



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799

In reply refer to:

LEGISLATURE OF AMERICAN SAMOA

CERTIFICATION

Senate Chamber
September 3, 1991

I certify that Senate Bill No. 22-55 passed third reading on this date in the Senate during its Second 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
September 17, 1991

I certify that Senate Bill No. 22-55 passed third reading on this date in the House of Representatives during its Second Regular Session of the Twenty-second Legislature of American Samoa.

Wally F. Utu
Wally F. Utu
CHIEF CLERK, HOUSE OF REPRESENTATIVES

THE TWENTY-SECOND LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

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

AN ACT CREATING A DEVELOPMENTAL DISABILITIES SYSTEM IN AMERICAN SAMOA; CREATING A NEW CHAPTER 13 UNDER TITLE 4 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new Chapter 13 under Title 4 ASCA which reads:

"Chapter 13

DEVELOPMENTAL DISABILITIES

Sections:

- 4.1301 Findings and purpose.
- 4.1302 Definitions.
- 4.1303 Territorial developmental disabilities planning council.
- 4.1304 Membership on the territorial council.
- 4.1305 Community services for the developmentally disabled.
- 4.1306 Other systems within the developmental disability system.
- 4.1307 Rights of persons with developmental disabilities.
- 4.1308 Authority of director to enter into agreements--Make dispositions of territorial resources.
- 4.1309 Limitation of liability.
- 4.1310 Standards for services.

4.1301 Findings and purpose.

The Legislature finds that:

(a) The Territory of American Samoa has a responsibility to provide services for its developmentally disabled citizens in order to aid them in living as complete and normal lives as possible.

(b) Several departments of the Territory are responsible for various services to the developmentally disabled, namely the department of health provides health services, the department of education provides educational services, and the department of human resources provides vocational rehabilitation and other social services.

(c) Lack of coordination among the services and planning activities of the various departments of the Territory results in gaps in the spectrum of needed services, duplication of services, lack of clarity in responsibility for services, and poorly articulated inter-agency programs, thereby reducing the quality of programs for the developmentally disabled.

(d) Because of specific mandates of the departments, it is essential that a body responsible for coordinating services and planning for the developmentally disabled be established outside the departments responsible for services.

(e) There exists within the department of human resources for administrative purposes only, a territorial planning council on developmental disabilities appointed by the Governor and mandated by federal legislation, supported in large part by federal moneys and required by federal law to provide coordination and planning in the field of developmental disabilities.

(f) The purpose of this chapter is to establish the territorial planning council on developmental disabilities and the agency responsible for coordinating services to the developmentally disabled residents of American Samoa.

4.1302 Definitions.

As used in this chapter unless the context requires otherwise:

(a) "Active treatment" means provision of services as specified in an individualized service plan. These services may include, but are not limited to, activities, experiences, and therapy which are part of a professionally developed and supervised program of health, social, habilitative, and developmental services.

(b) "Case management services" means services to persons with developmental disabilities that assist them in gaining access to needed social, medical, legal, educational, and other services, and includes:

(1) Follow-along services which assure, through a continuing relationship between an agency or provider and a person with a developmental disability and the person's parent, if the person is a minor, or guardian, if a guardian has been appointed for the purpose, that the changing needs of the person and the family are recognized and appropriately met.

(2) Coordinating and monitoring services provided to persons with developmental disabilities by two or more persons, organizations, or agencies.

(3) Providing information to persons with developmental disabilities about availability of services and assisting the persons in obtaining the services.

(c) "Department" means the department of human resources.

(d) "Developmental disabilities" means a severe, chronic disability of a person which:

(1) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) is manifested before the person attains age twenty-two;

(3) is likely to continue indefinitely;

(4) results in substantial functional limitations in three or more of the following areas of major life activity; self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and

(5) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(e) "Director" shall mean the director of the Department of Human Resources.

(f) "Habilitation" means the process by which the staff of an agency assists an individual to cope more effectively with the demands of his or her own person and environment and to raise the level of his or her physical, mental, and social functioning. Habilitation includes, but is not limited to, programs of formal structured education and treatment.

(g) "Individualized service plan" means the written plan required by section 4.1307.

(h) "Individually appropriate" means responsive to the needs of the person as determined through interdisciplinary assessment and provided pursuant to an individualized service plan.

(i) "Interdisciplinary team" means a group of persons that is drawn from or represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs and designing a program to meet them, and is responsible for evaluating the individual's needs, developing an individualized service plan to meet them, periodically reviewing the individual's response to the plan, and revising the plan accordingly. A complete team includes the individual being served, unless clearly unable to participate; the individual's family, unless their participation has been determined to be inappropriate; those persons who work most to provide service to the individual, including direct-care or direct-contact staff; and any other persons whose participation is relevant to identifying the needs of the individual and devising ways to meet them.

(j) "Least restrictive" means the least intrusive and least disruptive intervention into the life of a person with developmental disabilities that represents the least departure from normal patterns of living that can be effective in meeting the person's developmental needs.

