

THE TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twenty-seventh day of October
two thousand and three

AN ACT AUTHORIZING THE GOVERNMENT TO ENTER INTO A CREDIT FACILITY ARRANGEMENT WITH THE AMERICAN SAMOA MEDICAL CENTER, IDENTIFYING THE SOURCE OF FUNDING; CREATING A SECTION 28.1410 A.S.C.A. AND PROVIDING FOR AN EARLY EFFECTIVE DATE.

Preamble:

Due to the urgent need to provide financial assistance to the American Samoa Medical Center, this act shall become effective 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 section 28.1410 which reads:

**“28.1410 Authorization of Loan--American Samoa Medical Center--
Reports--Source of funding.**

(a) The Governor, on behalf of the government, and the Board of Directors of the American Samoa Medical Center (ASMC), on behalf of ASMC, are authorized to enter into a credit facility whereby the government will lend and ASMC will borrow an amount not to exceed \$5,000,000.00 for the purpose of providing immediate financial assistance to ASMC. The Governor, or his designee, and the Board of Directors, or its designee, are authorized to negotiate the terms of the credit, including an interest rate, repayment terms and such other terms and conditions as may be required to obtain the credit facility. The Governor and the Board are further authorized to execute all instruments and documents necessary to conclude the transaction, including promissory notes which evidence indebtedness of the ASMC.

(b) Proceeds of the loan shall be expended to satisfy, or partially satisfy to the extent of the proceeds, current indebtedness of the ASMC in the following priorities:

- (i) U.S. FICA and Medicare taxes;
 - (ii) Employee and employer contributions owing to the American Samoa Employees' Retirement Fund;
 - (iii) Utility payables;
 - (iv) Pharmaceutical company payables;
 - (v) Other vendor payables incurred for essential operational services;
- and

(vi) ASG withholding taxes.

(c) ASCA Section 13.0109 notwithstanding, the loan shall be repaid to the government from revenues appropriated by the Legislature for ASMC on such terms as negotiated.

(d) As a condition of the loan, ASMC shall enter into a fiscal and operations reform plan with the government, acceptable to the Governor, whereby ASMC will implement procedures to increase its revenues, reduce its expenditures, achieve a balanced budget and improve operations of L.B.J. Tropical Medical Center, Plans to reduce expenditures shall specifically address reduction of personnel costs.

(e) Within 30 days of the end of each fiscal quarter, the Treasurer shall provide a report to the Governor and the Legislature detailing the status of the credit facility and all transactions related thereto which occurred during the prior fiscal quarter."

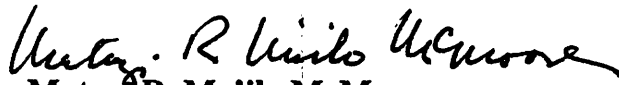
Sec 2. Source of funding.

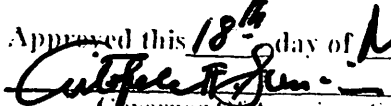
Loan proceeds shall be made available from revenues obtained as a result of the civil litigation case of American Samoa Government v. Affiliated FM Insurance Company, et al. Amounts accumulated through loan repayments shall be made available for further appropriation.

Sec 3. Effective date.

Due to the urgent need to provide financial assistance to the American Samoa Medical Center, this act shall become effective when passed by the Legislature and approved by the Governor.

for 
Lutu Tenari S. Fuimaono
PRESIDENT OF THE SENATE


Matagi R. Ma'ilo McMoore
SPEAKER OF THE HOUSE

Hereby Approved this 18th day of November 2003

Governor of American Samoa

NOFOA'IGA LUASEFULU-VALU FONOFAITULAFONO AMERIKA SAMOA

Fono Fa'apitoa Muamua

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso luasefulufitu o Oketopa
lua afe ma le tolu

O SE TULAFONO E FA'ATAGA AI LE MALO E AIAIÄ SE MALILIEGA FESOASOANI FA'AAITALAFU MA LE MAOTA O GASEGASE A AMERIKA SAMOA, E FA'AMAONIA MA TAUALOA AI SE ALAGATUPE E FA'ATUPE AI; FA'AVAEINA AI SE MAGA 28.1410 T.T.A.S. MA SAUNIA AI MO SE ASO E TAUALOA VAVE AI.

Fa'atomuaga

Ona o se mana'oga fa'anatinati e saunia ai se fesoasoani mo le Maota o Gasegase a Amerika Samoa, o le a taualoa vave ai lenei tulafono taufa'aofi pe afai e pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana.

IA FA'ATULAFONOA E LE FONOFAITULAFONO A AMERIKA SAMOA

Maga 1. Ua fa'avaeina se maga 28.1410 e faitauina:
"28.1410 Fa'atagaga o Nogatupe--Maota o Gasegase a Amerika Samoa--
Ripoti--Alagatupe e fa'atupe ai.

