


LETULI TO'LOA
Peresetene, Maota Maualuga


TUANA'ITAU F. TUIĀ
Fofoga Fetalai, Maota o Sui

Hereby Approved this 19th day of October, 19 88


Governor of American Samoa