

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at, Fagatogo, Tutuila, American Samoa  
on Monday, the fourteenth day of July  
two thousand and eight

AN ACT INCREASING THE ANNUITIES FOR RETIREES; AMENDING  
SECTIONS 7.1442 A.S.C.A.

Preamble:

The American Samoa Government owes a debt of gratitude to the selfless dedication of its retired employees. This act will assist them in caring for their families by providing modest increases in their monthly retirement checks. Because of the urgent financial needs of our retired employees, it is deemed appropriate for this act to become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

**Section 1. 7.1442 is amended to read:**

**“7.1442 Retirement payments.**

**(a) Each member shall receive an annual service retirement annuity on retirement equal to 2 percent of the average annual salary of the member multiplied by his total years of service up to a maximum of 30 years. Effective immediately and payable from October 1, 2004~~6~~, as applicable, the annual service retirement annuity is increased to allow for a two (2) percent increase for all retirees who have retired on, or prior to September 30, 2004~~6~~. This increase shall not apply to retirees who have retired on, or after October 1, 2004~~6~~. Effective October 1, 2009, all COLA adjustments shall apply to one hundred percent of retirees regardless of the date of retirement.**

**(b) Service retirement annuities shall be payable in equal monthly installments, rounded to the nearest dollar, as life annuities, and shall not be increased, decreased, revoked, or repealed except for error, or except where specifically otherwise provided.**

(c) The first payment of a life annuity shall be made pro rata for the fraction of a month elapsing between the date of retirement and the end of that month. The last payment shall be made as of the date of death.

(d) Instead of an annuity payable for the life of a retired member, the member may elect to receive a lesser retirement annuity during his lifetime but with all or a portion of that annuity continued to a contingent annuitant designated by the member at the time of retirement. The amount of the lesser annuity elected is determined by the Board so that the value of that annuity at the time of retirement will be the same as the value of the life annuity otherwise payable without an election. The election may not be permitted by the Board unless the value at retirement of expected monthly annuity payments during the life of the retired member is no less than one-half the value of the life annuity otherwise payable without such an election.

(e) Should a member who is eligible for early retirement as provided by 7.1441 retire, the amount of his retirement annuity is determined in the same manner as described, but then reduced by one-fourth of one percent multiplied by the number of completed months in the period which begins at the date of early retirement and ends at the date when the member first would be eligible to retire with an unreduced retirement annuity.

(f) Should a member who is eligible for vested retirement as provided by section 7.1441 retire, the amount of his retirement annuity is determined in the same manner as described for early retirement in 7.1442(e), but then reduced in addition by one-fourth of one percent multiplied by the number of completed months in the period which begins at the date of termination and ends at the date of the member's fifty-fifth birthday, subject to maximum additional deduction of 15 percent. The annuity so determined, that is normal retirement annuity less deduction for early retirement and additional deduction as calculated above, will be paid to retiree or beneficiary.

(g) Should a member retire after attaining age 65, the amount of his retirement annuity is determined as described, but is additionally increased by one-fourth of one percent multiplied by the number of completed months in the period which begins on the date of the member's sixty-fifth birthday and ends on the member's retirement date.

(h) Not less often than once every 2 years the board recommends to the Governor, for proposal to the Legislature, that service and medical retirement annuities currently payable to retired members and other annuitants be increased or not. These recommendations by the Board are made after due consideration by the Board of current conditions, and are accompanied by a statement of the cost of any proposed increase as certified by the actuary.

(i) In addition to service retirement annuities paid under terms of subsections (a), (e) and (g) above, an additional retirement incentive benefit will be paid in accordance with the following terms and conditions:

(1) Eligibility is limited to those active members age 55 or over with ten or more years of service who are currently eligible for retirement or early retirement, and who complete application for retirement within ninety (90) days of the effective date of this act.

(2) An annual incentive benefit equal to \$100.00 per year of service, up to a maximum of 30 years, will be paid on a prorated monthly basis as a supplement to the service retirement annuity until the retiree reaches the age of 62, or for a minimum period of five years.

(3) Reemployment by the government, in any capacity, will result in termination of the retirement incentive supplement and loss of eligibility for such benefits.

(4) Supplemental incentive benefits will not be considered in determining the amount of contingent annuities or for future increases authorized under subsections (a), (d) and (h) above.

Sec 2. Effective date.

The American Samoa Government owes a debt of gratitude to the selfless dedication of its retired employees. This act will assist them in caring for their families by providing modest increases in their monthly retirement checks. Because of the urgent financial needs of our retired employees, it is deemed appropriate for this act to become effective immediately upon passage by the Legislature and approval by the Governor.

*Lolo M. Moliga*

LOLO M. MOLIGA  
President of the Senate

*Savali Talavou Ale*

SAVALI TALAVOU ALE  
Speaker, House of Representatives

Hereby Approved this 26<sup>th</sup> day of Oct. 2008  
*[Signature]*  
Governor Of American Samoa

NOFOAIGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA

Fono Tele Lona Fa

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso sefulufa o Iulai  
lua afe ma le valu

O SE TULAFONO E FA'AOPOPO LE AOFA'I O TUPE E TOTOGI ATU I  
TAGATA-RITAE I LE TAUSAGA, SUIA LE MAGA 7.1442 T.T.A.S.

