



AMERICAN SAMOA GOVERNMENT  
PAGO PAGO, AMERICAN SAMOA 96799  
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

Senate Chamber  
March 13, 1991

I certify that Senate Bill 22-26 passed third reading on this date during its First Regular Session of the Twenty-Second Legislature of American Samoa.

*Leo' O V. Ma' O*

LEO'O V. MA'O  
Secretary of the Senate

House Chamber  
April 8, 1991

I certify that Senate Bill 22-26 passed third reading on this date during its First Regular Session of the Twenty-Second Legislature of American Samoa.

*Wally F. Utu*

WALLY F. UTU  
Chief Clerk  
House of Representatives

S.B. NO. 22-26

PUBLIC LAW NO. 22-//

**THE TWENTY-SECOND LEGISLATURE OF AMERICAN SAMOA**

**First Regular Session**

**Begun and held at Fagatogo, Tutuila, American Samoa  
on Monday, the fourteenth day of January  
one thousand nine hundred and ninety one**

**AN ACT PROVIDING HOUSEKEEPING AMENDMENTS TO THE "FOREIGN INVESTMENT ACT" AND "THE IMMIGRATION ACT OF 1984"; THE "FOREIGN INVESTMENT ACT" WAS INADVERTENTLY RECORDED AS TITLE 27, CHAPTER 03 ASCA DURING THE FOURTH REGULAR SESSION OF THE TWENTIETH LEGISLATURE WHEN THE BILL WAS ORIGINALLY PASSED; AMENDING SECTION 41.0408.1 AND 41.0802 ASCA; AND RENUMBERING TO CREATE A NEW CHAPTER 23 UNDER TITLE 27 ASCA, BOTH INCLUDED WITHIN P.L. NO.20-80, EFFECTIVE OCTOBER 19, 1988.**

**PREAMBLE:**

This act is a housekeeping bill correcting the chapter number of the "Foreign Investment Act" inadvertently recorded as Title 27, Chapter 03 and relabeling the references in "The Immigration Act of 1984" to conform with the "Foreign Investment Act".

This act is effective immediately upon passage by the Legislature and approval by the Governor due to the urgent need to correct the American Samoa Code Annotated.

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

Section 1. 41.0408.1 referred to in P.L. No. 20-80, effective October 19, 1988 is amended to read:

"41.0408.1 Foreign investor entry permits.

(a) The attorney general or his designee, at his discretion, may issue to individual applicants for a certificate of foreign investment pursuant to section ~~27.0301~~ 27.2301 et seq. special entry permits. These permits allow unrestricted access into and departure from the Territory for a period of time set by the attorney general or his designee not to exceed one year per permit.

(b) The special entry permit vests no rights in the holder to establish or attempt to establish citizenship, nationality or permanent residence in the Territory.

(c) Applicants shall apply to the immigration office for issuance of the special entry permit and must provide proof or prior submission of or intent to immediately submit an application for a certificate of foreign investment pursuant to section ~~27.0301~~ 27.2301 et seq. The applicant must leave on the date of expiration of the entry permit and re-apply for a new entry permit. In no case may an entry permit extend more than 25 days beyond the calendar date of the statutory deadline for the final decision of the director on the application for a certificate of foreign investment.

(d) Any entry permit may include the spouse of an applicant and not more than 2 other persons whose skills or knowledge is necessary to the enterprise.

(e) Permits authorized under this section shall not be issued to applicants after the date of approval of a certificate of foreign investment. Persons must apply for permits for residence pursuant to the provisions of section 41.0801 et seq."

Sec 2. 41.0802 referred to in P.L. 20-80, effective October 19, 1988 is amended to read:

"41.0802 Application--Fees and documentation required.

(a) An applicant for a foreign investor entry permit shall provide to the attorney general:

(1) a non-refundable application fee of \$500 (five hundred U.S. dollars) for an accepted participant in an enterprise granted a certificate of foreign investment, which includes the spouse and two dependent children.

(2) name, present address at both residence and business, and any telephone, telex, or facsimile numbers;

(3) a certified copy of the birth certificate of the applicant, the spouse and dependent children;

(4) a sworn statement of the applicant's educational background and achievements, and employment and business background;

- (5) three reference letters of good character from nonrelatives;
- (6) a certificate of good health of the applicant, his spouse and dependent children;
- (7) evidence of present citizenship of the applicant, the spouse and dependent children;
- (8) a background report by an acceptable international investigative agency;
- (9) a financial report certified by a registered and certified public accounting firm;
- (10) evidence that applicant has made available or obtained the financing for an investment of at least \$1,000,000 (one million U.S. dollars) for an individual enterprise that has received an approval letter, pursuant to section ~~27.0308~~, 27.2308, for a certificate of foreign investment in American Samoa, with such investment already placed in escrow in American Samoa in a designated, suitably insured, financial banking institution; or evidence that the applicant has already invested at least \$250,000 (two hundred fifty thousand U.S. dollars) in a bona fide corporation or partnership capitalized at no less than \$5,000,000 (five million U.S. dollars) registered in American Samoa with an approval letter for a certificate of foreign investment;
- (11) six passport-sized photographs, two of which will be endorsed on the back with the words, "This is a true photograph of (name of applicant)" and signed by the applicant; the same is required of the applicant's spouse and dependent children; and
- (12) three original specimens of applicant's signature."

Sec 3. Chapter 03 under Title 27 ASCA referred to in P.L. No. 20-80, effective October 19, 1988 is renumbered to create a new Chapter 23 under Title 27 ASCA which reads:

"Chapter ~~03~~23

FOREIGN INVESTMENT

Sections:

- ~~27.0301~~ 27.2301 Policy and legislative findings.
- ~~27.0302~~ 27.2302 Definitions.
- ~~27.0303~~ 27.2303 Compliance with this chapter.
- ~~27.0304~~ 27.2304 Duties and powers of the director.
- ~~27.0305~~ 27.2305 Application for certificate of foreign investment.
- ~~27.0306~~ 27.2306 Criteria for applications review.
- ~~27.0307~~ 27.2307 Approval letter--Financing required.
- ~~27.0308~~ 27.2308 Certificate of foreign investment--Issuance.
- ~~27.0309~~ 27.2309 Terms of the certificate of foreign investment.
- ~~27.0310~~ 27.2310 Suspension, revocation or modification of certificates of foreign investment.
- ~~27.0311~~ 27.2311 Fees.
- ~~27.0312~~ 27.2312 Enforcement.

~~27.0301~~ 27.2301 Policy and legislative findings.

(a) The Legislature finds that:

(1) There is interest among foreign persons to make large investments on a long-term basis in American Samoa.

(2) The Territory desires such investment but needs to regulate foreign investment to attract appropriate investment and to protect native resources.

(3) In order to attract appropriate long-term investment there is a need to provide access to the Territory for foreign investors and their families.

(4) Such investors need to have access to the Territory to manage and supervise their investments, but such access must be controlled.

(b) The Legislature intends by this act to establish a clear statutory framework for the regulation of foreign investment. Foreign investment is to be generally encouraged, on a selective basis, to strengthen and diversify the Territory's economic base. Direct competition with existing locally owned small businesses is not desired, but new industries and high labor using industries are desired. Foreign investors are to be given all reasonable opportunities and assistance in bringing commercially desirable and environmentally safe activities into the Territory. Furthermore, it is the policy of the Territory to use foreign investment to supplement, not displace, the needs and desires of the people of the Territory. All foreign investment is to be consistent with, and not destructive in any way, of existing social, cultural, economic and natural resources management goals. Newly developed goals may be introduced at any time, but enterprises already operating shall not be unfairly hindered or restricted by retroactive application of goals.