(k) "Least restrictive environment" means that environment that represents the least departure from normal patterns of living that can be effective in meeting the individual's needs.

(l) "Monitor" means to conduct a systematic, coordinated, objective, qualitative review of services provided by any person, agency, or organization.

(m) "Representative" means any individual who can advise and advocate for a person with developmental disabilities and who shall serve at the request and pleasure of such person; provided that if the person with developmental disabilities is a minor or is legally incapacitated and has not requested a representative, the parent or guardian of the person may request a representative to assist on behalf of the person with developmental disabilities.

(n) "Residence" or "residential" means the living space occupied by the person with a developmental disability, including single-person homes, natural family homes, care homes, group homes, foster homes, institutional facilities, and all other types of living arrangements.

(o) "Services" means appropriate assistance provided to a person with a developmental disability in the least restrictive, individually appropriate environment to provide for basic living requirements and continuing development of independence or interdependent living skills of the person. These services include, but are not restricted to: case management; residential, developmental, and vocational support; training; habilitation; active treatment; day treatment; day activity; respite care; domestic assistance; attendant care; rehabilitation; speech, physical, occupational and recreational therapy; recreational opportunities; counseling, including counseling to the person's family, guardian, or other appropriate representative; development of language and communications skills; interpretation; transportation; and equipment.

4.1303 Territorial developmental disabilities planning council.

The territorial developmental disabilities planning council shall be placed in the department of human resources for administrative purposes only and assigned the following responsibilities:

(a) Planning. The territorial council shall:

(1) develop, prepare, adopt, and periodically review and revise, as necessary, the territorial plan for developmentally disabled (hereinafter called the territorial plan) in conformance with federal substantive and procedural requirements therefor. The territorial council shall transmit the territorial plan to the Governor for approval, and upon approval shall be submitted to the U.S. Department of Health and Human Services-Administration on Development Disabilities and any other concerned federal government department for appropriate approval. The territorial plan and revisions thereto shall be effective upon the Governor's approval thereof. The territorial plan shall include establishment of goals and priorities of the Territory in meeting the needs of the developmentally disabled, including the establishment of priorities for the distribution of public funds for comprehensive services to the developmentally disabled within the Territory and other matters deemed necessary to achieve normalization of lives of the developmentally disabled. The territorial plan shall in addition provide for coordinated delivery and establishment of comprehensive services, facilities, and programs for the developmentally disabled;

(2) review and comment upon implementation plans prepared and carried out by the various departments of the Territory in carrying out the territorial plan for the developmentally disabled; and

(3) review and comment upon any other territorial plans which affect services to the developmentally disabled.

(b) Coordination of services provided by departments and private agencies. The council shall:

(1) identify services duplicated by departments and private agencies and coordinate and assist in the elimination of unnecessary duplication;

(2) encourage efficient and coordinated use of federal, territorial, and private resources in the provision of services;

(3) designate areas of responsibility for services to both public and private agencies serving developmentally disabled clients, reviewing such designations as necessary. Identify gaps in services to the developmentally disabled and coordinate responsibilities of various public or private agencies for such missing services; and

(4) insure that implementation planning by the various departments is effectively coordinated and that interdepartmental programs receive the full support of all departments involved.

(c) Evaluation. The council shall:

- (1) monitor, evaluate, and comment upon implementation plans of the various public and private agencies for the developmentally disabled; and
- (2) monitor all ongoing projects relating to developmental disabilities of the various public and private agencies.

(d) Advocacy. The council shall:

- (1) advocate for the needs of the developmentally disabled before the Legislature and the public and to the Governor; and
- (2) act in an advisory capacity to the Governor, the Legislature, and all concerned department heads on all issues affecting the developmentally disabled.

(e) Report. The council shall:

- (1) prepare and submit annual reports to the Governor, the Legislature, and all concerned department heads on the implementation of the territorial plan. The report presented to the Legislature shall be submitted ten days prior to the convening of the Legislature;
- (2) prepare and submit to the United States Secretary of Health, Education and Welfare, through the Governor, any periodic reports the Secretary may reasonably request; and
- (3) prepare other reports necessary to accomplish its duties under this chapter.

(f) Rules. The council shall adopt, amend, and repeal rules necessary for the implementation of this chapter.

4.1304 Membership on the territorial council.

The territorial council shall be appointed by the Governor and shall be residents of the Territory. The council shall at all times include in its membership representatives of the principal territorial agencies (including the territorial agency that administers funds provided under the Federal Rehabilitation Act of 1973, the territorial agency that administers funds provided under the Federal Education of the Handicapped Act, the territorial agency that administers funds provided under the Federal Older Americans Act of 1965, and the territorial agency that administers funds provided under Title XIX of the Federal Social Security Act for persons with developmental disabilities), higher education training facilities, each university affiliated program or satellite center in the Territory, the territorial protection and advocacy system established under section 142 of the developmental disabilities act, local agencies, and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities.

(a) At least one-half of the membership of the council shall consist of consumers who:

- (1) are persons with developmental disabilities or their parents; or
- (2) immediate relatives or guardians of such persons, and who are not employees of a territorial agency which receives funds or provides services under the territorial council, or managing employees, or persons with an ownership or controlling interest of any other entity which receives funds or provides services under the territorial council.