Fa'atomuaga:

O lo'o feagai le Malo o Amerika Samoa ma se aitalafu o le agaga fa'afetai i le tu'utō le fa'apito i ōna tagata-ritaea. O lenei tulafono taufa'aofi o le a fesoasoani ai ia i latou i le tausiga o latou aiga e ala i le tu'uina atu o si'itaga feololo i a latou siaki o le ritaea fa'alemasina. Ona o māna'oga taūa tau tupe o tatou tagatafaigaluega ua ritaea, ua talafeagai ai mo lenei tulafono taufa'aofi ona taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

**Maga 1. 7.1442 ua suia e faitauina:**

**"7.1442 Totogiga o le ritaea.**

(a) O le a maua e totino ta'itasi se anuiti (tupe maua o le ritaea) o le tautua o le ritaea fa'aletausaga e tusa ma le 2 pasene o le averisi o le totogi fa'aletausaga o le totino fa'atele i le aofa'i o tausaga o lana tautua e o'o i le manualuga o le 30 tausaga. E taualoa vave ma e totogi atu mai ia Oketopa 1, 20046, e fa'atatau iai, o le anuiti o le ritaea o le tautua fa'aletausaga ua fa'aopoopoina mo le lua (2) pasene e si'itia ai mo tagata-ritaea uma o ē sa ritaea iā, po'o tua atu o Setema 30, 20046. O lenei si'itaga o le a le fa'atatau i tagata ritaea sa ritaea iā, pe ua mavae Oketopa 1, 20046. E taualoa ia Oketopa 1, 2009, o fetu'una'iga uma o le Tau Ole Soifuaga e fa'atatau i le tasi selau pasene o tagata-ritaea ma e le afaina po'o le a le aso sa ritaea ai.

(e) O anuiti o tautua ritaea o le a totogi atu i le fua tutusa o totogiga fa'alemasina, fuafua i se numera aupito latalata i le tāla, e pei o anuiti o le soifua, ma o le a lē fa'aopoopoina, fa'a'itiitia, pe fa'aleaogaina vanaga ai mo mea sesē pe vagana fo'i ua fa'atulagaina e 'ese mai ai.

(i) O le ulua'i totogiga o se anuiti o le soifua o le a faia e tusa ma siea mo vaega o se masina e fa'amuta i le va o i le aso o le ritaea ma le i'uga o lena masina. O le totogiga mulimuli o le a faia i le aso na maliu ai.

(o) Nai lo se anuiti e totogi atu mo le soifuaga o se totino ritaea, ae e mafai ona filifili le totino ua maua se anuiti e itiiti ifo o le ritaea i le taimi o lona soifuaga ae o le aofa'iga uma po'o se vaega o lena anuiti o le ritaea e fa'aauau i se tagata filifilia e mauaina le anuiti i le taimi o le ritaea. O le aofa'i o le anuiti fa'aitiitia filifilia e iloiloaina e le Komiti e tutusa le aofa'i o lena anuiti i le taimi o le ritaea ma le aofa'i o le anuiti o le soifua, a leai e totogi atu e aunoa ma se filifiliga.

(u) Afai o se totino o se ua agava'a mo le ritaea vave e pei ona aiaia i le 7.1441 o le ritaea, o le aofa'iga o lana anuiti ritaea e fuafua i le tulaga tutusa e pei ona fa'amatalaina, ae ona fa'aitiitia lea i le tasi o vaefa o le tasi pasene fa'atele i le aofa'i o masina ua fa'amae'aina i le piriota e amata i le aso o le ritaea vave ma fa'amuta i le aso pe ana muamua ona agava'a le totino e ritaea fa'atasi ai mo se anuiti e le fa'aitiitia o le ritaea e aunoa ma se na filifiliga.

(f) Afai o se totino o se ua agava'a mo se ritaea fa'ae'eina atu e pei ona aiaia i le maga 7.1441 ritaea, o le aofa'iga o lana anuiti o le ritaea e fuafua i le tulaga tutusa e pei ona fa'amatalaina mo le ritaea vave i le 7.1442(u), ae ona fa'aitiitia lea e fa'aopoopo i le tasi o vaefa o le pasene e tasi fa'atele i le aofa'i o masina ua fa'amae'aina i le piriota e amata i le aso o le muta'aga ma gata i le asofanau e lima-sefulu-lima, e a'afia i le fa'aitiitia fa'aopoopo maoa'e o le 15 pasene. O le anuiti e fuafuaina, o le anuiti masani o le ritaea e pei ona fuafuaina i luga, o le a totogi atu i tagata-ritaea po'o se tagata ua filifili e mauaina

(g) Afai e ritaea se totino ina ua mavae ona ia ausia le 65 tausaga, o le aofa'i o lana anuiti o le ritaea e fuafua e pei ona fa'amatalaina, ae si'i fa'aopoopo iai le tasi o vaefa o le tasi pasene fa'atele i le aofa'i o masina ua fa'amae'aina i le piriota e amata i le asofanau onosefulu-lima ma muta i le aso o le ritaea o le totino.

(l) E le masani ona itiiti nai le fa'atasi e ta'i 2 tausaga e fautua atu ai e le komiti i le Kovana, mo se fa'aofiga i le Fono Faitulafono, e fa'apea o le anuiti o le ritaea o le tautua ma le ma'i o lo'o totogi atu i le taimi nei i totino ritaea ma isi tagata o lo'o mauaina anuiti ia si'itia pe leai. O ia fautuaga a le Komiti e faia pe a uma se feutaga'iga a le Komiti o aiaiga o lo'o iai nei, ma e tu'uina atu fa'atasi ma ta'utinoga o le tau o so'o se fa'aopoopoga fuafuaina e pei ona fa'amaonia e se ali'i/tama'ita'i-ofisa o le inisiua.