~~27.0302~~ 27.2302 Definitions.

As used in this title, unless the context requires otherwise, the following meanings apply:

(a) "Certificate of foreign investment" means the certificate issued by the director of development planning which includes information required by section ~~27.0309~~ 27.2309.

(b) "Enterprise" means any kind of for profit business accepted and, pursuant to this act, of appropriate size, location, character or duration which derives not less than 60% (sixty percent) of its gross receipts from foreign sources.

(c) "Foreign investment" means capital in any form to be invested by foreign investors in American Samoa in an amount of not less than \$1,000,000 (one million U.S. dollars) per investor in their individual enterprise or \$250,000 (two hundred fifty thousand U.S. dollars) per investor by a group of investors in an enterprise of not less than \$5,000,000 (five million U.S. dollars).

(d) "Foreign investor" means a natural person:

(1) Seeking or holding a certificate of foreign investment or a foreign investment visa; or

(2) Without United States citizenship or nationality, or permanent residency in American Samoa, who wishes to participate in a foreign investment in American Samoa.

(e) "Director" means the director of development planning.

~~27.0303~~ 27.2303 Compliance with this chapter.

(a) No person may make any foreign investment in American Samoa directly or indirectly unless the provisions of this chapter have been complied with.

~~27.0304~~ 27.2304 Duties and powers of the director.

(a) The director shall be provided with appropriations in an annual budget sufficient to handle effectively all of his duties.

(b) The director is authorized to hire staff necessary to effectively execute all of his duties. Such staff shall be career service and must have appropriate educational, administrative and work related experience.

(c) The director shall have the following affirmative duties related to foreign investment:

(1) to develop, publish and implement written guidelines and programs of foreign investment in American Samoa consistent with the policy of the act;

(2) to publish annually and make available to any interested person a comprehensive list of industries or classes of industries in which foreign investment is to be promoted, prohibited, or left to the discretion of the foreign investors;

(3) to accept and to thoroughly review all applications to determine whether the proposed enterprise meets the investment criteria in section ~~27.0306~~ 27.2306;

(4) to conduct public hearings on all proposals as necessary to evaluate public opinion and gather information and to have regular consultations with the applicants during review of the application;

(5) to issue approval letters to applicants upon mandatory review of the criteria in section ~~27.0306~~ 27.2306; otherwise to not issue such letters;

(6) to give 180 days to holders of approval letters to secure financing to implement the proposal;

(7) upon receiving satisfactory proof of secured financing, to issue a certificate of foreign investment in the name of the applicant and to forward it to the Governor for review; otherwise to not issue such certificates;

(8) to submit an annual report on January 31st of each year to the Governor and Legislature on all foreign investment activities during the previous calendar year, showing a list of all approval letters and certificates of foreign investment issued, pending or in effect, and those suspended, modified or revoked, and other relevant information;

(9) to actively coordinate the meaningful review by and input of other governmental agencies the functions, services and burdens of which may be affected by a proposed foreign investment, but no agency which desires to contribute relevant information to the review of a proposal may be excluded.

(d) The director has the following discretionary powers to carry out his above duties:

(1) to adopt and promulgate rules pursuant to the Administrative Procedures Act, section 4.1001 et seq. not inconsistent with the provisions of this chapter;

(2) subpoena records, books, witnesses, document and any other data, administer oaths, inspect real or personal property related to an application for a certificate of foreign investment, and conduct inquiries necessary to perform his duties;

(3) monitor the operations of foreign investments in American Samoa, and if necessary and after reasonable advance notice to a certificate holder, modify, suspend or revoke a certificate of foreign investment.

~~27.0305~~ 27.2305 Application for certificate of foreign investment.

(a) Any foreign investor, indigenous resident, or United States organizer may apply for a certificate of foreign investment by submitting an application to the director. The application must include the following information:

(1) the applicant's:

~~(a)~~(A) name, age, place of residence, nationality and birth;

~~(b)~~(B) business history;

~~(c)~~(C) medical history;

~~(d)~~(D) record of any felony arrests or convictions;

~~(e)~~(E) spouse, dependents and all other business partners in the proposed enterprise.

(2) a detailed description of the proposed enterprise which includes:

~~(1)~~(A) the form of business and the amount of the foreign investment;

~~(2)~~(B) the exact nature of the operations of the enterprise;

~~(3)~~(C) the expected number of local residents to be employed;

~~(4)~~(D) the expected duration of the enterprise;

~~(5)~~(E) the demands on local utilities and public services and ability to provide self-generated utilities or acceptable waste disposal service;

- (6)(F) the planned training program for local resident employees, if any;
- (7)(G) the amount of capital, in whatever form, to be invested by the applicant which is the personal property of the applicant, and the amount of equity ownership available to American Samoa residents;
- (8)(H) the amount of financing needed to begin operations of the enterprise and the sources of the financing;
- (9)(I) the number of non-local residents expected to be employed by the enterprise;
- (10)(J) information on the likely ecological impact on the Territory;
- (11)(K) other information the applicant desires to include to demonstrate a positive impact on the criteria listed in section ~~27.0306~~ 27.2306.

~~27.0306~~ 27.2306 Criteria for applications review.

(a) In reviewing an application for a certificate of foreign investment, the director must review and make written findings of the criteria in subsection (b), and specifically whether the proposed enterprise will have a positive, negative or neutral impact on the Territory. A finding of a negative impact on any single criteria does not preclude the issuance of a certificate of foreign investment nor does a numerical majority of positive impact findings guarantee the issuance of a certificate of foreign investment. The director shall take an accommodative, overall approach in reaching his decision on each application. The director shall actively consult with the applicant regarding his concerns on any of the criteria. All records shall be kept for at least 3 years.

(b) The director must consider, exclusively, the following criteria:

- (1) the need for and desirability of the enterprise to operate in the Territory;
- (2) the ability of the enterprise to export goods or services from the Territory or, to provide goods or services in the Territory which previously had been imported;
- (3) the likelihood that the enterprise would be and remain in compliance with all local and applicable federal laws and rules;
- (4) the number and type of newly created employment positions for qualified American Samoa residents and the extent to which non-residents will be used in the enterprise operations;
- (5) the impact of the enterprise on the ecology of the water, land, air, and living conditions in American Samoa;
- (6) the extent to which the enterprise will compete directly or indirectly against existing local businesses, considering the likelihood of whether the technology or processes of the enterprise can be developed locally;
- (7) outlines for construction, including locations, architectural plans, materials and grade, and compliance with zoning laws and uses in effect in the Territory at the time of the application;
- (8) the extent to which the enterprise would include American Samoa residents in joint ventures or equity ownership in the enterprise;



(9) the extent to which the enterprise can, or plans to, use local contractors, subcontractors, labor, materials and other suppliers in its establishment, construction and operation;

(10) the effect upon all local utilities and waste disposal facilities and the capacity of the enterprise to satisfy its own utility and waste disposal needs;

(11) the quality, duration and expended results of a resident employee training program specifically directed toward the skills needed by enterprise;

(12) to the extent determinable, the anticipated length of time the enterprise is expected to operate in American Samoa and the resulting long-term consequences;

(13) the personal integrity, business history and business reputation of the foreign investor applicants and any local applicants for the same enterprise; and

(14) the likelihood that the enterprise has been organized in bad faith or that the certificate of foreign investment may be misused.