(b) Of the members of the council described in paragraph (a):

- (1) at least one-third shall be persons with developmental disabilities; and
- (2) at least one-third shall be immediate relatives or guardians of such person, of which at least one shall be an immediate relative or guardian of an institutionalized person with developmental disabilities.

(c) The members of the territorial council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

4.1305 Community services for the developmentally disabled.

The department shall develop and administer a community service delivery system which may design, implement, administer, coordinate, monitor, and evaluate the programs and services administered by the department for persons with developmental disabilities.

4.1306 Other systems within the developmental disability system.

The department may create other systems as required to implement the services necessary for persons with developmental disabilities.

4.1307 Rights of persons with developmental disabilities.

(a) Persons with developmental disabilities shall have the following rights:

- (1) to receive the least restrictive, individually appropriate services, including a program of activities outside the residence in accordance with the person's individualized service plan;
- (2) to reside in the least restrictive, individually appropriate residential alternative located as close as possible to the person's home community within the Territory;

- (3) to the extent it is individually appropriate, to:
 - (A) interact with nondisabled persons in a nontreatment, nonservice-oriented setting;
 - (B) live with or in close proximity to nondisabled persons; and
 - (C) live in a setting which closely approximates those conditions available to nondisabled persons of the same age;
- (4) to have reasonable access to review medical, service, and treatment files and to be informed of diagnosis;
- (5) to participate in the development of the individualized service plan, if able to participate, or to be represented by a parent, guardian, or other representative as appropriate;
- (6) to receive a copy of the person's individualized service plan; and
- (7) to privacy and confidentiality, to the extent possible, in connection with services provided to the person.

(b) Rights listed in this chapter shall not be construed to replace or limit any other rights, benefits, or privileges, including other statutory and regulatory due process rights and protection, to which a person with a developmental disability or mental retardation may be entitled.

(c) The enumeration or granting of these rights does not guarantee the provision of services.

4.1308 Authority of director to enter into agreements--Make dispositions of territorial resources.

(a) The director may:

(1) enter into agreements with the federal government, other territorial departments and agencies, and the counties;

(2) enter into assistance agreements with private persons, groups, institutions, or corporations;

(3) purchase services required or appropriate under this chapter from any private persons, groups, institutions, or corporations;

(4) allocate and expend any resources available for the purposes of this chapter; and

(5) do all things necessary to accomplish the purposes and provisions of this chapter.

(b) To the extent the director deems it appropriate, the director may require a recipient of any territorial funds under this chapter to contribute moneys, facilities, or services for carrying out the program or project.


(c) The director shall establish standards and review procedures to assure that private persons, groups, institutions, or corporations provide the services and facilities necessary to accomplish the purposes for which the funds are disbursed.

4.1309 Limitation of liability.

The responsibilities of the department to carry out this chapter shall be limited to the resources available to carry out the provisions of this chapter. When such resources are exhausted, no action may be brought by or on behalf of any person or organization in any court to compel the provision of further services.

4.1310 Standards for services.

The territorial council shall require appropriate standards of services to be met by its own services or contractual services including residential, day treatment, and related programs. These standards, including those for intermediate care facility services in facilities for the mentally retarded or persons with related conditions shall, wherever applicable and appropriate, conform to federal standards."


Letuli Toloa
PRESIDENT OF THE SENATE


Tuana'itau F. Tuiā
SPEAKER OF THE HOUSE

Hereby Approved this 24th day of October, 1991


Governor of American Samoa

NOFOAIGA LUASEFULU-LUA FONO FAITULAFONO O AMERIKA SAMOA

Fono Tele Lona Lua

**Nofia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Iulai
tasi afe iva selau sefulu-tasi**

**O SE TULAFONO E FA'AVAE AI TAUALUMAGA MO LE ATIINA'E O TINO AFAINA I
AMERIKA SAMOA: FA'AVAE SE MATAUPU FOU 13 I LALO O LE VAEGA 4 TFAS.**

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

Maga 1. Ua fa'avaeina se Mataupu fou 13 i lalo o le Vaega 4 TFAS e faitauina:

"Mataupu 13

AFAINA O LE ATIINA'E

Maga:

- 4.1301 Mea ua iloa ma sini.
- 4.1302 Fa'auigaga.
- 4.1303 Aofia a le Teritori o taulumaga mo le atiina'e o tino afaina.
- 4.1304 Totino o le aofia a le Teritori.
- 4.1305 Galuega i nu'u mo tagata afaina le atiina'e.
- 4.1306 Isi tulaga i totonu o le vaega o taulumaga mo le atiina'e o tino afaina.
- 4.1307 Aia o tagata o i ai ni afaina o le tino.
- 4.1308 Pule a le fa'atonu e faia ai maliega--Fa'atulaga le fa'aaogaina o alamanuia o i ai i le Teritori.
- 4.1309 Fa'atapula'aga o fatu'aiga.
- 4.1310 Fua tutusa mo galuega.

