

THE THIRTY-SEVENTH LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twelfth day of July
two thousand and twenty one

AN ACT INCREASING THE OFFICE EXPENSE FUND FOR THE LEGISLATORS
AND THE SALARIES OF THE GOVERNOR AND LIEUTENANT GOVERNOR;
AMENDING SECTIONS 2.0104 AND 4.0110 A.S.C.A.

Preamble:

- WHEREAS, Article IV of the Revised Constitution of American Samoa details the duties and responsibilities of the elected Governor and Lieutenant Governor as well as our Senators and Representatives. These duties and responsibilities revolve around improving the quality of life of the general public of American Samoa. The virus COVID-19 has pushed the health and welfare of our people to the forefront; and
- WHEREAS, in addition to the leaders' standard duties and responsibilities, COVID-19 has exponentially increased their workload. All of government must work together to ensure our territory is protected. Our leaders are managing the Corona Virus Task Force, dealing on a daily basis with various federal departments and agencies, dedicating more support for the Medicaid Office, the Department of Health and the LBJ Tropical Medical Center. Managing our borders has also become an immense significant priority as our leaders must focus their energies and resources in preventing COVID-19 from reaching our shores. Our leaders are essentially on-call at all times of the day and night; and
- WHEREAS, the senators and representatives have an additional challenge to their duties and responsibilities as the Fono building is under construction and they do not have any offices to conduct meetings. They must find spaces in their homes or meet at restaurants in order to conduct business. This arrangement necessitates additional expenses for the senators and representatives; and
- WHEREAS, the duties and responsibilities for all of our leaders for the Executive Branch and the Legislative Branch will continue to increase and be precedent as the world moves forward with all efforts to fight the COVID-19 pandemic; and

WHEREAS, due to reasons stated above, it is fitting to increase the salaries of the Governor and Lt. Governor and expense funds for senators and representatives to be commensurate with their added responsibilities.

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~~\$45,000 per annum to each member of the Senate and House of Representatives; and

(2) ~~\$40,000~~\$60,000 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. Section 4.0110 is amended to read:

"4.0110 Compensation and perquisites-Allowances for former Governor and surviving spouses-"Former Governor" defined.

(a) The Governor is entitled to an annual salary of ~~\$85,000~~\$120,000 and other perquisites provided by law including but not limited to: the rent-free use of Government House (the Governor's official residence in Fagatogo); the free use of vehicles for executive, ceremonial duties, and family use; and a reasonable food, beverage and entertainment budget for the official residence specified by line item in the Governor's annual fiscal budget.

(b) The Lieutenant Governor is entitled to an annual salary of ~~\$75,000~~\$100,000 a year and other perquisites as provided by law including rent-free government quarters, and free use of a vehicle for executive, ceremonial duties and family use.

(c) Each former Governor shall be entitled, for the remainder of his life, to receive from the American Samoa Government a monetary allowance at the rate per annum of 60% of his highest salary during his last year in office, payable monthly by the treasurer of American Samoa Government. However, such allowance is not payable for any period during which such former Governor holds an appointive or elective office or position in or under the American Samoa Government or the Federal Government to which is attached a rate of pay other than a nominal rate.

(d) The surviving spouse of each former Governor shall be entitled to receive from the American Samoa Government a monetary allowance at the rate per annum of 30% of the former Governor's highest salary during his last year in office, payable monthly by the Treasurer of the American Samoa Government. The monetary allowance of such surviving spouse;

- (1) commences on the day after the former Governor dies;
- (2) terminates on the last day of the month before such widow;
- (A) dies; or
- (B) remarries; and

(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the American Samoa Government or the Federal Government to which is attached a rate of pay other than a nominal rate.

(e) As used in this section, the term "former Governor" means a person:

- (1) who, on or after January 1, 1978, shall have held the office of the Governor of the Territory of American Samoa for a full term of at least 4 years;
 - (2) whose service in such office shall have terminated other than by removal pursuant to A.S.C.A., 4.0109 of this chapter; and
 - (3) who does not then currently hold such office.
- (f) Funds shall be made available from the Office of the Governor's budget."

Sec 3. Source of funding.

One million dollars from the surplus of FY 2019 and FY 2020 from unbudgeted, unexpended and unobligated revenues of the American Samoa Government shall be made available to the Legislature to fund the salary increases in FY 2022. Funds shall be made available from the budgets of the Legislature and the Office of the Governor to fund salaries for succeeding fiscal years.

Sec 4. Effective date.

This bill shall be effective immediately upon passage by the Legislature and approval by the Governor.