(c) The director may request of any applicant reasonable documentary proof of any facts alleged in the proposal or provided by communications from the applicant. Refusal to supply requested material may be grounds for negative findings under this section and, ultimately, denial of an application.

(d) If the director is unable reasonably to determine that impact of any single criteria, without fault of the applicant, it shall be so reported.

(e) After reviewing all the criteria, the director shall give a written conclusion of whether he approves of the proposed investment based on the total impact of the enterprise's operation.

~~27.0307~~ 27.2307 Approval letter--Financing required.

(a) Upon determining, after review of the criteria in section ~~27.0306~~ 27.2306, that a proposed enterprise is one which the director approves of, he shall issue to an applicant a letter of approval. The letter of approval must be issued or denied within 120 days of receiving the application. If an application is denied, the applicant shall be given written reasons for the denial. Reapplications are allowed.

(b) The letter of approval provides no special rights to the applicant nor does it guarantee final issuance of a certificate of foreign investment.

(c) After receiving the letter of approval, the applicant has 180 days to secure and prove access to financing sufficient to construct and begin the operations of the enterprise. Proof of adequate financing must include proof or resources sufficient to initiate the approved enterprise within 120 days of the issuance of the certificate of foreign investment. Failure to secure, and prove to the director, the necessary financing within 180 days of the issuance automatically voids the letter of approval. There shall be no extensions of time to obtain financing.

~~27.0308~~ 27.2308 Certificate of foreign investment--Issuance.

(a) Upon receipt of documentation required by section ~~27.0307~~ 27.2307 the director must either issue or deny a certificate of foreign investment, within 30 days of receiving such documentation.

(b) If the director denies issuance of the certificate of foreign investment to an applicant he shall state the reasons in writing and forward the denial statement to the applicant immediately.

(c) Notice of issuance of the certificate of foreign investment is forwarded to the Governor for final approval. The Governor may approve or deny the issuance of the certificate and must give specific written reasons in the case of a denial. The Governor may act to approve or deny the issuance within 20 days of receipt of the director's notice or the issuance will be deemed approved.

(d) Final approval by the Governor means the certificate holder may commence immediately the construction or operation of the enterprise. The certificate is deemed to be the legal equivalent of a business license under section 27.0202 et seq. and no further license is required, except that articles of incorporation or partnership must be filed with the registrar upon final approval of the certificate of foreign investment.

~~27.0309~~ 27.2309 Terms of the certificate of foreign investment.

(a) Every certificate of foreign investment shall contain the following data:

(1) a description of the enterprise and the form of business which will operate it and the location;

(2) name, nationality, age, and current residence of the applicant;

(3) description of additional financial resources required to continue or expand the enterprise beyond the initial starting capital and the date by which such financing must be obtained;

(4) any terms or conditions established by the director on the foreign investment, including limitations on sites, construction, waste disposal; and

(5) other information deemed necessary by the director.

(b) The certificate of foreign investment is perpetual in duration and transferrable but only with the approval of the director.

(c) The holder of such certificates must submit an annual report to the director by January 3rd of each year on activities of the previous calendar year. The report must contain sufficient information to allow the director to determine whether the certificate holder and the enterprise are in compliance with the terms of issuance. Failure to submit reports on time is grounds for suspension of the enterprise's operation until the report is submitted.

~~27.0310~~ 27.2310 Suspension, revocation or modification of certificate of foreign investment.

(a) At all times during the life of a certificate of foreign investment, its holder and the enterprise must be in compliance with the provisions of this chapter and all other applicable laws and regulations. Failure to comply may lead the director, after giving the certificate holder reasonable notice and opportunity to cure such failures, to suspend or modify the certificate of foreign investment.

(b) The director may revoke permanently a certificate of foreign investment upon clear evidence that the foreign investor:

(1) has not maintained an approved investment in continuing compliance with the terms of issuance of a certificate of foreign investment; or

(2) has committed fraud or misrepresentation in any material assertion in the application for the certificate of foreign investment or in the annual report required under section ~~27.0309-27.2309~~; or

(3) has been subjected to an adjudication of bankruptcy under chapter 7 of the U.S. bankruptcy laws regarding the foreign investment; or

(4) has failed to comply with any conditions or obligations stated in the certificate of foreign investment, after having been afforded by the director a reasonable period within which to correct such failure; provided, however, that should the foreign investment fail for reasons beyond the control of the foreign investor, the director shall provide a reasonable time to the foreign investor within which to refinance the approved investment, or ~~secure~~ secure participation in alternative approved investment; or

(5) has been subjected to a finding by the attorney general that the corporate parent for the enterprise, if any, has been dissolved; or

(6) has violated any material provision of this chapter and the ~~rules~~ rules promulgated under section ~~27.0304(b)~~ 27.2304(b).

(c) Should the director decide to revoke a certificate of foreign investment, the foreign investor shall be afforded a six month grace period following revocation of his certificate in order to take the steps necessary to liquidate, transfer or otherwise dispose of assets connected with the investor's enterprise. The director shall advise the attorney general in writing of the decision to revoke the certificate of foreign investment, and compute the six month's grace period date commencing from the date of revocation.

(d) In the event the investment can not be liquidated after proper due diligence within the six month grace period, the government may purchase said investment for its then appraised current value, less 20%, as set by a fully licensed and accredited appraiser. In the event that the government declines to purchase the investment at the indicated time or value, the investor will place his holdings for public sale. The investor is expected to accept any reasonable valid offer and until said time, safely maintain all properties, and pay any appropriate taxes which may come to be in effect in American Samoa.

(e) The foreign investor's foreign investment entry permit and the entry permit held by members of his immediate family shall be valid up to and including the final day of the six-month grace period following revocation of the certificate of foreign investment.

~~27.0311~~ 27.2311 Fees.

(a) The fees for applying for a certificate of foreign investment is two thousand five hundred dollars (\$2,500) and is non-refundable. This fee covers all costs of the director in accepting, reviewing and processing the applications.

(b) Additional fees for other costs may be imposed by the director through adoption of rules under section ~~27.0304~~ 27.2304.


~~27.0312~~ 27.2312 Enforcement.

(a) To the extent necessary to obtain compliance with any provision of this act or any rule promulgated hereunder, the attorney general shall assist the director in enforcing the same."

Sec 4. Effective date.

This act is effective immediately upon passage by the Legislature and approval by the Governor due to the urgent need to correct the American Samoa Code Annotated.