(m) E fa'aopoopo i anuiti o le ritaea tautua o lo'o totogi atu i lalo o tu'utu'uga o soamga (a),(u) ma le (g) i luga, o se penefiti fa'aopoopo fa'atupu lagona o le ritaea o le a totogi atu e tusa ma tu'utu'uga ma aiaiga ua fa'ua i lalo:

(1) O le agava'a e fa'atapula'a ia i latou o totino o lo'o galulue ua 55 pe sili atu ma le sefulu pe sili atu tausaga o le tautua a i latou ua agava'a mo le ritaea i le taimi nei mo le ritaea po'o le ritaea vave, ma i latou ua fa'atumuina

talosaga mo le ritaea i totonu o le ivasefulu (90) aso o le aso taualoa o lenei tulafono.

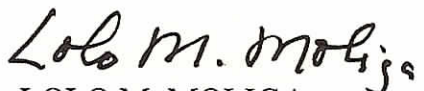
(2) O se penefiti fa'atupu lagona fa'aletausaga e tusa i le \$100.00 i le tausaga e tasi o le tautua, e o'o atu i le maualuga o le 30 tausaga, o le a totogi atu i le fa'avae i vaega fa'alemasina o se fa'aopoopoga i le anuiti o le ritaea o tautua se'ia o'o ina ausia e le tagata-ritaea tausaga e 62, pe mo se piriota maualalo o le lima tausaga.

(3) O le toefa'afaigaluegaina e le malo, i so'o se tofi, o le a tula'i mai ai le fa'amutaina o le fa'aopoopoga fa'atupu lagona o le ritaea ma le fa'amutaina o le agava'a mo ia penefiti.

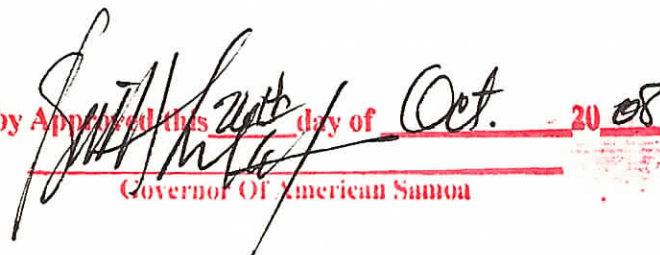
(4) O penefiti fa'aopoopo fa'atupu lagona o le a le a'afia i le fuafuaina o le aofa'iga o anuiti e le mautu po'o mo fa'aopoopoga i le lumana'i ua fa'atagaina i lalo o soamaga (a), (o) ma le (l) i uga.

**Maga 2. Aso taualoa.**

O le Malo o Amerika Samoa o lo'o feagai ma se aitalafu o le agaga fa'afetai i le tu'uto le fa'atuaioia i ona tagatafaigaluega ritaea. O lenei tulafono o le a fesoasoani i le tausiga mo o latou aiga e ala i le si'itaga feololo i a latou siaki fa'alemasina o le ritaea. Ona o le mana'oga ta'ua tau tupe o tatou tagatafaigaluega ritaea, ua talafeagai ai mo lenei tulafono ona taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

  
LOLO M. MOLIGA  
Peresetene, Maota Maualuga

  
SAVALI TALAVOU ALE  
Fofoga Fetalai, Maota o Sui

Hereby Approved this 20th day of Oct. 2008  
  
Governor Of American Samoa

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at, Fagatogo, Tutuila, American Samoa  
on Monday, the fourteenth day of July  
two thousand and eight

AN ACT EXPANDING THE DESIGNATION OF CAPITAL PROJECTS APPROVED FOR FUNDING WITH PROCEEDS OF THE AMERICAN SAMOA GOVERNMENT LOAN AUTHORIZED BY P.L. No. 30-5 AND P.L. NO. 30-14; PROVIDING FOR SPECIFIC PROJECT EXPENDITURE AMOUNTS; PROVIDING CERTAIN FISCAL CONTROL MEASURES FOR EXPENDITURE OF LOAN PROCEEDS; AMENDING SECTION 7.1444.5 A.S.C.A.

Preamble:

In order to immediately provide for greater fiscal control measures for the expenditure of loan proceeds generated by that certain \$20,000,000 loan from the American Samoa Government Employees' Retirement Fund, authorized by P.L. No. 30-5 and P.L. No. 30-14; this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

Further, due to the urgent need to continue providing adequate and safe transportation for school students and to ensure reliable means of transportation of people, property and supplies to the Manua Islands and Swains Island, it is necessary to expand the designation of capital projects and provide immediate funding for certain projects needing emergency funding, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

**Section 1. 7.1444.5 is amended to read:**

**"7.1444.5 Loan to American Samoa Government—Renovations of Capital Improvements and Projects.**

**(a) In accordance with the provisions of section 7.1444(g)(3), which limits any investment in obligations or other instruments issued or guaranteed by the government to no more than seventeen and one-half percent of Fund assets at cost, the Governor, on behalf of the American Samoa Government (ASG), and the Board of Directors of the American Samoa Government Employees' Retirement Fund (ASGERF) are authorized to enter into a loan agreement**

whereby the ASGERF will lend and ASG will borrow an amount not to exceed \$20,000,000.