4.1301 Mea ua iloa ma sini.

(a) E i le Teritori o Amerika Samoa le fatu'aiga o le saunia o tautua mo ona tagatanu'u o i ai afaina o le tino ia ia fesoasoani ia i latou ia o'o atu o latou soifuaga i se tulaga aupito lelei e mafaia.

(e) E iai nisi matagaluega o le Teritori e iai fatu'aiga o galuega eseese mo e ua afaina le atiina'e o o latou tino e pei o le matagaluega o le soifua maloloina e saunia galuega tau le soifua maloloina, o le matagaluega o a'oga e saunia ao'a'oga, ma le matagaluega o tagata faigaluega e saunia le toe a'oa'oina i galuega ma isi galuega tau le va fealoa'i.

(i) O le leai o se felagolagoma'i o matagaluega o le Teritori i a latou tautua ma fuafuaga eseese ua mafua ai ona le maua tautua mana'omia, fai fa'alua nisi tautua, le manino po'o ai e faia nisi tautua, ma le lava ona fa'apupula polokalama i le va o matagaluega, ua o'o ai ina ia fa'aitiitia le taua o polokalama mo i latou ua afaina le atiina'e o tino.

(o) Ona o le eseese o poloa'iga fa'apitoa mo matagaluega, ua tatau ai ona fa'avae se tino, ese mai matagaluega ua i ai fatu'aiga eseese, na te fa'amaopoopoina tautua ma fuafuaga mo le fa'aleleia o tino afaina.

(u) Ua i ai i totonu o le matagaluega mo tagata faigaluega, fa'apitoa mo le faiga o fuafuaga, se aofia a le teritori mo fuafuaga ma le atiina'e o tino afaina, e tofia e le Kovana ma poloa'iina e tulafono a le malo tele, e lagolagoina le vaega tele o lona tau e tupe mai le malo tele ma e mana'omia i lalo o tulafono a le malo tele e aiaia le fa'amaopoopoga ma fuafuaga o mataupu tau le fa'aleleia o tino ua afaina.

(f) O le sini o lenei mataupu o fa'avaeina lea o le aofia a le teritori mo fuafuaga tau le atiina'e o tino afaina ma le ofisa e i ai le fatu'aiga o le fa'amaopoopoga o tautua eseese mo le atiina'e o tino afaina, mo tagatanu'u o Amerika Samoa.

4.1302 Fa'auigaga.

E pei ona fa'aaogaina i lenei mataupu, vagana ua ese se isi fa'auigaga o ta'u i le fa'aupuga:

(a) "Togafiti o lo'o faia" o lona uiga o le tu'uina atu o tautua eseese e pei ona fa'ama'oti i se fuafuaga o tautua mo se tasi. O ia tautua e mafai ona aofia ai, ae le gata ai, gaoioiga, fa'aloga, ma fofo ua avea ma vaega o se polokalama ua atiina'e ma va'ava'aia fa'aporofesa i mea tau soifua maloloina, va fealoa'i, fa'aleleia, ma galuega tau le atiina'e.

(e) "Pulea o mataupu a tagata" o lona uiga o tautua mo tagata ua fia maua se fesoasoani mo le atiina'e o tino ina ia latou maua fesoasoani tau le va fealoa'i, fa'afoma'i, fa'aletulafono, a'oa'oga, ma isi tautua e aofia ai:

(1) Asiasiga ina ia mautinoa, e ala i se feso'otaga faifai pea, a le ofisa ma le ua faia le tautua ma le tagata ua afaina le atiina'e ae o le tino ma le matua o lea tagata, pe afai o se tamaiititi lea tagata, po'o le matua-tausi, pe afai ua tofia se matua-tausi mo lea fa'amoemoe, ua aloa'ia ma togafitia suiga mana'omia e tagata ma aiga fo'i.

(2) Fa'amaopoopoga ma le va'ava'aiga o tautua ua tu'uina atu i le tagata ua afaina le atiina'e o le tino e ni tagata se to'alua pe sili atu fo'i, fa'alapotopotoga, po'o ofisa.

(3) Tu'uina atu o fa'amatalaga i tagata ua i ai afaina o le atiina'e o le tino e fa'asino i tautua e mafai ona maua ma fesoasoani i tagata ia maua ia tautua.

(i) "Matagaluega" o lona uiga o le matagaluega o tagata faigaluega.

(o) "Afaina o le atiina'e" o lona uiga o se afaina mamafa, fa'aumiumi o le tagata e:

(1) mafua i se ma'i o le mafaufau po'o le tino po'o se tu'ufa'atasiga o ma'i o le mafaufau ma le tino;

(2) aliali a'o le'i o'o le tagata i le luasefulu-lua tausaga o le soifuaga;

(3) foliga e le gata ae fa'aaauu pea;

(4) i'u ina matua fa'atapula'aina ai gaoioiga aoga i se tolu po'o le silia o vaega tetele o gaoioiga o le olaga pei o le; tausiga e ia o ia lava, tautala po'o le fa'alogo, a'oa'oga, fealua'i, fa'atonu e ia ia lava, mafaia ona ola to'atasi, ma le lava o le tamaoiga; ma

(5) aliali ai le mana'omia e le tagata o fesoasoani fa'apito e faiaua'u'ai pe fa'atasi, mai ni vaega eseese, tausiga fa'asalalau, togafitiga, po'o isi tautua e faia i le olaga atoa pe mo ni taimi fa'aumiumi ma ua fuafuaina ma fa'amaopoopoina mo se to'atasi.