  
Letuli Toloa  
PRESIDENT OF THE SENATE

  
Tuana'itau F. Tuia  
SPEAKER OF THE HOUSE

Hereby Approved this 30<sup>th</sup> day of July, 19 91

  
Governor of American Samoa

**NOFOAIGA LUASEFULU-LUA FONOFAITULAFONO O AMERIKA SAMOA**

**Fono Tele Muamua**

**Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso sefulufa o Ianuari  
tasi le afe iva selau iva sefulu tasi**

**O SE TULAFONO E SAUNIA AI SUIGA E FA'ASA'O AI FA'AUPUGA I TOTONU O LE "TULAFONO INIVESIMENI MAI FAFO" MA LE "TULAFONO FEMALAGAAIGA O LE 1984"; O LE "TULAFONO I INIVESIMENI MAI FAFO" SA FA'AMAUINA SESE O LE VAEGA 27, MATAUPU 03 TFAS I LE FONOTELE LONA FA O LE NOFOAIGA LUASEFULU O LE FONOFAITULAFONO I LONA ULUA'I PASIGA; SUIA LE MAGA 41.0408.1 MA LE 41.0802 TFAS; MA TOE FA'ANUMERAINA E FA'AVAE AI SE MATAUPU FOU 23 I LALO O LE VAEGA 27 TFAS, E AOFIA IA TULAFONO UMA E LUA I TOTONU O LE T.L. NU. 20-80, TAUALOA IA OKETOPA 19, 1988.**

**FA'ATOMUAGA:**

O lenei tulafono o se pili e fa'asa'o ai ni numera o mataupu o le "Tulafono i Inivesimeni mai Fafu" sa sese ona fa'amauina e avea ma Vaega 27, Mataupu 03 ma toe fa'ailogaina fa'asinoga i le "Tulafono o Femalagaaiga o le 1984" ina ia o gatasi ma le "Tulafono i Inivesimeni mai Fafu".

O lenei tulafono e taualoa vave pe a pasia e le Fonofaitulafono ma fa'amaonia e le Kovana ona o le fa'anatinati o le mana'oga e fa'asa'o le Tusitulafono Fa'atulagaina o Amerika Samoa.

**IA FA'ATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:**

Maga 1. 41.0408.1 e pei ona fa'asinoina i le T.L. Nu. 20-80, Oketopa 19, 1988 ua suia e faitauina:

"41.0408.1 Pemita ulufale o tagata fai inivesimeni mai fafo.

(a) O le loia sili po'o lona sui tofia, i lana faitalia, e mafai ona ia tu'uina atu i tagata ta'itasi ua talosaga mo se pepa fa'amaonia o inivesimeni mai fafo e tusa ma le maga ~~27.0301~~ 27.2301 et. seq., ni pemita ulufale fa'apitoa. O nei pemita e fa'ataga ai malaga le fa'atapula'aina o le ulufale ma malaga 'ese atu mai le Teritori mo se taimi ua fa'atulaga e le loia sili po'o lona sui tofia, ae le silia le tausaga e tasi i le pemita e tasi.

(e) O le pemita ulufale fa'apitoa e le maua ai ni aia o le tagata ua i ai e avea ai pe taumafai ai ia avea ma sitiseni, nesionale po'o se tagatanu'u nofomau i le Teritori.

(i) O tagata talosaga ia talosaga i le ofisa o femalagaaiga mo le tu'uina atu o pemita ulufale fa'apitoa ma e tatau ona saunia se fa'amaoniga sa fa'auluina muamua po'o o lo'o fa'amoemoe e fa'aulu vave se talosaga mo se pepa fa'amaonia o inivesimeni mai fafo e tusa ma le maga ~~27.0301~~ 27.2301 et seq. O le tagata talosaga e tatau ona 'alu ese i le aso e fa'amuta ai le pemita ulufale ma toe talosaga mo se pemita ulufale fou. E leai se tulaga e mafai ai se fa'aopoopoga o se pemita ulufale e sili i le 25 aso i tala atu o aso kalena ua fa'atapula'a i le tulafono mo le i'uga mulimuli a le fa'atonu i se talosaga o le pepa faamaonia o inivesimeni mai fafo.

(o) So'o se pemita ulufale e mafai ona aofia ai le to'alua o le tagata talosaga ma e le silia i le 2 isi tagata o o latou agava'a po'o atamai e aoga i le pisinisi.

(u) O pemita e fa'ataga i lalo o lenei maga e le mafai ona tu'uina atu pe a mavae le aso o le fa'amaoniga o le pepa fa'amaonia o le inivesimeni mai fafo. Ia talosaga tagata mo pemita o le nofomau e tusa ma aiaiga o le maga 41.0801 et. seq."

Maga 2. 41.0802 T.L. 20-80, taualoa Oketopa 19, 1988 ua suia e faitauina:

"41.0802 Talosaga--Totogi ma tusitusiga mana'omia.

(a) O se tagata talosaga mo se pemita ulufale mo se fai inivesimeni mai fafo o le a ia tu'uina atu i le loia sili:

(1) tupe totogi e le toe fa'afo'ia o le talosaga e \$500 (lima selau tala U.S.) mo le tagata e 'auai i se pisinisi ua tu'uina atu iai se pepa fa'amaonia o inivesimeni mai fafo, e aofia ai lona to'alua ma ni tagata tausii e to'alua.

(2) igoa ma le tuatusi o i ai nei o le aiga ma le pisinisi, ma so'o se numera o le telefoni po'o fa'asemili;

(3) se pepa fanau, po'o se pepa fa'atautoina o le nu'u ma le aso sa fanau ai le tagata talosaga, lona to'alua ma lana fanau moni;

(4) se tala fa'atautoina o le aoga sa aoga ai le tagata talosaga ma mea sa faia e ia ma galuega ma tala o lana pisinisi;

- (5) tolu tusi ta'uleleia mai isi tagata e le o ni ona aiga;
- (6) pepa fa'amaonia o le soifua maloloina o le tagata talosaga, lona to'alua ma lana fanau tausi;
- (7) molimau o le sitiseni o i ai nei o le tagata talosaga, lona to'alua, ma le fanau tausi;
- (8) se tala'aga o lona olaga mai se ofisa su'esu'e taualoga i le va o malo;
- (9) sona tala'aga fa'ale-tupe ua fa'amaonia e se kamupani su'etusi lautele;
- (10) molimau fa'apea o le tagata talosaga o lo'o ia te ia se tupe, po'o se avanoa tau tupe inivesi e le itiiti i le \$1,000,000 (tasi miliona tala U.S.) i se pisinisi to'atasi ua maua se tusi fa'ataga e tusa ma le maga ~~27.0308~~ 23.2308, mo tusi fa'amaonia o inivesimeni mai fafo i Amerika Samoa o lea inivesimeni ua uma ona teuina fa'aleoleo i Amerika Samoa, i se faletupe fa'asinoina, ua inisiua lelei, po'o se molimau fa'amaonia faapea o le tagata talosaga ua uma ona ia inivesi se \$250,000 (lua selau limasefulu afe tala U.S.) i se kamupani po'o se pa'aga fa'apisinisi taualoga o lana tupe fa'avae e le itiiti i le \$5,000,000 (lima miliona tala U.S.) ua fa'amauina i Amerika Samoa ua i ai se tusi fa'ataga mo se pepa fa'amaonia o inivesi mai fafo;
- (11) ono ata e pei ona fa'aaoga i tusi malaga, o le lua o ia ata e maakaina i tua ma tusia ai upu, "O le ata moni lenei o (igoa o le tagata talosaga)" ma sainia e le tagata talosaga; e fa'apea fo'i ona faia e lona to'alua ma lana fanau; ma
- (12) tolu sainiga o le suafa o le tagata talosaga.