(b) The Governor is authorized to utilize the \$20,000,000 loan amount in financing the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disable), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall, purchase of ten school buses and repairs to and refurbishment of the MV Sili. Unless a specific amount is appropriated for a particular project, improvement or acquisition, ~~T~~the Governor shall determine the application of available loan proceeds as between the various improvements set forth in this section (the "Improvements") so as to accomplish, as nearly as may be, all of such Improvements. If an amount is specifically appropriated for an Improvement, said amount shall act as a ceiling for expenditures on that particular Improvement. If the Governor shall determine that it has become impractical to accomplish any of such Improvements or portions thereof for any reason, including changed conditions, lack of funding or costs substantially in excess of those estimated, the Governor shall not be required to finance all of such Improvements. Any remaining proceeds of the loan amount may be used to finance additional capital projects as approved by the Legislature.

(c) Such loan shall be general obligation of American Samoa Government and the Governor is authorized to pledge the full faith and credit of American Samoa Government to the full and prompt payment of the principal of and interest on such loan. The Governor, and/or his designee(s), are authorized to negotiate the terms of the loan, including an interest rate, repayment terms and such other terms and conditions as may be required, except that the interest rate shall be fixed at seven and one-half percent (7.5%). The Governor and the ASGERF Board are further authorized to execute all instruments and documents necessary to conclude the transaction, including promissory notes which evidence the indebtedness of ASG. The Governor is authorized to pledge the Full Faith and Credit of ASG as well as to provide collateral as required by the ASGERF Board to secure the loan.

(d) Interest and principal payments on the loan authorized in this section shall be amortized over a ten-year term and payments made quarterly.

(e) There is appropriated such sums from the Government's general funds necessary for repayment of the loan authorized in this section, in order to finance the costs of acquiring, improving, equipping or renovating all or a



portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall, purchase of ten school buses and repairs to and refurbishment of the MV Sili .

(f) Funds shall be made available from the following sources as identified below, for repayment of the loan authorized in this section to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects: harbor dredging projects in Tutuila and Manu'a, port office/fire department buildings, port tug boat, KVZK antennae, customs bond warehouse, executive office building-annex (Territorial Energy Office, Election Office and the Office of Protection and Advocacy for the Disabled), executive office building-tax office extension, executive office building-roof, territorial registrar's office, library extension, immigration office building, procurement warehouse, airport hangar, Airport terminal and jet-way, seawalls, animal pound and veterinary clinic, Fono building, for funding the Pacific Arts Festival, fiber optic cable, Lee Auditorium, stream realignment, bridge and soil stabilization/retaining wall, purchase of ten school buses and repairs to and refurbishment of the MV Sili:

(1) Forty percent (40%) of the excise taxes collected on beer and malt extract as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(A).

(2) Twelve and one-half percent (12.5%) of the excise taxes collected on alcoholic beverages as imposed pursuant to A.S.C.A., Section 11.1002(a)(1)(B).

(3) Twenty percent (20%) of the excise taxes collected on tobacco products as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(C).

(4) All of the revenues collected from the Customs Entry Declaration Forms Processing Fee as imposed pursuant to A.S.C.A., section 27.1014(a)(5)."

## **Sec 2. Appropriation of revenue.**

There is appropriated such sums from the Government's general funds necessary for repayment of the loan authorized in this section, in order to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following capital projects in addition to those projects authorized by P.L. No. 30-5 and P.L. No. 30-14:

Department of Education for purchase of ten school buses: \$1,000,000

Department of Port Administration for repairs to and refurbishment of the MV Sili: \$200,000

**Sec 3. Source of funding.**

Funds shall be made available from the following sources as identified below, for repayment of the loan authorized by P.L. No. 30-5 and P.L. No. 30-14 to finance the costs of acquiring, improving, equipping or renovating all or a portion of the following additional capital projects: purchase of ten school buses for the Department of Education in the amount of \$1,000,000 and \$200,000 to the Department of Port Administration for repairs to and refurbishment of the MV Sili:

- (1) Forty percent (40%) of the excise taxes collected on beer and malt extract as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(A).
- (2) Twelve and one-half percent (12.5%) of the excise taxes collected on alcoholic beverages as imposed pursuant to A.S.C.A., Section 11.1002(a)(1)(B).
- (3) Twenty percent (20%) of the excise taxes collected on tobacco products as imposed pursuant to A.S.C.A., section 11.1002(a)(1)(C).
- (4) All of the revenues collected from the Customs Entry Declaration Forms Processing Fee as imposed pursuant to A.S.C.A., section 27.1014(a)(5).

**Sec 4. Sunset provision.**

“7.1444.5 is hereby repealed on the date that the loan approved is fully paid and 7.1444(g)(3) shall be reenacted in the form in which it existed on the day before the effective date of this Act. Specifically, the limit on Fund assets that may be obligated and invested by ASGERF shall be restored to 10 percent.”

