



PETER TALI COLEMAN
Governor

AMERICAN SAMOA GOVERNMENT
OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96799

TUFELE LI'A
Lt. Governor

EXECUTIVE ORDER NO. 8-1984

GARNISHMENT PROCEDURES

WHEREAS, Chapter 43.18 of the American Samoa Code Annotated provides for and governs garnishment proceedings in civil actions before the High Court and District Court of American Samoa; and

WHEREAS, Section 43.1803 of the American Samoa Code Annotated provides that the Government shall not be garnished without the Governor's prior approval.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of American Samoa by the Revised Constitution and laws of American Samoa, it is hereby ordered as follows:

1. Purpose.

The purpose of this executive order is to further the implementation of Chapter 43.18 of the American Samoa Code Annotated with respect to garnishment proceedings against the Government.

2. Policy.

Moneys, the entitlement to which is based on earnings due from or payable by the Government to any individual as an employee or official, elected or appointed, of the Government shall be subject, in a like manner and to the same extent as if the Government were a private person, to garnishment proceedings authorized by the High Court or District Court of American Samoa through which the earnings of the employee or official, are required to be withheld for payment of any debt.

3. Delegation of authority.

Pursuant to Section 4.0131 of the American Samoa Code Annotated, the Governor's authority to grant prior approval of each garnishment proceeding against the Government included within the policy set forth in Section 2 of this Executive Order is delegated to the Director of Administrative Services. The Director is expected to exercise this authority to effectuate the policy established by this executive order, but in any event shall use discretion in determining whether or not to approve such proceeding in each instance.

4. Processing garnishments.

The Director of Administrative Services shall provide for procedures to facilitate approval or disapproval of each garnishment proceeding against the Government and service of the writ of garnishment upon approval, and establish

such other standards and procedures as are necessary or appropriate for the uniform implementation of this executive order.

5. Compliance with court orders and applicable federal laws.

The Director of Administrative Services shall ensure compliance with the orders and other directions of the territorial court issuing the writ of garnishment and with the provisions of Chapter 43.18 of the American Samoa Code Annotated, Title 15 United States Code Service Section 1671 et seq., and other applicable territorial or federal laws in processing garnishments against the Government.

6. Definitions.

As used in this executive order:

(1) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise, but excluding:

(i) any retirement annuity or refund payable under the provisions of Chapter 7.14 of the American Samoa Code Annotated in accordance with Section 7.1438 thereof, or

(ii) any workmen's compensation benefits payable under the provisions of Chapter 32.05 and 32.06 of the American Samoa Code Annotated in accordance with Section 32.0672 thereof;

(2) "Government" means the executive, legislative and judicial branches of the American Samoa Government, and all agencies or instrumentalities thereof.

7. Repealer.

Executive Order No. 5-79 is cancelled and repealed in its entirety.

Dated: April 16, 19 84



PETER TALI COLEMAN
Governor of American Samoa