Maga 3. Mataupu 03 i lalo o Vaega 27 TFAS e faasino i T.L. Nu. 20-80, taualoga Oketopa 19, 1988 ua toe faanumera e fa'avaeina ai se Mataupu fou 23 i lalo o le Vaega 27 TFAS ua faitauina:

### "Mataupu 0323

#### INIVESIMENI MAI FAFO

Maga:

- ~~27.0301~~ 27.2301 Poloaiga ma sailiiliga a le Fonofaitulafono.
- ~~27.0302~~ 27.2302 Fa'auigaga.
- ~~27.0303~~ 27.2303 Usita'i i lenei mataupu.
- ~~27.0304~~ 27.2304 Tiute ma malosi o le fa'atonu.
- ~~27.0305~~ 27.2305 Talosaga mo pepa fa'amaonia o inivesimeni mai fafo.
- ~~27.0306~~ 27.2306 Fua tutusa mo iloiloga o talosaga.
- ~~27.0307~~ 27.2307 Tusi fa'ataga--Mana'omia fa'atupeina.
- ~~27.0308~~ 27.2308 Pepa fa'amaonia o inivesimeni mai fafo--Tu'uina atu.
- ~~27.0309~~ 27.2309 Tu'utuuga o le pepa fa'amaonia o inivesimeni mai fafo.
- ~~27.0310~~ 27.2310 Taofiga, fa'aleaogaina po'o suiga o pepa fa'amaonia o inivesimeni mai fafo.
- ~~27.0311~~ 27.2311 Totogi.
- ~~27.0312~~ 27.2312 Fa'amalosiga.



~~27.0301~~ 27.2301 Poloaiga ma sailiiliga a le Fonofaitulafono.

(a) Ua silafia e le Fonofaitulafono e fa'apea:

(1) Ua i ai se ana'ana o tagata mai fafo e faia ni inivesimeni tetele mo ni tausaga e tele i Amerika Samoa.

(2) E mana'omia e le Teritori ia inivesimeni ae peita'i e fia pulea lelei inivesimeni mai fafo ina ia fa'atosina mai inivesimeni tatau ma ia puipuia alagamanuia o le atunu'u.

(3) Ina ia fa'atosina mai inivesimeni tatau e i ai se mana'oga ina ia saunia ala e ulufale mai ai i le Teritori tagata fai inivesi ma o latou aiga.

(4) O ia tagata fai inivesi e tatau ona maua avanoa e ulufale mai ai i le Teritori e pulea ma va'avaai a latou inivesimeni, ae peita'i o ia avanoa e tatau ona pulea lelei.

(e) O le agaga moni o le Fonofaitulafono i lenei tulafono e fa'atuina se faigā manino fa'ale tulafono mo le pulea o inivesimeni mai fafo. O ia inivesimeni mai fafo e fia fa'atosina mai i se filifilia lelei, ina ia fa'amalosia ma ia lautele le fa'avae o le tamaoaiga o le Teritori. O se tauvaga e fa'asagatonu i pisinisi laiti o lo'o i ai nei e le manaomia, a'o kamupani fou e tele ai tagata faigaluega e mana'omia. E le gata i lea, o inivesitoa mai fafo e tatau ona tuuina atu i ai avanoa tatau uma ma fesoasoani i le aumaia o galuega tau oloa ma galuega aoga i le si'omia i totonu o le Teritori. E le gata i lea, o le faiga tausisia a le Teritori e fa'aaoga inivesimeni mai fafo e fa'aopoopo, ae le suia ai, mana'oga ma mea e tatau ona maua mo tagata o le Teritori. O inivesimeni uma mai fafo ia o gatasi ma, tulaga o le va fealoa'i, aganu'u, tamaoaiga ma le fa'asoasoaga tatau o alagamanuia. O ni sini fou o le atina'e e mafai ona fa'atula'ia i so'o se taimi, a'o pisinisi o lo'o galulue nei ia le fa'alavelaveina pe fa'atapula'aina i le toe tata i tua o ia sini.

~~27.0302~~ 27.2302 Fa'auigaga.

E pei ona fa'aaoga i lenei vaega, vagana ua ese se isi fa'auigaga mana'omia, o fa'auigaga ua fa'aalia i lalo e faaoga:

(a) "Pepa fa'amaonia o inivesimeni mai fafo" o lona uiga o le pepa fa'amaonia sa tu'uina atu e le fa'atonu o fuafuaga atiina'e e aofia ai fa'amatalaga e mana'omia e le maga ~~27.0309~~ 27.2309.

(e) "Taumafaiga Pisinisi" o lona uiga so'o se pisinisi e maua ai tupe fa'asili, ma, e tusa ma lenei tulafono, se tele e talafeagai, nofoaga, uiga po'o le umi e le itiiti i le 60% (onosefulu pasene) o ana tupe maua atoa e maua mai fafo.

(i) "Inivesimeni mai fafo" o lona uiga so'o se ituaiga tupe galue e fia inivesi e tagata mai fafo i Amerika Samoa nei, i se aofa'iga e le itiiti i le \$1,000,000 (tasi miliona U.S.) i le tagata fai inivesi i se pisinisi fai to'atasi po'o le \$250,000 (lua selau lima sefulu afe tala U.S.) a le tagata fai inivesi e to'atasi pe afai o se fa'apotopotoga o tagata fai inivesi i se pisinisi e le itiiti i le \$5,000,000 (lima miliona tala U.S.).



(o) "Tagata fai inivesi mai fafo" o lona uiga o se tagata:

(1) o lo'o taumafai pe umia se pepa fa'amaonia o inivesimeni mai fafo po'o se visa mo inivesimeni mai fafo; pe

(2) e le o se sitiseni po'o se nesionale Amerika, po'o se tagata nofomau i Amerika Samoa, e mana'o e faia se inivesimeni mai fafo i Amerika Samoa.

(u) "Fa'atonu" o lona uiga o le fa'atonu o fuafuaga atia'e.

27.0303 27.2303 Usita'i i lenei mataupu.

(a) E leai se tagata e mafai ona faia so'o se inivesimeni mai fafo i Amerika Samoa fa'asagatonu pe fa'atafatafa vagana ua usita'i i aiaiga o lenei mataupu.

27.0304 27.2304 Tiute ma malosi o le fa'atonu.

(a) O le a tu'uina atu i le fa'atonu e ala i tupe fa'asoasoa fa'ale tausaga se tupe e lava e fa'ataunu'u lelei ai ona tiute.

(e) O le fa'atonu ua fa'atagaina e fa'afaigaluega tagata faigaluega manaomia e fa'ataunu'u lelei ai ona tiute uma. O ia tagata faigaluega e faigaluega tumau ma e tatau ona ia i latou le atamai masani tau aoga, pulega o galuega ma se potu masani i galuega.