(u) "Fa'atonu" o lona uiga o le Fa'atonu o le Matagaluega o Tagata Faigaluega.

(f) "Fa'aleleia" o lona uiga o le taualumaga ua fa'aaoga e le afaigaluega a le ofisa e fesoasoani ai i le tagata afaina ina ia mafai ona fa'afeagai ma mana'oga o le tulaga ua o'o o ia i ai ma ina ia si'itia le tulaga o lona gafatia ona fa'agaoioi lona tino, le mafaufau, ma le va fealoa'i. Fa'aleleia e aofia ai, ae le gata ai, polokalama o a'oa'oga ma togafitiga aloa'ia.

(g) "Fuafuaga o tautua mo se tagata e to'atasi" o lona uiga o se fuafuaga tusitusia e pei ona mana'omia i le maga 4.1307.

(l) "Tatau ai mo le tagata e to'atasi" o lona uiga ia talafeagai ma mana'oga o le tagata e pei ona fa'ai'uina e ala i fuafuaga, ma ua tu'uina atu e tusa ma fuafuaga o tautua mo le tagata e to'atasi.

(m) "Tu'ufa'atasiga o vaega" o lona uiga o se tu'ufa'atasiga o tagata ua toso mai po ua suia matata, fatu'aiga, po'o vaega o tautua e feso'ota'i ma le fa'aigoaina o mana'oga o se tagata e to'atasi ma le tusia o polokalama e feagai ai, ma iai le fatu'aiga o le iloiloga o mana'o o le tagata e to'atasi, sauniga o se polokalama o tautua fa'apitoa e feagai ai, iloiloina mai lea taimi i lea taimi o le talafeagai o le fuafuaga ma le tagata ua fa'asino i ai, ma le suiga o le fuafuaga ina ia talafeagai. O le atoa o le vaega e aofia ai le tagata ua tu'uina atu i ai le tautua, vagana ua manino lona le mafai ona auai; le aiga o lea tagata, vagana ua i ai se fa'ai'uga fa'apea o le 'auai ua manino lelei e le tataui; i latou o lo'o tele la latou galuega ua faia e tu'uina atu le tautua i le tagata afaina, e aofia ai le tausiga tu'utonu po'o le aufaigaluega o lo'o feagai tonu ai; ma so'o se isi tagata e aoga lona auai i le fa'aigoaina o mana'oga o le tagata afaina ma le saunia o ala e togafitia ai.

(n) "Fa'alavelave aupito itiiti" o lona uiga o faiga e aupito itiiti ona fa'alavelaveina ai le soifuaga masani o se tagata ua afaina le atiina'e ae taua mo le fo'ia o mana'oga o le tagata afaina.

(p) "Fa'alavelave aupito itiiti i le si'omia" o lona uiga o le si'omia e aupito itiiti lona fa'alavelavea ai le soifuaga masani ae taua mo le fo'ia o mana'oga o le tagata afaina.

(s) "Va'ava'ai" o lona uiga o le faia o se iloiloga tausisia, maopoopo, loloto, manino ma le taua o tautua ua saunia e so'o se tagata, ofisa, po'o se fa'alapotopotoga.

(t) "Sui" o lona uiga o so'o se tasi e mafai ona ia fautua ma finau mo se tagata ua afaina le atiina'e ma o le a na faia ia gaoioiga e ala i se talosaga ma le maliaga o lea tagata afaina; vagana ai afai o le tagata le atiina'e o se tagata la'itiiti pe ua le agava'a fa'aletulafono ae le'i talosaga mo se sui, o le matua po'o le matua-tausi o le tagata afaina e mafai ona ia talosagaina se sui e fesoasoani, mo le tagata ua afaina.

(v) "Nofoaga" po'o le "mea e nofo ai" o lona uiga o le avanoa ua nofo ai lea tagata ua afaina le atiina'e, e aofia ai fale-nofo mo se tagata e to'atasi, fale o aiga e masani ai, aiga mo tausiaga, fale e tausi ai tagata e to'atele, fale mo tausiga o tagata, fale mo tagata taofia, ma isi uma lava ituaiga o nofoaga.