TUAOLO MANAIA FRUEAN
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives


Lemanu S. P. Mauga
Kovana
Amerika Samoa
October 14, 2021

NOFOA'IGA TOLUSEFULU-FITU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Lua

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefululua o Iulai
Lua afe luasefulutasi

O SE TULAFONO E SII AI TOTOGI O LE KOVANA MA LE LUTENA KOVANA;
SUIA AI MAGA 2.0104 MA LE 4.0110 TTAS.

Faatomuaga:

TALUAI, o le Vaega IV o le Faavae Toe Teuteu o Amerika Samoa o loo auiliili ai tiute ma matafaioi a le Kovana ma le Lutena Kovana faapena foi ma Senatoa ma Faipule o le Maota o Sui. O ia tiute ma matafaioi e fa'aagaaga lava i le siitia o le tulaga o le soifua manuia o le mamalu lautele o Amerika Samoa. O le vairusi o le KOVITI 19 ua faata'imua ai nei soifuamaloloina ma le soifualelei o tatou tagata; ma

TALUAI, ua le gata la i fatuaiga masani a ta'ita'i, a ua avea le Koviti 19 ma mea ua faaopoopo ai le isi avega mamafa. Ua tatau i le malo atoa ona galulue faatasi ina ia mautinoa le puipuia o lo tatou Teritori. O loo vaaia e o tatou ta'ita'i le Vaega Galue o le Vairusi o le Korona, e fesoota'i pea i aso uma ma vaega ma matagaluega eseese a le Malo tele, lagolagoina malosi le Ofisa o le Medicaid, o le Matagaluega o le Soifuamaloloina ma le Maota Gasegase. O le vaaia foi o tatou tua'oi ua avea ma faamuamua taua tele ona ua tuuina atu ma mata'itu le vaaiga ina ia aua lava nei oo mai lena faama'i i o tatou laufanua. O le mea moni, o loo nofo sauni o tatou ta'ita'i i taimi uma o le ao ma le po; ma

TALUAI, o senatoa ma faipule e i ai ma le isi lu'itau o loo feagai ma latou, ona o loo fau pea le maota Fono, e leai ni o latou ofisa e faia ai a latou fonotaga. Ma e tatau lava ona fa'aavanoa se mea i o latou maota ma laoa poo saili foi o ni fale'aiga e faataunuu ai a latou pisinisi. O lea la faiga e alagatafau ai ona faaopoopo o latou alauni e fai ai ia mea; ma

TALUAI, o le a faaopoopo pea tiute ma galuega a o tatou ta'ita'i i le Faamalosi Tulafono ma le Fonofaitulafono a o agai atu pea le lalolagi i luma i taumafaiga uma e fofu ai ma tauivi ma le Koviti 19; ma

TALUAI, ona o mafuaaga ua ta'ua, ua alagata'au ai ona sili o totogi o le Kovana ma le Lutena Kovana faapea foi ma tupe fa'aoga mo Senatoa ma Faipule ina ia o gatasi ma a latou fatuaiga tausi.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1 2.0104 ua suia e faitauina faapea:

"2.0104 Tupe mo Ofisa o Faipule.

(a) O le a vaevae tutusa ta'ilua vaiaso le alauni faaletausaga e faapenei:

(1) ~~\$30,000~~\$45,000 i le tausaga mo totino taitoatasi uma o le Senate ma le Maota o Sui; ma

(2) ~~\$40,000~~\$60,000 i le tausaga mo le Peresetene o le Maota Maua ma le Fofogafetai o le Maota o Sui.

(e) O le alauni e fa'aoga i mea e manaomia mo le faatinoina o tiute aloa'ia faafaipule. E le manaomia le lipotia mai e le faipule o le fa'aogaina o ia tupe.

Vagana ai o le filifiliga lava a le faipule, o le alauni lea o loo aiaia i leni maga e le o se tupemaua, ma e le manaomia foi la se lipotia o leni tupe i totonu o le lafoga. E le mafai ona toe faapea ane mulimuli o le alauni leni e le o se tupemaua pe afai ua uma ona filifili lava ia e ta'u le tupe lea o se tupemaua e faalafogaina."

Maga 2. 4.0110 ua suia faitauina faapea:

"4.0110 Totogi ma isi mea e mafua ona o le tofi.—Alauni mo se tasi sa avea ma Kovana ma faletua o soifua pea—Faamalamalamaina o le "avea muamua ma Kovana.