(i) O le fa'atonu ua ia te ia tiute ua fa'aalia i lalo e uiga i inivesimeni mai fafo:

(1) e aiaia, lolomi ma fa'ataunu'u aiaiga tusitusia ma polokalama o inivesimeni mai fafo i Amerika Samoa ia o gatasi ma faiga tausiona o lenei tulafono;

(2) e lomina i tausaga ta'itasi ma fa'aavanoa i tagata ua mana'o mai se lisi atoa o pisinisi po'o ituaiga kamupani o lo'o fia maua ai ni inivesimeni mai fafo, fa'asaina, pe fa'alagolago i le faitalia a tagata fai inivesi mai fafo;

(3) e talia ma iloilo mae'a talosaga uma ina ia iloa pe talafeagai le talosaga a le pisinisi taufa'aofi ma fua fa'avae o inivesimeni i le maga 27.0306; 27.2306;

(4) e faia iloiloga lautele i talosaga uma e tatau ai ina ia fuafua manatu o le lautele ma tu'u fa'atasi tala ma faia pea feso'otaiga ma tagata talosaga i le taimi a'o iloilo le talosaga;

(5) e tu'uina atu tusi fa'ataga i tagata talosaga e tusa ma iloiloga fa'atonuina o fua fa'avae o inivesimeni mai fafo i le maga 27.0306 27.2306; po'o le le tu'uina atu o ia tusi;

(6) e tu'uina atu aso e 180 i tagata ua i ai tusi o fa'atagaga e saili ai tupe e fa'agaoioi ai le fuafuaga taufa'aofi;

(7) pe a taunu'u mai fa'amaoniga tatau o le fa'atupeina, ia tu'uina atu se pepa fa'amaonia o inivesimeni mai fafo i le igoa o le tagata talosaga ma auina atu i le Kovana mo iloiloga; po'o le le tu'uina atu o ia pepa fa'amaonia;

(8) e tu'uina atu se ripoti tausaga ia Ianuari 31 o tausaga ta'itasi i le Kovana ma le Fonofaitulafono o galuega uma o inivesimeni mai fafo i le tausaga kalena ua mavae, e fa'ailoa ai tusi fa'ataga uma ma pepa fa'amaonia o inivesimeni mai fafo ua tu'uina atu, o lo'o fa'atali pe o lo'o taualoa, ma tusi ua taofia, toe suia pe fa'aleaoga, ma ni isi fa'amatalaga aoga;

(9) e fa'amaopoopo iloiloga tatau sa faia e isi ofisa o le malo i galuega, mea sa faia ma fatuaiga o le a a'afia i le inivesimeni taufa'aofi mai fafo, ae le mafai ona te'ena le mana'o o se ofisa e tu'uina atu fa'amatalaga e aoga i le iloiloga o le talosaga.

(o) O le a i le fa'atonu malosi faitalia ua fa'aalia i lalo e fa'ataunu'u ai ona tiute ua fa'aalia i luga:

(1) e fa'atulaga ma fa'alaua'itele tulafono galue e tusa ma le Tulafono o le Pulega o Galuega, maga 4.1001 et. seq., e le fete'ena'i ma aiaiga o lenei mataupu;

(2) sapina fa'amaumauga, tusi, molimau, tusitusiga, ma so'o se isi lava tala, faia tautoga, asiasi fanua ma meatotino a tagata e mafua i le talsoaga mo se pepa fa'amaonia o inivesimeni mai fafo, ma faia su'esu'ega e tatau mo le fa'ataunu'uina o ona tiute;

(3) va'ava'aaia le fa'agaoioiga o inivesimeni mai fafo i Amerika Samoa, ma pe a tatau ai, ma pe a uma ona auina atu se ulua'i fa'aaliga i le tagata o lo'o umia le pepa fa'amaonia, suiga, taofia pe fa'aleaoga se pepa fa'amaonia o inivesimeni mai fafo.

27.0305 27.2305 Talosaga mo pepa fa'amaonia o inivesimeni mai fafo.

(a) So'o se inivesitoa mai fafo, tagata nofonu'u, po'o se tagata galue fa'apisinisi e mafai ona talosaga mo se pepa fa'amaonia o le inivesimeni mai fafo i le fa'auluina o se talosaga i le fa'atonu. O le talosaga e tatau ona aofia ai fa'amatalaga ua fa'aalia i lalo:

(1) o tagata talosaga:

~~(a)~~(A) igoa, tausaga, nu'u e nofo ai, nu'u moni, ma le aso na fanau ai;

~~(e)~~(E) talaaga fa'apisinisi;

~~(i)~~(I) talaaga o le soifua maloloina;

~~(o)~~(O) tala o se pu'ega po'o se fa'asalaga i se soligatulafono mamafa;

~~(u)~~(U) to'alua, 'auaiga ma isi paaga fa'apisinisi uma i le pisinisi taufa'aofi.

(2) tala auiliili o le pisinisi taufa'aofi e aofia ai:

~~(1)~~(A) ituaiga pisinisi ma le aofa'i o le inivesimeni mai fafo;

~~(2)~~(E) uiga moni o le gaoioiga o le pisinisi;

~~(3)~~(I) numera fuafua o tagata iinei e fa'afaigaluegaina;

~~(4)~~(O) fuafuaga o le umi o tausaga o le pisinisi;

~~(5)~~(U) manaoga mo iutili iinei ma tautua lautele ma pe mafai ona saunia e i latou lava galuega iutili po'o tulaga aloaia o le lafoa'ia o otaota;

(6)(F) polokalama o le a'oa'oina o tagata iinei i le galuega, pe afai e iai;  
(7)(G) le aofa'i o le tupe fa'avae, po'o le a le foliga e fia inivesi e le tagata talosaga, o ana tupe totino, ma le aofa'i o le ekuiti avanoa mo tagata nu'u o Amerika Samoa;  
(8)(L) le aofa'i o tupe manaomia e amata ai le pisinisi ma le mea e maua mai ai;  
(9)(M) le aofa'i o tagata mai fafo e fuafua e fa'afaigaluega e le pisinisi;  
(10)(N) tala i le ono afaina o le si'omia o le Teritori;  
(11)(P) isi fa'amatalaga e mana'o le tagata talosaga e fa'ailoa ai le tulaga lelei o le talosaga, pe a fua i le lisi o manaoga fa'avae e pei ona ta'ua i le maga ~~27.0306~~ 27.2306.

27.0306 27.2306 Mana'oga fa'avae mo iloiloga o talosaga.

(a) I le iloiloga o se talosaga mo se pepa fa'amaonia o inivesimeni mai fafo, e tatau i le fa'atonu ona iloilo ma tusia ana saililiga i mana'oga fa'avae uma i le soamaga (e); ma aemaise lava po'o le pisinisi taufa'aoifi o le a i ai se tulaga manuia, le manuia po'o le le afaina ai fo'i o le Teritori. O se saililiga ua maua i se tulaga le manuia i so'o se mana'oga fa'avae e tasi e le taofia ai le tu'uina atu o se pepa fa'amaonia o le inivesimeni mai fafo pe faapea o le fulisia o le numera o tulaga manuia o le a mautinoa ai le tuuina atu o se pepa fa'amaonia o inivesimeni mai fafo. O le fa'atonu na te iloiloina ma le agaga fia fesoasoani i talosaga ta'itasi. Ia matua feutaga'i lelei le fa'atonu ma le tagata talosaga e uiga i mea o popole ai le fa'atonu e tusa ma mana'oga fa'avae. O fa'amaumauga uma ia teuina mo le 3 tausaga.