**Sec 5. Effective date.**

In order to immediately provide for greater fiscal control measures for the expenditure of loan proceeds generated by that certain \$20,000,000 loan from the American Samoa Government Employees' Retirement Fund, authorized by P.L. No. 30-5 and P.L. No. 30-14, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

Further, due to the urgent need to continue providing adequate and safe transportation for school students and to ensure reliable means of transportation of people, property and supplies to the Manua Islands and Swains Island, it is necessary to expand the designation of capital projects and provide immediate funding for certain projects needing emergency funding, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

*Lolo M. Moliga*

LOLO M. MOLIGA  
President of the Senate

*Savali Talavou Ale*

SAVALI TALAVOU ALE  
Speaker, House of Representatives

Hereby Approved this 29<sup>th</sup> day of October 2008  
*[Signature]*  
Governor of American Samoa

NOFOAIGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA

Fono Tele Lona Fa

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa  
Aso Gafua, aso sefulufa o Iulai  
lua afe ma le valu

O SE TULAFONO E FA'ALAULETE AI LE FA'ASINOMAGA O GALUEGA TAŪA UA FA'AMAONIAINA MO FA'ATUPEGA MAI TUPE O LE NOGATUPE A AMERIKA SAMOA SA AIAIĀ I LE T.L. NU. 30-5 MA LE T.L. NU. 30-14; E SAUNIA AI NISI O LA'ASAGA FUAFUAINA PULEA FA'ALETASAGA MO TUPE FA'AAOGA O TUPE O LE NOGATUPE; SUIA AI LE MAGA 7.1444.5 T.T.A.S. MA SAUNIA MO SE ASO TAUĀLOA VAVE.

Fa'atomuaga:

Ina ia fa'atulaga vave mo la'asaga pulea fuafuaina fa'aletausaga mo tupe fa'aaoga o tupe o le nogatupe ua maua mai lena nogatupe o le \$20,000,000 mai le Teugatupe o le Ritaea a Tagatafaigaluega a Amerika Samoa, sa aiaia mai le T.L. Nu. 30-5 ma le T.L. Nu. 30-14, o le a taualoa vave ai lena tulafono pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

Ae le gata i lea, ona o le mana'oga fa'anatinati e fa'aauau ai pea femalaga'iga ia lava ma le saogalemu mo tamaiti-a'oga ma ia fa'amautuina tulaga fa'atuatua o femalaga'iga o tagata, meatotino ma sapaalai i Motu o Manu'a ma le Motu o Swains, ua alagata ai ona fa'alautele le fa'asinomaga o galuega taūa ma fa'atulaga se fa'atupega vave mo nisi o galuega e mana'omia ai fa'atupega fa'anatinati, ma o lena tulafono o le aloa'ia vave pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

**Maga 1. 7.1444.5 ua suia e faitauina:**

**"7.1444.5 Nogatupe i le Malo o Amerika Samoa—Toeripeaina o Fa'aleleiga Taūa ma Galuega.**

(a) Ina ia tusa ai ma aiaiga o le maga 7.1444(g)(3), e fa'atapula'a ai so'o se tupegalue i fatuaiga po'o isi fa'amaumauga ua tu'uina atu pe ua fa'amaonia e le malo e le sili atu ma le sefulufitu ma afa pasene o le aofa'iga atoa o le tau o le nogatupe, o le Kovana, mo le Malo o Amerika Samoa (MAS), ma le Komiti Fa'afae o le Teugatupe o le Ritaea a Tagatafaigaluega o le Malo a

Amerika Samoa (TRTMAS) ua fa'atagaina e aiaia se maliliega nogatupe o le a nono atu ai e le Teugatupe o le Ritaea a Tagatafaigaluega o le Malo o Amerika Samoa se aofa'iga e le sili atu ma le \$20,000,000.

(e) O le Kovana ua fa'atagaina e fa'aaoga le aofa'iga e \$20,000,000 o le nogatupe e fa'atupe ai le tau o le aumaia, fa'aleleia, saunia pe fa'aleleia mea uma po'o se vaega o galuega ta'ua ua ta'ua i lalo: galuega o le fa'alolotoina o le uafu i Tutuila ma Manu'a, ofisa o le taulaga/fale o le matagaluega titinamu, taulaga o va'a toso va'a, anetena o le KVZK, faleteuoloa o le tiute, fale fa'aopoopo o le ofisa fa'amalositulafono (Ofisa o le Enetia Fa'aleteritori, Ofisa o le Palota ma le Ofisa o Puipuiga ma le Puluvaaga mo Tagata e afaina tino ma le mafaufau), fa'aopoopoga o le ofisa o lafoga o le ofisa fa'amalositulafono, o le tualuga o le ofisa fa'amalositulafono, ofisa o le resitara fa'aleteritori, fa'aopoopoga o le faletusi, fale o le ofisa o femalaga'iga, faleteuoloa o fa'atauga, fale o va'alele i le malaeva'alele, fale fa'atalipasese o le Malaeva'alele ma le malaesese'e o va'alele saosaoa. Taligalu, taofiga o meaola ma talavai o le togafitiga o fa'ama'i o meaola, Maota Fono, fa'atupeina o le Fa'aaliga o Atisi a le Pasefika, Uaea o feso'ota'iga i lalo o le alititai, Fale Laumei, toe fa'atulagaina o alavai, aualasima ma le fa'atumauina o le 'ele'ele/fa'amalosia o papuipui, fa'atauina o pasi a'oga e sefulu ma le toeripeaina o ma le fa'afouina o le MV Sili. Vagana ai se aofa'iga fa'apitoa ua fa'asoasoina mo se galuega fa'apitoa, fa'aleleiga, o lena aofa'iga o le a fa'agaoioia e avea o se tapula'a ta'iala mo tupefa'aalu i lena fa'aleleiga fa'apitoa. Afai o le a filifili le Kovana e le talafeagai ona fa'aaogaina e fa'atino ai so'o se tasi o ia Fa'aleleiga po'o vaega o ia fa'aleleiga mo so'o se mafua'aga, e aofia ai tulaga suia, leai o se fa'atupega po'o tau e sili atu i na fa'aleleiga sa fuafuaina, e le mana'omia e le Kovana ona fa'atupe na fa'aleleiga uma. O so'o se tupe totoe o le aofa'iga nono e mafai ona fa'aaogaina e fa'atupe ai galuega ta'ua fa'aopoopo e fa'amaoniaina e le Fono Faitulafono.

