



**TERRITORY OF AMERICAN SAMOA**

OFFICE OF THE GOVERNOR

FAGATOGO 96799

EXECUTIVE ORDER NO. 05 -1988

(684) 633-4116

**A. P. LUTALI**  
GOVERNOR

**ENI F. HUNKIN, JR.**  
LIEUTENANT GOVERNOR

AMENDMENT TO  
EXECUTIVE ORDER NO. 04-1988  
ON BONDED WAREHOUSES

By the authority vested in the Governor of American Samoa under the Revised Constitution and laws of American Samoa, it is hereby ordered as follows:

Section 1. Amendment.

Section 3 of Executive Order No. 04-1988 is amended to read:

"Section 3. Bonded warehouse operation and control.

(a) Except as provided in subsection (b), the Treasurer shall operate the bonded warehouse areas designated under Section 2. The Treasurer shall at all times have the authority and responsibility for control over the storage in and removal from these areas of the items identified in Section 1. The Treasurer's controls shall be designed to prevent entry of those items for consumption in American Samoa.

(b) The Treasurer may designate, under concession contracts signed by the Governor and operator and awarded competitively, private entities to operate bonded warehouse areas designated under Section 2; provided that the terms and conditions of any such concession contract shall:

- (1) limit the amount by which the wholesale prices of the items identified in section 1 sold by the private entity operator to the retail sellers to commercial fishing vessels or to cruise vessels, or to the passengers and crew of cruise vessels, may exceed the private entity operator's cost prices, and
- (2) preclude the private entity operator from selling directly to or from having any direct or indirect interest in the retail sellers' business selling to commercial fishing vessels or to cruise ships, or the passengers and crew of such cruise ships.

(c) In no event shall private entity concession contracts be awarded to less than the number of bonded warehouse areas designated under this section.

(d) Preference shall be given to American Samoans and permanent residents, as defined by 41.0202 ASCA, and U.S. nationals and citizens in granting concession contracts under this section to encourage the economic development of American Samoa."

Section 2. Effective date.

This Executive Order is effective immediately.

Date: Sept. 15, 19 88.

  
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A. P. LUTALI  
Governor of American Samoa