(a) O le Kovana e agavaa i se totogi faaletausaga e ~~\$85,000~~\$120,000 ma isi penefiti ua aiaia e le tulafono e aofia ae le faatapulaaina ai le fa'aogaina saoloto o le Maota o le Malo (o le maota aloaia faalemalo o le Kovana i Fagatogo); fa'aoga saoloto o taavale mo tiute faamalosi tulafono, sauniga faapitoa, ma fa'aogaina e lona aiga; ma se paketi o meataumafa e talafeagai ai, meainu ma faafiatiaga mo le maota o le malo ua faamaoti i le faasoaga o tupefa'aalu i le paketi faaletausaga a le Kovana.

(e) O le Kovana Lutena e agavaa i se totogi faaletausaga o le ~~\$75,000~~\$100,000 i le tausaga ma isi penefiti e pei ona aiaia e le tulafono e aofia ai fale o le malo e fa'aoga saoloto, ma le fa'aogaina saoloto o se taavale mo tiute faalemalo ma sauniga faapitoa, ma le aiga.

(i) O e uma na umia le tofi Kovana o le a agavaa, mo le taimi o loo totoe o lona soifua, e maua mai le Malo o Amerika Samoa se alauni tupe i le fua i tausaga taitasi o le 60% o lona totogi aupito maua faaletausaga ao i ai o ia i le tausaga mulimuli o le tofi, e totogi atu i masina taitasi e le Teutupe o le Malo o Amerika Samoa. Ae peitai, o le alauni o le a le maua i soo se vaitaimi e umia ai e lea Kovana se tofi filifilia poo se tofi palotaina i totonu, poo lalo, o le Malo o Amerika Samoa

poo le Malo Tele ma o lena tofi na tuuina i ai se totogi e sili atu na i lo se totogi laititi.

(o) O le faletua o soifua pea o lē sa avea ma Kovana o le a agavaa i le 30% i le tausaga o le totogi aupito maualuga faaletausaga o lē sa avea ma Kovana i lona tausaga mulimuli i le tofi, e totogi atu i masina taitasi e le Teutupe o le Malo o Amerika Samoa. O lenei alauni tupe mo lea faletua o soifua pea e:

(1) amata i le aso e sosoo ai ma le maliu o lē sa avea ma Kovana;

(2) e faamuta i le aso mulimuli o le masina ae lei;

(A) maliu; pe

(E) toe faaipoipo; ma

(3) e le totogiina atu mo soo se vaitaimi e umia ai e lea faletua ua maliu lana tane se tofi filifilia pe palotaina poo se tofi i totonu poo lalo o le malo o Amerika Samoa poo le Malo Feterale ua aiaia i ai se totogi e 'ese mai se totogi maualalo.

(u) E pei ona fa'aaogaina i lenei maga, o le upu "o lē sa avea ma Kovana" o lona uiga o se tagata:

(1) o sē sa ia umia le tofi Kovana o le Teritori o Amerika Samoa ia Ianuari 1, 1978 mo se nofoaiga atoa e 4 tausaga;

(2) o lana tautua i lea tofi sa faamutaina, e 'ese mai ai i le aveesea e tusa ai ma le TTAS 4.0109 o lenei mataupu; ma

(3) o sē e le o toe umia i le taimi nei lea tofi.

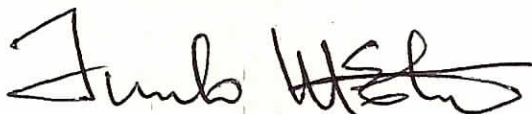
(f) O tupe e faatino ai lenei tulafono o lea fa'aavanoaina mai le paketi a le Ofisa o le Kovana."

Maga 3. Puna'oa/Mea e sau ai le tupe.

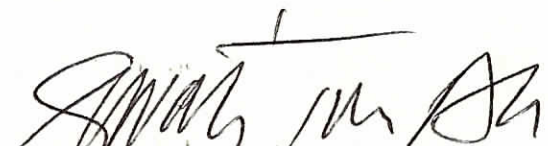
E tasi miliona tala o le tupe totonu o le Tausaga Tupe 2019 ma le 2020 mai tupe sa lei faasoaina, tupe le'i fa'aaogaina, ma tupe sa le'i faailogaina a le Malo o Amerika Samoa o le a fa'aavanoa i le Fonofaitulafono e faatupeina ai siitaga o totogi ua taua mo le Tausaga Tupe 2022. E fa'aavanoa se tupe mai paketi o le Fonofaitulafono ma le Ofisa o le Kovana e faatupe ai totogi mo tausaga tupe i luma.

Maga 4. Aso e taualoa ai.

O le a taualoa lenei Tulafono i le taimi lava e pasia ai e le Fonofaitulafono ma faamaonia e le Kovana.



TUAOLO MANAIA FRUEAN
Peresetene, Maota Maualuga



SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui



Lemanu S. P. Mauga
Kovana
Amerika Samoa

October 14, 2021