(e) O le fa'atonu e tatau ona fuafua fa'apitoa lava mana'oga fa'avae ua fa'aalia i lalo:

- (1) manaoga ma le tatau ai ona faia o lea pisinisi i le Teritori;
- (2) le mafaia e le pisinisi ona auina i fafo oloa po'o fua o galuega faia i le Teritori, pe, saunia oloa po'o galuega sa auina mai fafo ina ia fa'atau atu i totonu o le Teritori;
- (3) o le tulaga e fa'ailoa mai faapea o le pisinisi lea e usita'i ma o le a usita'i pea i tulafono iinei ma le malo tele;
- (4) le numera ma ituaiga o galuega fou o le a fa'atuina mo tagata Amerika Samoa agava'a nofomau ma le tele o tagata mai fafo o le a fa'aaogaina i le pisinisi;
- (5) se afaina e tupu mai le pisinisi i le si'omia o vai ma le sami, eleele, ea, ma tulaga o le soifua i Amerika Samoa;
- (6) le malosi e ono o'o iai le tauvaaga a le pisinisi lea e fa'asaga i pisinisi o lo'o iai iinei, pe a fuafua aga'i i le mafaia ona gaosia iinei mea e faia ai lea pisinisi;
- (7) ata o fausaga, e aofia ai nofoaga, ata o fale, mea e fai ai galuega ma fua, ma le usita'i i tulafono o sone ma le fa'aaogaina o lo'o taualoa nei i le Teritori i le taimi sa faia ai le talosaga;
- (8) le malosi e mafai ai e le pisinisi ona avatu i totonu tagata nu'u Amerika Samoa ia pulea fa'atasi pisinisi ma umia ekuiti;
- (9) le malosi e mafai e le pisinisi ona, pe fuafua e, fa'aaoga konekalate lotoifale, konekalate lagolago, tagata faigaluega, mea e fai ai galuega ma isi pisinisi i lona fa'atuina, galuega faia ma fa'agaoioiga;

(10) a'afia o iutili lotoifale. ma tulaga o paipa tetele o otaota ma le malosi o le pisinisi e fa'ataunu'u ona manaoga tau iutili ma lafoa'i ana otaota;

(11) le uiga, le umi ma se taunu'uga o se polokalama e a'oa'o ai faapitoa tagata faigaluega nofomau iinei i poto masani manaomia e le pisinisi;

(12) i le malosi e mafai ona iloa, le tele o tausga mata e faia ai le pisinisi i Amerika Samoa ma ni mea mata o le a tutupu mai ai pe a nofo umi ;

(13) o le ta'uileleia, tala'aga fa'apisinisi pe tauleleia ma manuia inivesitua mai fafo mo so'o se talosaga lotoifale mo lea lava pisinisi;

(14) o se tulaga e ono fa'apea ai o le pisinisi ua fa'atuina ma se fa'amoemoe leaga pe faapea o le pepa fa'amaonia o inivesimeni mai fafo atonu e faaoga sese.

(i) O le faatonu e mafai ona ia talosagaina mai so'o se tagata talosaga ni tusitusiga ma fa'amaumaga tatau e fa'amaonia ai so'o se tulaga o lo'o taua i le talosaga pe sa saunia i isi feso'otaiga ma le tagata talosaga. O le tete'e e saunia fa'amaoniga ua talosagaina atonu e mafai ona avea ma mafuaaga mo le teena i sailiiliga i lalo o lenei maga ma e i'u ina teena ai se talosaga.

(o) Afai ua le maua e le fa'atonu se tulaga afaina o so'o se mana'oga fa'avae e tasi, e aunoa ma se pona o le tagata talosaga, ia fa'apena ona lipotia.

(u) Pe a uma ona iloilo mana'oga fa'avae uma, o le a faia e le faatonu se iuga tusitusia pe na te talia le inivesimeni talosagaina taufa'aofi e tusa ma le a'afia atoa o galuega a le pisinisi.

~~27.0307~~ 27.2307 Tusi fa'ataga--Manaomia fa'atupeina.

(a) I luga o se fa'ai'uga, faia ina ua uma ona sailiili mae'a o mana'oga fa'avae i le maga ~~27.0306~~ 27.2306, faapea o se pisinisi taufa'aofi ua talia e le faatonu, o tuuina atu e ia i le tagata talosaga se tusi fa'ataga. O le fa'ataga, po'o le teena, e tatau ona tuuina atu i totonu o aso e 120 talu ina maua le talosaga. Afai e teena le talosaga, o le a tu'uina atu i le tagata talosaga mafuaaga tusitusia o le teena. E mafai ona toe talosaga.

(e) O le tusi fa'ataga e le avatua ai ni aia faapitoa i se tagata talosaga pe faamausali ai le tu'uina atu o se pepa fa'amaonia o inivesimeni mai fafo.

(i) Pe a uma ona maua le tusi fa'ataga, e tu'u atu i le tagata talosaga le 180 aso e fa'amautu ma fa'amaonia mai le alagatupe e lava e fausia ma amata ai gaoioiga o le pisinisi. O le fa'amaoniga o le faatupeina lelei e tatau ona aofia ai se fa'amaoniga o alagatupe e lava e amata ai le pisinisi ua talia i totonu o aso e 120 talu ona tu'uina atu le tusi fa'amaonia o le inivesimeni mai fafo. Afai e le maua, ma fa'amaonia i le fa'atonu, le ala o le fa'atupeina i totonu o aso e 180 talu le tu'uina atu o le tusi fa'ataga, o le a toe soloia fua ai le tusi fa'ataga. E le toe fa'aopoopoina se taimi e saili ai se fa'atupega.

(i) O le tagata ua umia le pepa fa'amaonia e tatau ona tuuina atu se ripoti fa'ale tausaga i le fa'atonu ia Ianuari aso 3 o tausaga ta'itasi o galuega o le tausaga kalena ua mavae. O le ripoti e tatau ona aofia ai fa'amatalaga tatau ina ia mafai e le fa'atonu ona iloilo pe ua usita'i le ua umia le pepa fa'amaonia ma le pisinisi i aiaiga o le tuuina atu. Afai e le faia ripoti i le taimi fa'atonuina e avea lena ma mafuaaga o le taofia o galuega a le pisinisi seia tuuina mai le ripoti.

~~27.0310~~ 27.2310 Taofiga, aveesega po'o suiga o pepa fa'amaonia o inivesimeni mai fafo.

(a) I taimi uma e taualoa ai le pepa fa'amaonia o inivesimeni mai fafo, o le tagata ua na umia ma le pisinisi e tatau ona usita'i i aiaiga uma o lenei mataupu ma isi tulafono ma poloaiga e fa'asino i ai. O le le usita'i i ai e avea ma mafuaaga e mafai ai e le fa'atonu, pe a uma ona tu'uina atu i le ua umia le pepa fa'amaonia se fa'aaliga ma se avanoa e fo'ia ai lea tulaga le usita'i, ona taofia pe sui le pepa fa'amaonia o inivesimeni mai fafo.