(a) O le Kovana, mo le malo, fa'apea ma Komiti o Fa'atonu o le Maota o Gasegase a Amerika Samoa (MGAS), e fai ma sui o le Maota o Gasegase a Amerika Samoa (MGAS) e aiaia ai se fesoasoani tupe fa'aaitalafu, i lea fuafuaga o le a nono atu e le malo ma fa'aaitalafu e le Maota o Gasegase a Amerika Samoa (MGAS) se aofa'iga e le silia ma le \$5,000,000.00 mo le fa'amoemoe e saunia ai se fesoasoani vave tau tupe i le Maota o Gasegase a Amerika Samoa (MGAS). O le Kovana, po'o se e tofia fa'apitoa, fa'apea ma le Komiti o Fa'atonu. po'o se sui tofia fa'apitoa o le a talanoaina ma aiaia tu'utu'uga o le aitalafu, e aofia ai se fua o pasene, aiaiga o le toetotogiina

fa'apea ai ma nisi tu'utu'uga ma aiaiga e mana'omia e maua ai se fesoasoani tupe fa'aitalafu. Ua fa'atagaina fo'i le Kovana fa'apea ma le Komiti e saunia feagaiga ma fa'amaumaga tusitusia uma e alagatatau e aofia ai le fa'atinoga ma le fa'ataunu'uina, e aofia ai fo'i se feagaiga tusitusia (promissory notes) mo le toefa'aolaina mai o le tupe e fai ma fa'amaoniga o le nofoaitalafu o le Maota o Gasegase a Amerika Samoa (MGAS).

(e) O tupe e maua mai i lenei nogatupe o le a fa'aaoga e totogi ai, pe totogi ai fo'i se vaega e tusa ma le malosi o le tupe, aitalafu o lo'o feagai ai nei ma le Maota o Gasegase a Amerika Samoa i tulaga fa'amuumua e pei ona ta'ua i lalo:

(i) Lafoga a le FICA ma le Porokalama o le Togafitiga ma le Tausiga o Gasegase a le Iunaite Setete;

(ii) Sao a tagatafaigaluega ma pisinisi e fa'afaigaluegaina tagata o lo'o aitalafu ai i le Teugatupe o le Ritaea a Tagatafaigaluega a le Malo o Amerika Samoa;

(iii) Iutilia (vai ma le uila) e le'i totogia;

(iv) Kamupani e gaosia ma tufatufaina atu vaila'au e le'i totogia;

(v) Isi pisinisi e le'i totogia o lo'o aitalafu ai mo tautua ta'ua e fa'agaoioi ai; ma

(vi) Lafoga a le Malo o Amerika Samoa o lo'o taofia.

(i) E le afaina ai le Maga 13.0109 o le T.T.A.S., o lenei nogatupe o le a toetotogi atu i le malo mai tupemaua fa'asoasoina e le Fono Faitulafono mo le Maota Gasegase a Amerika Samoa (MGAS) e tusa ma tu'utu'uga o le a talanoaina ma fa'atulagaina.

(o) E avea ma aiaiga o lenei nogatupe, ia amata ma fa'atulaga e le Maota o Gasegase a Amerika Samoa se fuafuaga mo le fa'aleleiga o le fa'agaoioiga ma le malo, e fa'amaonia ma taualoa e le Kovana, ma o lea fuafuaga o suiga taufa'aofi a le Maota o Gasegase e aiaia ma fa'agaoioi ai taualumaga e si'itia ai lana tupemaua, fa'aitiitia ai lana tupefa'aalu, ausia ai se paketi paleni ma fa'aleleia ai le fa'agaoioiga o le Maota Gasegase o le L.B.J. O fuafuaga mo le fa'aitiitia o tupefa'aalu e fa'atatau fa'apitoa lava i le fa'aitiitia o le tau e totogi atu mo tagatafaigaluega.

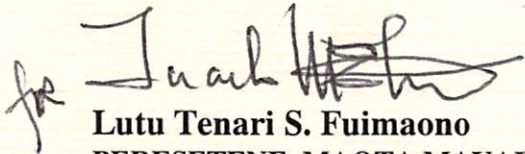
(u) I totonu o le 30 aso o le muta'aga o kuata tupe ta'itasi, o le a saunia ma tu'uina atu e le Teutupe se ripoti i le Kovana fa'apea ma le Fono Faitulafono e auiliili atu ai le tulaga o le aitalafu o tupe fesoasoani fa'apea ma isi taualumaga uma e a'afia ai e tula'i mai i le piriota o le kuata tupe ua tuana'i."

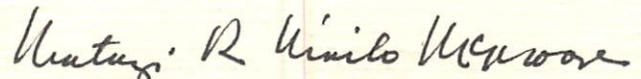
Maga 2. Alagatupe e fa'atupeina ai.

O tupe mo le nogatupe o le a fa'aavanoaina mai tupemaua na maua mai le fa'amasinoga o le iloiloga tau aiā a le Malo o Amerika Samoa e fa'asaga ile Kamupani Inisiua a le Asosi FM. O aofa'iga o tupe e aoina e auala mai i le toetotogiina o le nogatupe o le a fa'aavanoaina mo nisi fa'asoasoaga o tupemaua.

Maga 3. Aso taualoa.

Ona o se mana'oga fa'anatinati e saunia ai ma tu'uina atu se fesoasoani tau tupe i le Maota o Gasegase a Amerika Samoa, o le a taualoa ma fa'amalosia ai lenei tulafono tau fa'aofi pe afai e pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana.


Lutu Tenari S. Fuimaono
PERESETENE, MAOTA MAUALUGA


Matagi R. Ma'ilo McMoore
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 18th day of November 20 03

Governor of American Samoa