

EXECUTIVE ORDER NO. 5-1980

AN EXECUTIVE ORDER VESTING RESPONSIBILITIES AND
AUTHORITIES IN THE OFFICE OF DEVELOPMENT PLANNING
RESPECTING THE ADMINISTRATION OF THE COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND REQUIRING
THE COOPERATION OF ALL AFFECTED AGENCIES AND OFFICES
OF THE TERRITORIAL GOVERNMENT

Whereas, Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383, 42 U.S.C. 5301), as amended, establishes the Community Development Block Grant (CDBG) Program, a federal program to assist localities to plan and carry out programs for community and economic development for the principal benefit of low and moderate income persons, for the prevention of slums and blight, and for meeting other community development needs having a particular urgency; and

Whereas, the Territory of American Samoa is a participant in the CDBG Program and has received grants of funds from the United States Department of Housing and Urban Development (HUD) for the purpose of carrying out such a CDBG Program in the Territory; and

Whereas, the said Housing and Community Development Act of 1974, as amended, other applicable federal laws and numerous federal agency regulations, including but not limited to rules and regulations governing the CDBG Program, the administration of federal grants and environmental matters, create certain requirements which must be carried out by the Territory under its CDBG Program; and

Whereas, the Territory has been advised by HUD that responsibility and authority for the administration of the CDBG Program of the Territory could be vested in a single agency of the Territory; and

Whereas, HUD has recommended and the Governor has concurred that the Office of Development Planning should be the agency of the American Samoa Government vested with the responsibility and authority for administering the CDBG Program; and

Whereas, it is the policy of the Territory to continue to carry out a CDBG Program and to improve its capacity to effectively and efficiently administer the same, in accordance, with all federal laws and regulations; and

Whereas, the goals of the CDBG Program of the Territory are to improve the quality of life of the people of the Territory, to improve the service delivery systems of the Territory and of the villages, to broaden and increase the tax base of the Territory, to encourage local capital formation and to foster the development and expansion of industry and commerce in order to achieve the economic independence of the Territory.

Now, therefore, I, Peter Tali Coleman, Governor of American Samoa, by virtue of the authority vested in me pursuant to Sections 6 and 12 of Article IV of the Revised Constitution of American Samoa and Chapters 1 and 3 of Title 3 of the American Samoa Code, do hereby order as follows:

1. The Office of Development Planning is hereby designated and appointed as the agency of the American Samoa Government which shall have the duty and the authority to administer, within the Territory, the Community Development Block Grant (CDBG) Program as authorized by Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), as amended, and administered by the United States Department of Housing and Urban Development (HUD).

2. The responsibility for the direction of the CDBG Program and for the administration of all HUD grants pursuant to Title I of the

Housing and Community Development Act of 1974 (Pub. L. 93-383), as amended, is hereby vested in the Director of Development Planning. This responsibility shall include, but shall not be limited to the monitoring of all actions of the departments, offices, agencies and instrumentalities of the American Samoa Government and of all actions of persons, firms and corporations contracting with the Government which relate to the CDBG Program and the taking of all necessary steps to assure that there is full compliance with all applicable federal requirements in the implementation of the CDBG Program.

3. In order to carry out the responsibilities hereunder, the Director of Development Planning is hereby authorized to propose to the Governor for his promulgation, pursuant to the provisions of the Administrative Procedure Act, such rules and regulations as may be necessary and proper for the effective implementation and administration of this order and the policies hereunder established. The Director shall also have authority to review and approve all contract documents and awards, progress payments to contractors, requests for drawdowns of CDBG funds from letters of credit, the determination of final costs in all CDBG project closeouts, and to take and require such actions as the Director shall deem necessary and appropriate to ensure that all CDBG funds are obligated, expended and accounted for in accordance with all applicable federal laws and regulations. Pursuant to this authority, the Director may require written reports and copies of records of other departments, offices, agencies and instrumentalities of the American Samoa Government pertaining to the CDBG Program or the use of CDBG funds.

4. No request for payment under CDBG letters of credit may be signed by any authorized signator unless it has first been delivered to the Office of Development Planning for review and has been approved

in writing by the Director or his authorized designee.

5. The Director of Development Planning is hereby designated as the "Responsible Federal Official" pursuant to the environmental review requirements set forth at 24 C.F.R. Part 58, and is authorized to make the certifications required thereunder.

6. All departments, offices, agencies and instrumentalities of the American Samoa Government, and all officers and employees thereof, shall cooperate to the fullest extent possible to assist the Office of Development Planning and Director of Development Planning in carrying out the responsibilities and duties hereunder.

Dated: July 7, 1980.



PETER TALU COLEMAN

Governor of American Samoa

OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96796

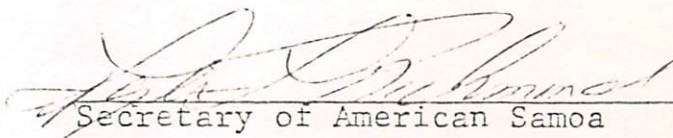
PETER TALI COLEMAN
Governor

TUFELE LI'A
Lt. Governor

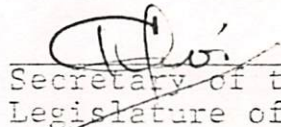
ACKNOWLEDGEMENT OF FILING

Rule No. 14-80 was filed with my office on the date set forth below.

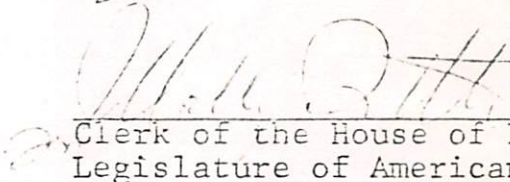
Date: 7/8/80


Secretary of American Samoa

Date: 7/8/80

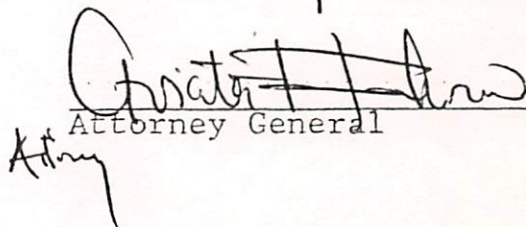

Secretary of the Senate
Legislature of American Samoa

Date: July 7, 1980


Clerk of the House of Representatives
Legislature of American Samoa

EFFECTIVE DATE

Rule No. 14-80 becomes effective on July 28, 1980


Attorney General



OFFICE OF THE GOVERNOR
PAGO PAGO, AMERICAN SAMOA 96799

PIETRO COLEMAN
Governor

TUFELE LI'A
Lt. Governor

ADOPTION OF RULE

Rule No. 14-80 is approved as to form,

Date: 7/7/80

Arata Hano
Attorney General

Rule No. 14-80 is hereby adopted.

Date: 7/7/80

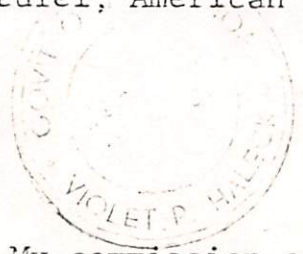
Pietro Coleman
Governor of American Samoa

CERTIFICATION

The undersigned hereby certifies that the Rule attached hereto is a true copy of the Rule officially adopted.

[Signature]

Subscribed and sworn to before me this 7 day of July, 1980, at Utulei, American Samoa.



Violet P. Hales
Notary Public

My commission expires: Dec. 31, 1980