(i) O lena nogatupe o le a avea ma fatuaiga lautele a le Malo o Amerika Samoa ma le Kovana ua fa'atagaina e folafola atu le fa'atuatuaga atoatoa ma le taimi fa'atulagaina o le Malo o Amerika Samoa mo le totogiga atoa ma le vave o le aofa'iga atoa o le nogatupe ma le pasene o lena nogatupe. O le Kovana, ma/po'o se sui tofia, e faia feutaga'iga o aiaiga o le nogatupe, e aofia ai se fua o le pasene, aiaiga o le toetotogiga ma isi tu'utu'uga ma aiaiga e mana'omia, vagana ai le fua o le pasene o le a fa'atulagaina i le fitu ma le afa pasene (7.5%). O le Kovana ma le Komiti o le TRTMAS ua fa'ataga atili e aiaia feagaiga ma fa'amaumauga o le fa'amaoniga e mana'omia e fa'amaonia ai feso'ota'iga fa'alepisinisi, e aofia ai se folafolaga tusitusia e fa'amaonia ai le nofoitalafu o le Malo o Amerika Samoa. O le Kovana ua fa'atagaina e folafola atu le Fa'atuatuaga Atoatoa ma le Igoa Ta'uleleia o le Malo o Amerika Samoa. ae maise le fa'atulagaina o se meatotino e folafolaina atu mo le totogiga e mana'omia fa'atonuina e le Komiti o le TRTMAS e fa'amaonia ai le nogatupe.

(o) O le totogiga o le pasene ma le aofa'iga nonō mai o le nogatupe ua fa'atagaina i lenei maga o le a fa'atulagaina e fa'amutaina ai fa'asolosolo le malilie e sili atu i le sefulu tausaga ma totogiga e faia fa'alekuata.

(u) Ua fa'asoaina atu ia aofa'iga mai le teugatupe lautele a le Malo e mana'omia mo le toetotogiga o le nogatupe ua fa'atagaina i lenei maga, e fa'atupe ai le tau o le aumaia, fa'aleleia, sauniunia po'o le toefausiaina uma po'o se vaega o galuega ta'ua ua ta'ua i lalo: galuega o le fa'alolotoina o le taulaga i Tutuila ma Manu'a, ofisa o le taulaga/fale o le matagaluega o le tineaifi, taulaga o va'a toso va'a, enetena o le KVZK, faleteuoloa e totogi ai tiute o oloa, ofisa fa'aopoopo fa'amalositulafono (Ofisa o le Enetia Fa'aleteritori, Ofisa o le Palota ma le Ofisa o le Puipuiga ma le Puluvaaga mo Tagata e Fa'aletonu Mafaufau ma le Tino), fa'aopoopoga o le ofisa fa'amalositulafono o le lafoga, o le tauluga o le ofisa fa'amalositulafono, ofisa o le resitara fa'aleteritori, fa'aopoopoga o le faletusi, maota o le ofisa o femalaga'iga, faleteuoloa o fa'atauga, fale o va'alele o le malaeva'alele, fale fa'atalipasese o le malaeva'alele ma auala sese'e o va'alele saosaoa, taligalu, taofia o meaola ma le faletalavai o meaola, maota o le Fono, mo le fa'atupega o Fa'aaliga o Atisi a le Pasefika, uaea o feso'ota'iga e alu i lalo o le alititai, Fale Laumei, toefa'atulagaina o alavai, aualasima ma le fa'atumauiina/fa'aleleia o papuipui, fa'atauga o pasi a'oga e sefulu ma le toeripeaina ma le toefa'aleleia o le MV Sili.

(f) Fa'atupega o le a fa'aavanoaina mai alagatupe ua ta'ua i lalo e pei ona fa'ailoa i lalo, mo le toetotogiga o le nogatupe ua fa'atagaina i lenei maga e fa'atupe ai le tau o le aumaia, fa'aleleia, saunia po'o le fa'afouina atoa po'o se vaega o galuega ta'ua o lo'o ta'ua i lalo: galuega o le fa'alolotoina o le taulaga i Tutuila ma Manu'a, ofisa o le taulaga/fale o le matagaluega o le tineaifi, taulaga o va'a tosova'a, enetena o le KVZK, faleteuoloa e totogi ai tiute o oloa, fa'aopoopoga o le fale o ofisa fa'amalositulafono (Ofisa o le Enetia Fa'aleteritori, Ofisa o Palota ma le Ofisa o Puipuiga ma le Puluvaaga o Tagata e Fa'aletonu mafaufau ma le tino), fa'aopoopoga o le ofisa fa'amalositulafono o le lafoga, o le tauluga o le fale o le ofisa fa'amalositulafono, ofisa o le resitara fa'aleteritori, fa'aopoopoga o le faletusi, fale o le ofisa o femalaga'iga, faleteuoloa o fa'atauga, fale o va'alele o le malaeva'alele, fale fa'atalipasese o le malaeva'alele ma le auala sese'e o va'alele saosaoa, taligalu, taofia o meaola ma le faletalavai o meaola, maota Fono, mo le fa'atupega o Fa'aaliga a Atisi o le Pasefika, uaea o feso'ota'iga e alu i lalo o le alititai, Fale Laumei, toefa'atulagaina o auvai, aualasima ma le fa'atumauiina o le eleele/fa'aleleia o papuipui, fa'atauga o pasi a'oga e sefulu ma le o le MV Sili:

