

**THE TWENTY-THIRD 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 ninety four**

**AN ACT CANCELING THE SUNSET CLAUSE AND ASSIGNING FUNDS TO THE  
LYNDON BAINES JOHNSON TROPICAL MEDICAL CENTER."**

**BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:**

Section 1. 20.1607 is amended to read:

"20.1607 Wharfage charges.

(a) The rates for wharfage shall apply per ton of 2,000 pounds weight or 40 cubic feet of measurement, except copra, for which the ton shall be 2,240 pounds and shall be calculated on the same basis (weight or measurement) as used by the owners of the vessel involved in determining freight charges.

(b) Wharfage charges shall be as follows:

- (1) for each ton or fraction thereof of cargo loaded or unloaded \$2.00;
- (2) for shipments under one ton, wharfage charge in paragraph (1) is prorated with a minimum charge of \$0.50;
- (3) in addition to the above per ton charges, for each gallon of petroleum sold, removed or drawn out of the government's petroleum storage facilities, ~~\$0.03~~ \$0.04 per gallon, ~~\$0.01~~ \$0.02 to be placed in an earmarked revenue fund solely for the preservation, protection and improvement of the petroleum storage facilities and related costs; \$0.02 to be placed in an earmarked revenue fund solely for the purpose of purchasing drugs, medical supplies for patient care, and diagnostic medical equipment for the Lyndon Baines Johnson Tropical Medical Center. ~~‡The Governor shall administer the collection and use of this disbursements of these funds.; at the end of Fiscal Year 1994 this rate shall revert back to \$0.01 per gallon; This authority shall not be delegated.~~

(4) vessels unloading or loading into lighters not alongside the wharf will be charged one-half wharfage unless the lighter discharges or loads at a wharf where wharfage rates apply and in such case full wharfage will be charged on the cargo loaded or unloaded from or to the lighter pursuant to paragraph (1).

(c) Prior to the delivery of imported cargo, goods, or merchandise, or prior to their loading for export, the following charges shall be collected from the owner, or from the master, owner or agent of the carrier, in addition to any other charges that may be due:

(1) tonnage dues per shipping ton or fraction thereof of cargo consigned to or shipped from American Samoa, \$1.00;

(2) tonnage dues per shipping ton or fraction thereof of cargo arriving in American Samoa for transshipment:

(A) per ton or fraction thereof in, \$1.00;

(B) per ton or fraction thereof out, \$1.00;

(3) provided, however, that tonnage dues on transshipment cargo stored in a government warehouse or other government areas in excess of 72 hours shall be:

(A) per ton or fraction thereof per day or fraction thereof for the first 2 weeks, \$1.00;

(B) per ton or fraction thereof per day or fraction thereof in excess of two weeks, \$2.00;

(4) goods stored in a government warehouse or other areas in excess of 72 hours, per ton or fraction thereof, per day, or fraction thereof, for the first 3 days, \$2.00; after 3 days, the rate shall be \$4.00;

(5)(A) containers stored in the port area or other government areas are subject to charges in addition to tonnage dues and other charges as follows:

(i) inbound containers: 120 hours after arrival, \$.50 per day; and \$1.00 per day after 30 days.

(ii) outbound containers: immediately upon occupying respective areas, \$.50 per day and \$1.00 per day after 30 days;

(B) containers stored by or primarily for the use of fish processing facilities are exempt from the charges provided by paragraph (5)(A) if these containers are used within 30 days after arrival or if these containers contain canned fish.

(d) Goods arriving in Pago Pago landing marked or specifically identified as for one of the villages in Manu'a shall be exempt from storage charges. The owner or agent for such goods shall arrange for the transshipment to Manu'a on the first available transportation.

(e) In the event the shipping companies resort to containerization of shipments to American Samoa and the space available in all government warehouses is substantially changed as a result of the use of containers, the port director is authorized to amend the storage charges contained in this section so as not to place an unreasonable burden on the government or the shippers until the next meeting of the Legislature.

(f) For the purpose of this section "ton" means 2,000 pounds weight or 40 cubic feet of measurement, except in the case of copra, where a ton means 2,240 pounds.

(g) The charges imposed by this section may be increased, decreased, or supplemented by order of the Governor.