(v-a) "Tautua" o lona uiga o fesoasoani tataui ua tu'uina atu i se tagata ua afaina le atiina'e i se auala aupito itiiti ona fa'alavelave, i se si'omia talafeagai mo se tagata e to'atasi ina ia maua ai mea mana'omia ma le fa'aauauina o le atiina'e o le ola to'atasi po'o agava'a o le tagata mo le olaga feso'ota'i ma isi. O ia tautua e aofia ai, ae le gata i le: pulea o mata'upu ta'itasi; nofoaga, atiina'e ma lagolagoina o galuega; a'oa'oga; fa'aleleiga; togafitiga o lo'o faia pea; tausiga o le aso; gaoioiga o le aso; tausiga mo sina taimi; fesoasoani mo le aiga; tausiga e ala i le nofo fa'atasi; toe afuaga; fofu mo le tautala, mo itutino, po'o mataupu tau galuega ma malologa; avanoa mo ta'aloga; fautuaga, e aofia ai le fautuaina o le aiga o le tagata afaina, matua-tausi, po'o isi sui e tataui ai; atiina'e o agava'a tau le gagana po'o le feso'ota'iga; fa'aliliuga; femalagaa'iga; ma mea faigaluega.

4.1303 Aofia a le teritori mo taualumaga tau le fa'aleleia o tino afaina.

O le tu'uina le aofia a le teritori mo taualumaga tau le fa'aleleia o tino afaina i le matagaluega o tagata faigaluega, tau o lona pulea, ma o le a tu'uina atu i ai fatu'aiga nei:

(a) Fuafuaga. O le aofia o le teritori o le a:

(1) atia'e, sauni, taualoa, ma i lea taimi ma lea taimi iloilo, teuteu, e pei ona tatau ai, le fuafuaga a le teritori mo le atiina'e o e ua afaina (o le a ta'ua mulimuli ane ai nei o le fuafuaga a le teritori) i se faiga e usita'i ai i taualumaga fa'atonuina e le malo tele mo ia mea. O le a tu'uina atu e le aofia a le teritori le fuafuaga a le teritori i le Kovana mo le fa'amaoniga, ma afai e fa'amaonia o le a tu'uina atu i le Matagaluega o le Soifua Maloloina ma Tautua mo Tagata a le U.S. - Pulega o le Fa'aleleia o Afaina o le Atiina'e ma so'o se isi matagaluega o le malo tele mo le fa'amaoniga e tatau ai. O le a taualoa le fuafuaga a le teritori atoa ma ni ona suiga pe a fa'amaonia e le Kovana. O le a aofia i le fuafuaga a le teritori sini ma le fa'asologa o le a ta'ua mo le fa'asoaga o tupe a le malo mo tautua e faia mo tagata ua afaina le atiina'e i totonu o le Teritori ma isi mataupu ua manatu ua tatau ai ona soifua solo lelei i latou ua afaina atiina'e. O le a aofia i le fuafuaga a le teritori se aiaiga mo le fa'amaopoopoga o le tu'uina atu ma le fa'avaeina o tautua, fale, ma polokalama mo tagata ua afaina le atiina'e;

(2) iloilo ma fa'aali taofi e uiga i le fa'ataunu'uina o fuafuaga ua saunia ma fa'ataunu'uina e matagaluega eseese o le Teritori e tusa ma le fuafuaga a le teritori mo i latou ua afaina le atiina'e; ma

(3) iloilo ma fa'aali taofi i so'o se isi fuafuaga a le teritori e a'afia ai tautua mo e ua afaina le atiina'e.

(e) Fa'amaopoopoga o tautua ua saunia e matagaluega ma vaega tua. O le aofia o le a:

(1) fa'ailoa tautua ua fai fa'alua e matagaluega ma ofisa tua ma fa'afeso'ota'i ma fesoasoani i le aveesea aua e le mana'omia le faia fa'alua o ia tautua;

(2) u'una'i ia lelei ona fa'amaopoopo le fa'aaogaina o manuia ua maua mai le malo tele, teritori, ma vaega tua;

(3) fa'asino vaega o fatuaiga e faia e ofisa tua ma le malo o lo'o tautuaina tagata afaina le atiina'e, toe iloilo le tulaga o ia fa'asinoga pe a mana'omia. Fa'ailoa tautua mo tagata ua afaina le atiina'e ua le o faia ma fa'amaopoopo fatuaiga a ofisa eseese o le malo po'o tua fo'i mo ia tautua ua le o faia ; ma

(4) fa'amautinoa ua maopoopo ona fa'ataunu'u fuafuaga ua faia e matagaluega eseese ma ia maua le sapaia e matagaluega uma o polokalama e a'afia ai matagaluega eseese.

(i) Iloiloga. O le aofia o le a:

(1) va'ava'aia, iloilo, ma fa'aalia ni taofi mo le fa'atinoina o fuafuaga a vaega a le malo ma tua fo'i mo i latou ua afaina le atiina'e; ma

(2) va'avaia polokalama uma o lo'o fa'agaoioia e vaega tua ma le malo mo i latou ua afaina le atiina'e.

(o) Puluvaaga. O le aofia o le a:

(1) finau mo mana'oga o i latou ua afaina le atiina'e i luma o le Fono Faitulafono ma le lautele fa'apea ma le Kovana; ma

(2) galue fa'afautua i le Kovana, le Fono Faitulafono ma ulu o matagaluega uma ua a'afia i mataupu uma e fa'asino i e ua afaina le atiina'e.