(1) Fa-sefulu pasene (40%) o lafoga oloa e aoina o pia ma le molo fa'amama e pei ona fa'ae'eina atu e tusa ma le T.T.A.S., maga 11.1002(2)(1)(A).

(2) Sefulu-lua ma afa pasene (12.5%) o lafoga oloa e aoina i 'ava malolosi ua fa'ae'eina atu e tusa ma le T.T.A.S., Maga 11.1002(a)(1)(E)

(3) Lua-sefulu pasene (20%) o lafoga oloa e aoina mai oloa tapa'a ua fa'ae'eina atu e tusa ma le T.T.A.S., Maga 11.1002(a)(1)(I).

(4) O tupemaua uma e aoina mai le Totogiga o Taufae'e o Pepa Fa'alau'itele o le Tiute o Oloa Ulufalemai e pei ona fa'ae'eina atu e tusa ma le T.T.A.S., maga 27.1014(a)(5).

**Maga 2. Fa'asoaga o tupemaua.**

Ua fa'asoasoaina atu ia aofa'iga mai teugatupe lautele a le Malo e mana'omia mo le toetotogiga o le nogatupe ua fa'atagaina i lenei maga, ina ia fa'atupe ai le tau o le aumaia, fa'aleleia, saunia po'o le ripeaina uma po'o se vaega o galuega ta'ua ua ta'ua i lalo e fa'aopopo i na galuega ua fa'atagaina e le T.L. Nu. 30-5 ma T.L. Nu. 30-14;

Matagaluega o A'oga mo le fa'atauina o pasi a'oga e sefulu: \$1,000,000

Matagaluega o le Pule'aga o le Taulaga mo le ripeaina o ma le fa'aleleia o le MV Sili: \$200,000

**Maga 3. Alagatupe mo fa'atupega**

O fa'atupega o le a faia mai alagatupe ua ta'ua i lalo e pei ona fa'ailoa i lalo, mo le toetotogiga o le nogatupe ua fa'atagaina e le T.L. Nu. 30-5 ma le T.L. Nu. 30-14 e fa'atupe ai le tau o le aumaia, fa'aleleia, saunia po'o le ripeaina uma po'o se vaega o galuega ta'ua ua ta'ua i lalo: fa'atauina o pasi a'oga e sefulu mo le Matagaluega o A'oga i le aofa'i e \$1,000,000 ma le \$200,00 i le Matagaluega o le Pule'aga o le Taulaga mo le ripeaina o le MV Sili:

(1) Fasefulu pasene (40%) o lafoga oloa e aoina mai pia ma molo fa'amama ua fa'ae'eina atu e tusa ma le T.T.A.S., maga 11.1002(a)(1)(A).

(2) Sefululua ma afa pasene (12.5%) o lafoga oloa e aoina mai 'ava malolosi ua fa'ae'eina atu e tusa ma le T.T.A.S., maga 11.1002(a)(1)(E).

(3) Luasefulu pasene (20%) o lafoga oloa e aoina mai oloa tapa'a ua fa'ae'eina atu e tusa ma le T.T.A.S., maga 11.1002(a)(1)(I).

(4) O tupemaua uma e aoina mai Totogi Fa'ae'e o Pepa Fa'alau'itele o Tiute o Oloa Ulufale mai e pei ona fa'ae'eina atu e tusa ma le T.T.A.S., maga 27.1014(a)(5).

**Maga 4. Aiaiga o le toeiloiloina o porokalama fa'alemalo.**

"7.1444.5 o le a fa'aleaogaina i le aso sa fa'amaonia ai le nogatupe ua totogi atoa ai ma le 7.1444(g)(3) o le a toeaiia i le tulaga sa iai i le aso ae le'i taualoa le aso o lenei tulafono taufa'aofi. Fa'apitoa lava, i le tapula'a o Tupe totino e mafai ona ofoina atu ma fa'atupegalue e le TRTMAS mo le toefa'aolaina mai i le 10 pasene."