(h) Except for revenues specifically earmarked for another purpose, one-half of all revenues received under this section shall be placed in an earmarked fund to be appropriated annually by the Legislature to provide funds, pursuant to 11.1906(i), for rental charges to pay the principal and interest on the bonds issued by the American Samoa economic development authority to finance the executive office building of the government during the term of the bonds. The appropriations shall be included in the annual appropriation act for each fiscal year, beginning with fiscal year 1989. This subsection is repealed on the date that all of the bonds issued to finance the executive office building of the government are fully paid, or provision is made for such payment pursuant to the trust indenture applicable to the bond issue."

  
Letuli Toloa

PRESIDENT OF THE SENATE

  
Savali Talavou Ale

SPEAKER OF THE HOUSE

Hereby Approved this 23<sup>rd</sup> day of September, 1994



Governor of American Samoa

**NOFOAIGA LUASEFULU-TOLU FONO FAITULAFONO O AMERIKA SAMOA**

**Fono Tele Lona Fa**

**Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso sefulutasi o Iulai  
tasi le afe iva selau iva sefulu fa**

**O SE TULAFONO E FA'ALEAOGAINA AI LE FA'AUPUGA FA'ALAGOTO O TOTOGI  
O TAULAGA MA UAFU MA AVATU AI ALAGATUPE I LE LYNDON BAINES JOHNSON  
TROPICAL MEDICAL CENTER.**

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

Maga 1. 20.1607 ua suia e faitauina:

"20:1607 Totogi o uafu.

(a) O fua o totogi o uafu e fa'asino i le tone e 2,000 pauna lōna mamafa po'o le 40 futu kuiipi o le fua, vagana ai popo fa'amago, o lona tone e 2,240 pauna ma ia fuafuaina i le fua tutusa (mamafa po'o le lapo'a) e pei ona fa'aaoga e i latou e ona va'a o lo'o a'afia i le fuafuaina o le tau o oloa.

(e) O totogi o uafu ia faia e pei ona fa'aalia i lalo:

(1) mo tone ta'itasi po'o lona vaega o uta e fa'ae'e pe taunu'u mai \$2.00;

(2) mo uta i lalo ifo-o le tone, o totogi o uafu i le parakalafa (1) e fuafua i le totogi maualalo e \$0.50;

(3) e fa'aopopo i le totogi o tone ta'itasi ua ta'ua i luga, mo kalone suau'u ta'itasi e fa'ataū atu, ave'ese pe paāmu ese mai le nofoaga o tane teu suau'u a le malo, ~~\$0.03~~ \$0.04 i le kalone, ~~\$0.01~~ \$0.02 ia tu'uina i se teugatupe fa'ailoga ma'oti mo le tausia, puipuia ma le fa'aleleia o nofoaga o lo'o teu ai suau'u ma nisi tau e fa'asino i ai; \$0.02 ia tu'uina i se teugatupe fa'ailoga ma'oti mo le fa'amoemoe e fa'atau ai fuala'au, mea faigaluega fa'afalema'i mo le tausiga o gasegse, ma masini sailiili fa'afoma'i mo le Falema'i o Lyndon Baines Johnson Tropical Medical Center. ~~o~~ le Kovana o le a pulea le aoina ma

le fa'aaogaina o leni fa'asoasoina o nei tupe, i le fa'ai'uga o le Tausaga Tupe 1994 o leni fua i toe fa'afe'i i tua i le \$0.01 i le kalone; O leni malosi e le mafai ona tu'u atu i se isi tagata.

(4) --va'a e la'u ese pe fa'ae'e uta i va'a laiti e le o pipi'i i le uafu o le a fa'ae'e i ai le tasi-afa o le totogi vagana ai o lea va'a la'ititi e la'u 'ese pe fa'ae'e uta i se uafu e fa'aaoga ai le fua o totogi ma i lena tulaga o le a fa'ae'e atu le totogi atoa i le uta o lo'o la'uina po'o ave'esea mai le va'a la'ititi e tusa ai ma le parakalafa (1).

(i) A'o le'i tilivaina uta mai fafo, oloa, po'o mea e fa'atau atu, pe a'o le'i fa'ae'eina mo le auina i fafo, o totogi ia aoina mai tagata e ona le uta, pe mai le pule, ali'iva'a po'o le kamupani o le va'a, e fa'aopoopo ai ma se isi lava totogi ua tatau ai:

(1) totogi o uta i le tone po'o sona vaega o uta e aumaia pe auina atu mai Amerika Samoa; \$1.00;

(2) totogi o uta i le tone po'o-sona vaega o uta e taunu'u mai i Amerika Samoa mo le toe auina atu i fafo:

(A) i le tone po'o sona vaega e taunu'u, \$1.00;