(u) Ripoti. O le aofia o le a:

(1) sauni ma tu'uina lipoti tausaga i le Kovana, le Fono Faitulafono, ma ulu o matagaluega uma e fa'asino i le fa'atinoga o le fuafuaga a le teritori. O le ripoti mo le Fono Faitulafono o le a tu'uina atu i le sefulu o aso a'o lumana'i le aofia a le Fono Faitulafono;

(2) sauni ma tu'uina i le Failautusi o le Soifua Maloloina, A'oga ma le Tausiga o le Iunaite Setete, e ala i le Kovana, so'o se ripoti fa'a-periota o le a talosagaina i ala tatau e le Failautusi; ma

(3) saunia isi ripoti e mana'omia e fa'ataunu'u ai ona tiute i lalo o lenei mataupu.

(f) Tulafono-galue. O le a taualoa, suia, ma soloia e le aofia ni tulafono-galue e pei ona tatau ai mo le fa'ataunu'uina o lenei mataupu.

4.1304 Totino o le aofia a le teritori.

O le aofia a le teritori o le a tofia e le Kovana ma o ni tagata nofonu'u o le Teritori. O le a i ai i totino o le aofia i taimi uma lava sui o ofisa autu o le teritori (e aofia ai vaega o le teritori o lo'o pulea tupe ua tu'uina mai i lalo o le Tulafono o le Toe Fa'aleleia a le Feterale o le 1973, le ofisa o le teritori o lo'o pulea tupe ua tu'uina mai i lalo o le Tulafono a le Feterale mo A'oga a Tagata Afaina Tino, le ofisa o le teritori o lo'o pulea tupe ua tu'uina mai i lalo o le Tulafono a le Feterale mo Tagata Amerika Matutua 1965, ma le ofisa o le teritori o lo'o pulea tupe ua tu'uina mai i lalo o le Mataupu XIX o le Tulafono o le Saogalemu Fealoa'i a le Feterale mo tagata ua afaina le atiina'e), vaega o a'oa'oga maualuluga, iunivesete ta'itasi o lo'o feso'ota'i, ma le polokalama po'o nofoaga tutotonu satelaita i le Teritori, le vaega o puipuiga ma puluvaga ua fa'avacina i lalo o le maga 142 o le tulafono o le afaina o le atiina'e, vaega o le malo, vaega tua ma fa'alapotopotoga fesoasoani e anaana i le faiga o tautua mo tagata ua afaina le atiina'e.

(a) Ia le itiiti ifo i le afa o totino o le aofia o e fa'aaogaina le polokalama o;

(1) tagata ua afaina le atiina'e po'o o latou matua; po'o
(2) aiga felata'i po'o matua-tausi o ia tagata, ma o i latou e le o ni tagata faigaluega
a se vaega o le teritori o lo'o maua tupe po'o lo'o tu'uina atu tautua i lalo o le aofia o le
teritori, po'o tagata faigaluega pule, po'o tagata e ona ma pulea so'o se vaega o lo'o maua ni
tupe po'o tu'uina atu ni tautua i lalo o le aofia a le teritori.

(e) O totino o le aofia ua fa'amatalaina i le (a):

(1) ia le itiiti i le tasi-o-vaetolu o ni tagata o iai ni afaina o le atiina'e; ma
(2) Ia le itiiti i le tasi-o-vaetolu o ni aiga fetala'i po'o matua-tausi o ia tagata, ma
ia le itiiti i le to'atasi o i latou na o se aiga fetala'i po'o se matua-tausi o se tagata ua afaina
le atiina'e o lo'o taofia.

(i) O le a galulue totino o le aofia e aunoa ma se totogi, a'o le a toe fa'aola atu
ia i latou so'o se tupe na latou fa'aalu ona o le fa'ataunu'uina o o latou tiute i lalo o lenei
mataupu.

4.1305 Galuega i nu'u mo e ua afaina le atiina'e.

O le a fa'atuina ma pulea e le matagaluega se faiga tausisia mo le tu'uina atu o tautua,
ia fa'atulaga ai, fa'atino, pulea, fa'amaopopo, va'ava'aia, ma iloilo polokalama ma tautua ua
faia e le matagaluega mo tagata ua afaina le atiina'e.

4.1306 O isi faiga tausisia i totonu o le faiga tausisia mo e ua afaina le atiina'e.

E mafai e le matagaluega ona fa'avae isi faiga tausisia e pei ona mana'omia e fa'atino
ai tautua mo e ua afaina le atiina'e.