**Maga 5. Aso taualoa.**

Ina ia mafai ona fa'atulagaina vave mo fuafuaga pulea fa'aletausaga mo tupefa'aaoga o tupe o le nogatupe sa maua mai lena nogatupe o le \$20,000,000 mai le Teugatupe o le Ritaea a Tagatafaigaluega a le Malo o Amerika Samoa sa fa'atagaina i le T.L. NU. 30-5 ma le T.L. Nu. 30-14, o le a taualoa vave ai lenei

tulafono pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana. Ae le gata i lea, taluai ona o le mana'oga fa'anatinati e saunia ai femalaga'iga ia lava ma le saogalemu mo tamaiti-a'oga ma fa'amautuina auala fa'atuatua o femalaga'iga o tagata, meatotino ma sapaalai mo Motu o Manu'a ma le Motu o Swains, e talafeagai ai ona fa'alautele le fa'asinomaga o galuega ta'ua ma saunia fa'atupega fa'anatinati mo nisi o galuega e mana'omia vave fa'atupega, o le a taualoa vave ai lena tulafono pe a pasia e le Fono Faitulafono ma fa'amaoniaina e le Kovana

*Lolo M. Moliga*  
LOLO M. MOLIGA  
Peresetene, Maota Maualuga

*Savali Talavou Ale*  
SAVALI TALAVOU ALE  
Fofoga Fetalai, Maota o Sui

Hereby Approved this 20<sup>th</sup> day of October 2008  
*[Signature]*  
Governor Of American Samoa

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa  
on Monday, the fourteenth day of July  
two thousand and eight

AN ACT MAKING TAXABLE THE OFFICE EXPENSE ALLOWANCE AT  
THE ELECTION OF EACH LEGISLATOR; AMENDING SECTION 2.0104  
A.S.C.A.

Preamble:

So that collection of taxes from the office expense allowance are immediately realized, this act shall become effective upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

**Section 1. 2.0104 is amended to read:**

**"2.0104 Office expense fund for legislators.**

(a) There shall be paid in equal biweekly installments an annual expense allowance of:

(1) \$30,000 per annum to each member of the Senate and House of Representatives; and

(2) \$40,000 per annum to the President of the Senate and Speaker of the House of Representatives.

(b) This allowance is for the purpose of defraying expenses relating to or resulting from the discharge of their official duties. An accounting of the expenditures incurred by the member is not required.

Unless the member so elects, the allowance provided in this section is not income and the member is not required to report the amount of the allowance as income for tax purposes. A member may not subsequently claim the allowance as non-income once the election has been made to designate it as taxable income."

**Sec 2. Effective date.**



This act provides an option to legislators which may cause an increase in compensation. Notwithstanding the provisions in 2.0103, this act shall be effective immediately upon passage by the Legislature and approval by the Governor.

*Lolo M. Moliga*  
LOLO M. MOLIGA  
President of the Senate

*Savali Talavou Ale*  
SAVALI TALAVOU ALE  
Speaker, House of Representative

Hereby Approved this 31<sup>st</sup> day of Oct. 2008

*[Signature]*  
Governor of American Samoa

## NOFOAIGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA.

## Fono Tele Lona Fa

Nofioia ma usua i Fagatogo, Tutuila, Amerika Samoa  
 Aso Gafua, aso sefulufa o Iulai  
 lua afe ma le valu

O SE TULAFONO E FA'ALAFOGAINA AI LE ALAUNI O TUPEFA'AAOGA MO  
 LE TOFI I LE FILIFILIGA A FAIPULE FAITULAFONO TA'ITASI; SUIA AI LE  
 2.0104 T.T.A.S.

FA'ATOMUAGA:

Ina ia aloa'ia vave ai le aoina o lafoga mai le alauni o tupefa'aaoga mo le tofi, ma taualoa ai lenei tulafono taufa'aofi pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana.

## IA FA'ATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

**Maga 1. 2.0104 ua suia e faitauina:**

**"2.0104 Vaegatupe fa'aaoga o le tofi mo faipule faitulafono.**

(a) O le a totogi atu i vaega tutusa ile ta'ilua vaiaso se alauni o tupefa'aaoga fa'aletausaga o le:

(1) \$300,000 i le tausaga i totino ta'itasi mo faipule faitulafono o le Maota Maua luga ma le Maota o Sui; ma

(2) \$40,000 i le tausaga mo le Peresetene o le Maota Maua luga ma le Fofoga Fetalai o le Maota o Sui.

(e) O lenei alauni e mo le fa'amoemoe e totogi ai tupefa'aalu e fa'atatau i pe tula'i mai i le fa'ataunu'uina o latou tiutetau'ave fa'aletofi. O le fa'amaumauga o le fa'aaogaina o le tupe e le totino e le mana'omia-fa'atonuina.

Vagana ai ua filifilia e le totino, **O le alauni ua aiaia i lenei maga e le o se tupemaua ma e le mana'omia-fa'atonuina ai le totino e ripoti atu le aofa'iga o le alauni o se tupemaua mo fa'amoemoega fa'alelafoga. E le mafai mulimuli ane e se totino ona ave le alauni e le o se tupemaua pe afai ua uma ona faia le filifiliga e fa'atulaga le alauni o se tupemaua e fa'alafogaina."**

**Maga 2. Aso taualoa.**

O lenei tulafono taufa'aofi o se filifiliga sa'oloto mo faipule faitulafono e mafai ona fa'atupula'ia ai se fa'aopoopoga i se tau. E le afaina ai aiaiga i le

2.0103, o leni tulafono taufa'aofi o le a taualoa vave pe a pasia e le Fono  
Faitulafono ma fa'amaoniaina e le Kovana.

*Lolo M. Moliga*  
LOLO M. MOLIGA  
Peresetene, Maota Maualuga

*Savali Talavou Ale*  
SAVALI TALAVOU ALE  
Fofoga Fetalai, Maota o Sui

Hereby Approved this 31<sup>st</sup> day of Oct. 2008  
*[Signature]*  
Governor of American Samoa