(e) E mafai e le fa'atonu ona fa'aleaogaina tumau se pepa fa'amaonia o inivesimeni mai fafo pe a fa'amaonia manino faapea o le inivesitoa mai fafo;

(1) ua le tausia se inivesimeni fa'amaonia e mulimuli i tu'utuuga o le tuuina atu o se pepa fa'amaonia o inivesimeni mai fafo; pe

(2) ua faia se faiga fa'asese pe taufa'asese i so'o se fa'aaliga i le faia o le talosaga mo le pepa fa'amaonia o inivesimeni mai fafo po'o le ripoti o le tausaga e pei ona mana'omia i lalo o le ~~27.0309~~ 27.2309; pe

(3) sa fa'amasinoina ma ua te'ena i tulaga o pisinisi gau i lalo o le mataupu 7 o tulafono pisinisi gau o le Iunaite Setete e uiga i inivesimeni mai fafo; ma

(4) ua le usita'i i so'o se tulaga po'o fatuaiga tausii ua tusia i le pepa fa'amaonia o inivesimeni mai fafo, pe a uma ona tu'uina i ai le avanoa e le fa'atonu e fa'asa'o ai ia tulaga, vagana, e ui i lea, ua mafua le le usita'i o le pisinisi mai fafo ona o ni mafuaaga e le o'o i ai lo latou malosii, o le a avatu e le fa'atonu se taimi tatau mo le pisinisi mai fafo e toe fa'atupe ai le inivesimeni fa'amaonia pe saili se isi fetu'unaiga o inivesimeni fa'amaonia; pe

(5) ua lavea i lalo o se su'esu'ega a le loia sili faapea o le pisinisi tele e tupuga mai ai lenei pisinisi, pe a i ai, ua uma ona tapunia; pe

(6) solia so'o se aiaiga o lenei mataupu pe so'o se poloaiga galue ua faia i lalo o le ~~27.0304(e)~~ 27.2304(e).

(i) Afai ua fa'ai'uina e le fa'atonu e fa'apea o le a fa'amuta se fa'amaoniga o se inivesimeni fafo, o le a tu'uina atu i le inivesitoa mai fafo le ono masina fa'amalumu pe a uma ona fa'aleaoga le pepa fa'amaonia e faia ai la'asaga tatau e fa'ata'ape, fesi'ita'i, pe aveese ni mea totino sa a'afia i le pisinisi o le inivesimeni mai fafo. O le fa'atonu ia logoina le loia sili i se tusi i le iuga e aveesea le fa'amaoniga o le inivesimeni mai fafo, ma fuafua le ono masina fa'amalumu e amata i le aso sa fa'aleaoga ai.

~~27.0308~~ 27.2308 Pepa fa'amaonia o inivesimeni mai fafo--Tuuina atu.

(a) Pe a maua atu tusitusiga mana'omia e le maga ~~27.0307~~ 27.2307, e tatau ona tuuina atu e le fa'atonu, pe teena fo'i se tusi faamaonia o inivesimeni mai fafo, i le 30 aso talu ina maua ia tusitusiga o fa'amaoniga.

(e) Afai e teena e le fa'atonu e tuuina atu se pepa faamaonia o inivesimeni mai fafo i le tagata talosaga o le a ia fa'aiiloa fa'aiiloa atu mafuaaaga i se tusi ma auina atu lea tusi teena i le tagata talosaga i se taimi vave.

(i) O le fa'aaliga o le tuuina atu o le pepa fa'amaonia o inivesimeni mai fafo e auina atu i le Kovana mo le fa'aiuga. E mafai ona fa'amaonia pe teena e le Kovana le tuuina atu o le pepa faamaonia ma ia ta'uina atu ni mafuaaaga faapitoa tusitusia, pe afai e teena. E mafai e le Kovana ona tali atu e faamaonia pe teena i totonu o aso e 20 talu ina maua e ia le faaaliga a le faatonu, a leai o le a taualoa fa'apea ua talia le talosaga.

(o) O le fa'aiuga mulimuli a le Kovana o lona uiga o le tagata ua umia le pepa fa'amaonia e mafai ona ia amataina pe fa'agaoioi loa le pisinisi. O le pepa fa'amaonia o le a taualoa e tusa ma le tulafono e pei o se laisene pisinisi i lalo o le maga 27.0202 et.seq. ma e leai se isi laisene e mana'omia, vagana o le fa'avae o le fa'alapotopotoga po'o le paaga fa'apisinisi e tatau ona failaina i le resitala pe a maua le fa'amaoniga mulimuli o le pepa fa'amaonia o le inivesimeni mai fafo.

~~27.0309~~ 27.2309 Tausaga umia o le pepa faamaonia o inivesimeni mai fafo.

(a) O pepa fa'amaonia ta'itasi o inivesimeni mai mai fafo ia i ai fa'amatalaga ua fa'aalia i lalo:

(1) se fa'amatalaga o le taumafaiga ma le ituaiga pisinisi e fa'agaoioia ma le nofoaga e fai ai;

(2) igoa, atunu'u, tausaga, ma le nu'u o nofo ai nei le tagata talosaga;

(3) tala o ni alagatupe fa'aopoopo e tatau ona manaomia e fa'aauau ma fa'alautele le pisinisi i talaatu o tupe na amata ai, ma le aso e maua ai lea fa'atupeina;

(4) so'o se tu'utuuga ma aiaiga ua fa'atuina e le fa'atonu mo le inivesimeni mai fafo, e aofia ai le tapula'a o nofoaga, galueaiina ma le lafoaia o otaota; ma

(5) isi fa'amatalaga e manaomia e le fa'atonu.

(e) O le pepa fa'amaonia o tupe galue mai fafo e le muta ma e mafai ona sui atu i se isi pe a fa'ataga e le fa'atonu.

(o) Pe afai ua le mafai ona fa'ata'ape le pisinisi i ala fa'amaoni i totonu o masina e ono, e mafai e le malo ona fa'atau mai lea inivesimeni mo lona tau o i ai i lea taimi, toese ai le 20%, e pei ona fa'atulaga e se tagata fa'a-laiseneina fa'apitoa i lea galuega. Afai e le fa'atauina e le malo le inivesimeni i le taimi ua fa'ailoa ma le tau, ona fa'atau atu lea e le inivesitoa i le lautele. O le inivesitoa ua i ai le fatuaiga e talia se tau talafeagai ma vagana ua faia le fa'atauga, ia tausia lelei meatotino uma, ma totogi lafoga e tataua ona totogi i Amerika Samoa.

(u) O le pemitā ulufale o le inivesitoa mai fafo ma pemitā ulufale o lo'o umia e o lona 'auaiga o le a taualoa pea e o'o atu i le aso mulimuli o le taimi fa'amalumu e ono masina pe a uma ona fa'aleaoga le pepa fa'amaonia o le inivesimeni mai fafo.

27.0311 27.2311 Totogi.

(a) O le totogi mo le talosaga mo se pepa fa'amaonia o inivesimeni mai fafo e lua afe lima selau tala (\$2,500) ma e le toe fa'afoia. O leni tupe e totogi ai galuega a le fa'atonu i le taliaina, iloiloaina ma e fa'agaioia o pepa o talosaga.

(e) O nisi totogi fa'aopoopo mo isi galuega e mafai ona faae'e e le fa'atonu i le faia o ni tulafono galue i lalo o le maga 27.0304 27.2304.

27.0312 27.2312 Fa'amalosiga.

I tulaga manaomia e fa'amalosi ai so'o se aiaiga o leni mataupu po'o se isi tulafono galue e faia i leni maga, o le loia sili e fesoasoani i le fa'atonu e fa'amalosia lea tulaga.

Maga 4. Aso taualoa.

O leni tulafono e taualoa vave pe a pasia e le Fonofaitulafono ma fa'amaonia e le Kovana ona o le manaoga fa'anatinati e fa'asa'o le Tusitulafono Fa'atulagaina o Amerika Samoa.

  
Letuli Toloa

PERESETENE, MAOTA MAUALUGA

  
Tuana'itau F. Tuia

FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 30<sup>th</sup> day of July, 1991

  
Governor of American Samoa