4.1307 Aia tatau o tagata ua afaina le atiina'e.

(a) O e ua i ai afaina o le atiina'e o le a iai aia tatau nei:

(1) ia maua tautua aupito tatau ma le fa'alavelavea e fa'apitoa mo ia lava, e aofia
ai se polokalama o mea e fai i fafo atu o lona nofoaga e tusa ma le polokalama fuafuaina
fa'apitoa mo ia lava;

(2) e nofo i se nofoaga aupito tatau ma le le fa'alavelavea i se tulaga aupito
latalata i le nu'u o lea tagata i totonu o le Teritori;

(3) i le malosi e mafaia ma tatau ai, ia:

(A) feiloa'i ma tagata e le afaina le atiina'e i se nofoaga e le faia ai ni togafitiga
po'o ni tautua mo e afaina le atiina'e;

- (E) mau fa'atasi pe latalata i tagata e le afaina le atiina'e; ma
- (I) mau i se nofoaga e latalata ona uiga i nofoaga o tagata e le afaina le atiina'e o lana tupulaga;
- (4) i ai se avanoa tatau e va'ai ai i faila o ona togafitiga, tala'aga fa'afoma'i, tautua mo ia ma se fa'aaliga e uiga i lona afaina;
- (5) 'auai i le fa'atulagaina o le fuafua o tautua fa'apito mo ia lava, pe afai e mafai ona 'auai, po'o le suia o ia e se matua, se matua-tausi, po'o se isi sui e pei ona tatau ai;
- (6) maua se kopi o le fuafuaga o tautua fa'apito mo ia; ma
- (7) fa'alilo ma natia, i le mamao e mafai ai, o tala e fa'asino i tautua ua faia mo ia.

(e) O aia ua lisiina i lenei mataupu o le a le fa'auigaina fa'apea e suia ai pe taofia ai nisi aia tatau, manuia, po'o fesoasoani e aofia ai isi aia tatau ma puipuiga e tusa ma tulafono po'o poloa'iga fa'ale tulafono, ua agava'a i ai le tagata ua afaina le atiina'e o le tino po ua telegese le mafaufau.

(i) O le fa'amatalina po'o le tu'uina atu o nei aia e le avea ma ala e fa'anautu ai lo latou tu'uina atu.

4.1308 Malosi o le fa'atonu e faia ai maliega--Fa'atulaga alamanuia ua i le Teritori.

(a) E mafai e le fa'atonu ona:

- (1) faia ni maliega ma le malo tele, isi matagaluega o le teritori, ma itumalo;
- (2) faia ni maliega mo fesoasoani ma tagata tua, vaega, fa'alapotopotoga, po'o koporesione;
- (3) fa'atau mai tautua mana'omia pe tatau ai i lalo o lenei mataupu mai so'o se tagata tua, vaega, fa'alapotopotoga po'o koporesione;
- (4) fa'asoa ma fa'aalu so'o se alamanuia ua avanoa mo sini o lenei mataupu; ma
- (5) faia mea uma e tatau ina ia taunu'u fa'amoemoe ma aiaiga o lenei mataupu.

(e) I le malosi ua taofi le fa'atonu ua tatau ai, e mafai e le fa'atonu ona fa'atonu se tasi ua na maua so'o se tupe mai le teritori i lalo o lenei mataupu e foa'i mai tupe, fale, po'o tautua mo le fa'ataunu'uina o le polokalama.

(i) O le a fa'atulaga e le fa'atonu ni fua tutusa ma taualumaga ina ia mautinoa ua tu'uina mai e tagata tua, vaega, fa'alapotopotoga po'o koporesione tautua ma fale e pei ona fia maua mo le fa'ataunu'uina o fa'amoemoga na mafua ai ona fa'asoa atu tupe.

4.1309 Fa'atapula'aga o fatuaiga.

O fatuaiga a le matagaluega mo le fa'ataunu'u o lenei mataupu o le a gata mai le malosi e mafai i ala-manuia ua avanoa mo aiaiga o lenei mataupu. A o'o ina muta ia ala-manuia, e le mafai ona faia se tagi mo so'o se tagata po'o se fa'alapotopotoga i luma o so'o se fa'amasinoga e fa'amalosia ai le tu'uina atu pea o tautua .

4.1310 Fua tutusa mo tautua.

O le a fa'atulaga e le aofia o le teritori se fua tutusa o tautua e fua i ai ana ia lava tautua po'o tautua ua faia e konekarate e aofia ai fale nofo, nofoaga mao tausiga fa'ale-aso, ma isi polokalama e feso'ota'i i ai. O ia fua tutusa, e aofia ai nofoaga mo le faia vave o tautua ma fesoasoani i fale mo i latou ua telegese mafaufau po'o tagata ua iai afaina e feso'ota'i ma na tulaga, i so'o se mea e fa'asino i ai ma tatau ai, usita'i i fua tutusa a le feterale."


Letuli Toloa
PERESETENE, MAOTA MAUALUGA


Tuana'itau F. Tuiā
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 24th day of October, 1991


Governor of American Samoa



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799

In reply refer to:

LEGISLATURE OF AMERICAN SAMOA

CERTIFICATION

Senate Chamber
September 3, 1991

I certify that Senate Bill No. 22-55 passed third reading on this date in the Senate during its Second 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
September 17, 1991

I certify that Senate Bill No. 22-55 passed third reading on this date in the House of Representatives during its Second Regular Session of the Twenty-second Legislature of American Samoa.

Wally F. Utu
Wally F. Utu
CHIEF CLERK, HOUSE OF REPRESENTATIVES