(E) i le tone po'o sona vaega e auina atu, \$1.00;

(3) vagana ai, pe afai, e fa'apea o totogi tone o uta e toe auina i fafo ua teuina i faleteuolooa a le malo po'o isi nofoaga a le malo e sili atu i le 72 itula e:

(A) i le tone e tasi po'o sona vaega i le aso e tasi po'o sona vaega mo le ulua'i vaiaso e 2, \$1.00;

(E) i le tone e tasi po'o sona vaega i le aso e tasi po'o sona vaega i le sili atu i le 2 vaiaso, \$2.00;

(4) oloa teuina i se faleteuolooa a le malo po'o isi nofoaga e silia i le 72 itula, i le tone e tasi po'o sona vaega, i le aso, po'o sona vaega, mo ulua'i aso e 3, \$2.00; a mavae aso e 3, o le totogi e \$4.00;

(5)(A) o pusa tetele e teuina i se vaega o le uafu po'o isi nofoaga o le malo e aofia i totogi e fa'aopoopo i totogi o tone ma isi totogi e pei ona fa'aalia i lalo:

(i) pusa tetele taunu'u mai: 120 itula talu ona taunu'u mai, \$0.50 i le aso ma e \$1.00 i le aso pe a mavae aso e 30.

(ii) pusa tetele e ave i fafo: i le taimi lava e taunu'u ai i si'omaga o le uafu, \$0.50 i le aso ma e \$1.00 i le aso pe a mavae aso e 30.

(E) o pusa tetele e teuina e pe fa'aaogaina fa'apitoa e kamupani tu'uapa i'a e fa'agafua mai totogi o lo'o aiaia i le parakalafa (5)(A) pe afai o nei pusa tetele e fa'aaogaina i totonu o le 30 aso talu ona taunu'u mai po'o nei pusa tetele o lo'o i ai apa i'a.

(o) O oloa e taunu'u mai Pago Pago ma makaina pe ta'u ma'oti fa'apea e 'ave i se tasi o nu'u i Manu'a e fa'agafua mai totogi e teu ai. O le'ona po'o lona sui e faia feso'ota'iga mo le auina i Manu'a i se avanoa muamua e maua mo nei oloa.

(u) Afai o le a se'e atu kamupani va'a i le fa'aaogaina o pusa tetele mo uta aumai i Amerika Samoa ma o avanoa i faleteuolooa uma a le malo o le matuā suia e mafua mai i le fa'aaogaina o pusa tetele, o le fa'atonu o le taulaga ua tu'u atu i ai le malosia e suia ai totogi mo le teuina i lenei maga ina ia lē fa'ae'e atu se avega so'ona mamafa i le malo po'o kamupani va'a se'ia o'o i le fono e soso'o ai a le Fono Faitulafono.

(f) Mo fa'amoemoega o lenei maga o le uiga o le "tone" e 2,000 pauna le mamafa e 40 futu kuipi lona fua, vagana ai popo fa'amago, o le tone e 2,240 pauna.

(g) O totogi fa'ae'e i lenei maga e mafai ona si'i, fa'aitiitia, pe fa'aopoopo i se fa'atonuga a le Kovana.

(l) Vagana ai tupe maua ua fa'aailoga fa'apitoa mo se isi mafua'aga, o le afa o tupe maua uma i lalo o lenei maga ia tu'uina i se teugatupe fa'aailogaina ma'oti ina ia fa'asoasoina i tausaga ta'itasi e le Fono Faitulafono e aiaia ai tupe, e tusa ma le 11.1906(m), mo tupe nofo totogi e totogi ai tupe ma tului i pone ua tu'uina atu e le pule'aga atiina'e o tamaoaiiga a Amerika Samoa e fa'atupe ai le fale tele o le lālā fa'amalosi tulafono a le malo i aso atofaina o pone. O tupe fa'asoasoa ia aofia i le tulafono o tupe fa'asoasoa o tausaga ta'itasi mo tausaga fa'aletupe ta'itasi, e amata i le tausaga fa'aletupe 1989. O le lenei soamaga e solo'ia i le aso e atoa ai le totogi o pone sa faia e fa'atupe ai le fale tele o le lālā fa'amalosi tulafono o le malo, pe ina ua faia se aiaiga e totogi ai ia tupe ma tu'utu'uga sa faia mo ia pone."

  
Letuli Toloa

PERESETENE, MAOTA MAUALUGA

  
Savali Talavou Ale

FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 23<sup>rd</sup> day of September, 1994.

  
Governor of American Samoa