

**39TH LEGISLATURE
1ST REGULAR SESSION**

**S.B. NO. 39-03
IN THE SENATE**

27 JANUARY 2025

INTRODUCED Sen. Togiola T.A. Tulafono, D-5


REFERRED TO COMMITTEE ON:

**SUBJECT:
EXECUTIVE - APPOINTIVE POWERS AND CONFIRMATION PROCEDURES –
DIRECTORS**

SUMMARY:

This bill amends the requirements and criteria for Directors of Cabinet Departments and heads of bureaus or offices under the Governor’s Office.

OWN VOTE			LEGISLATIVE VOTE		
YES	NO		YES	NO	DATE
<input type="checkbox"/>	<input type="checkbox"/>	1ST READING			
<input type="checkbox"/>	<input type="checkbox"/>	COMMITTEE REPORT			
<input type="checkbox"/>	<input type="checkbox"/>	2ND READING			
<input type="checkbox"/>	<input type="checkbox"/>	3RD READING			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE CALENDAR DATED			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE JOURNAL DATED			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE JOURNAL DATED			
<input type="checkbox"/>	<input type="checkbox"/>	RECOMMITTED			
<input type="checkbox"/>	<input type="checkbox"/>	ORDERED TO LIE			
<input type="checkbox"/>	<input type="checkbox"/>	WITHDRAWN			

S.B. NO. 39-03 
INTRODUCED BY: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE REQUIREMENTS AND CRITERIA FOR DIRECTORS OF CABINET DEPARTMENTS AND HEADS OF BUREAUS OR OFFICES UNDER THE GOVERNOR'S OFFICE, AMENDING SECTIONS 4.0112(a) and 4.0303; AND CREATING SECTION 4.0302, A.S.C.A."

Preamble:

WHEREAS, the effectiveness and integrity of leadership within our government departments are paramount to ensuring the delivery of services and the advancement of our community's welfare. As such, it is crucial to establish clear and consistent language as to which director must be confirmed by the Legislature, as well as criteria for the appointment of directors. By clarifying and defining both, we aim to ensure that all appointed directors possess the necessary criteria, commitment, and integrity needed for their roles; and

WHEREAS, these changes outline the essential qualifications for director roles. It removes ambiguity and ensures a consistent and transparent application of the law. This clarification is vital for maintaining the trust and confidence of the public in our government's process; and

WHEREAS, ensuring that our directors are U.S. Citizens or U.S. Nationals of American Samoa ancestry, ensures that those appointed have a vested interest and deep connection to our community. By requiring directors to be continuous residents of American Samoa for at least

1 12 months before confirmation promotes a leadership that is well-
2 versed in local issues and needs, thereby enhancing the effectiveness
3 of their governance; and
4

5 WHEREAS by stipulating directors must not have been convicted of
6 misdemeanors involving moral turpitude or felonies, we aim to
7 maintain high ethical standards within our government. This
8 requirement ensures that those in leadership positions have
9 demonstrated a commitment to integrity and accountability, and
10

11 WHEREAS these changes in the law demonstrate our duty and responsibility to
12 improve the overall effectiveness of our government. Qualified,
13 committed, and ethically sound leadership is crucial for
14 implementing policies and honest governance.
15

16 BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:
17

18 Section 1. Section 4.0112(a) is amended to read as follows:

19 “4.0112 Appointive powers and confirmation procedures.

20 (a) Appointive powers of the Governor and the legislative confirmation
21 procedures are as follows:

22 (1) ~~Directors of cabinet departments (those under 4.0301), and the~~
23 ~~heads of bureaus or offices who do not report either to the head of a cabinet~~
24 ~~department or to the head of a bureau or office~~ to a department head, and all
25 agencies or offices under the Governor’s Office, whose appointment is subject to
26 confirmation by the Legislature, shall be appointed by the Governor, and
27 confirmed by a majority vote of the entire membership of each house of the
28 Legislature.

**NOFOA'IGA TOLUSEFULU-IVA
FONO TELE MUAMUA**

**PMM NU. 39-03
I LE MAOTA MAUALUGA**

27 IANUARI 2025

FA'AULUFALEINA E: Senatoa Togiola T.A. Tulafono, Itumalo-5

TU'UINA ATU I LE KOMITI:


MATA'UPU:

**FAAMALOSI TULAFONO - MALOSI E TOFIA AI MA TAUALUMAGA MO LE
FAAMAONIAINA**

'OTO'OTOGA:

O lenei pili e suia ai manaoga ma tuutuuga mo Faatonusili o Matagaluega Faakapeneta ma faauluuluga o vaega ma ofisa i lalo o le Ofisa o le Kovana.

LANA PALOTA MONI			PALOTAGA A FAIPULE		
IOE	LEAI		IOE	LEAI	ASO
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA MUAMUA			
<input type="checkbox"/>	<input type="checkbox"/>	RIPOTI A LE KOMITI			
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA FA'ALUA			
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA FA'ATOLU			
<input type="checkbox"/>	<input type="checkbox"/>	SUI - VA'AI ASO I LE KALENA			
<input type="checkbox"/>	<input type="checkbox"/>	SUI - VA'AI ASO TALA 'OTO'OTO			
<input type="checkbox"/>	<input type="checkbox"/>	SUI - VA'AI ASO TALA 'OTO'OTO			
<input type="checkbox"/>	<input type="checkbox"/>	TU'U ATU LE ISI KOMITI			
<input type="checkbox"/>	<input type="checkbox"/>	FA'ATONU E FA'ATA'ATIA			
<input type="checkbox"/>	<input type="checkbox"/>	TOE TAOFI			

1 P.M.M. NU. 39-03 
2 FAAULUFALEINA E:
3

4 O SE PILI MO SE TULAFONO UA FAAIGOAINA: “O SE TULAFONO E
5 FAAIGOAINA “O SE TULAFONO E SUIA AI MANAOGA MA TUUTUUGA MO
6 FAATONUSILI O MATAGALUEGA FAAKAPENETA MA FAAULUULUGA O
7 VAEGA MA OFISA I LALO O LE OFISA O LE KOVANA, SUIA AI MAGA
8 4.0112(a) MA LE 4.0303; MA FAAVAE AI SE MAGA 4.0302 I LE TUSI
9 TULAFONO E PULEA AI GALUEGA.”

10
11 Faatomuaga:

12 TALUAI, o le lelei ma le talitonuina o le taitaiga i totonu o matagaluega a le malo e
13 tumutumu lea i le faamautinoaina o le lelei o auunaga ma le agai i luma o
14 le soifua manuia o le atunuu. Ona o lea, e taua ona faavae o se gagana
15 manino faifaipea e iloa ai poo fea tonu faatonusili e tatau ona faamaonia e
16 le Fonofaitulafono, atoa foi ma tuutuuga o le tofia o faatonusili. O le
17 faamaninoina ma le faauigaina o mea ia e lua, e mautinoa ai o loo umia e
18 faatonusili uma e tofia tuutuuga e tatau ona i ai, o lo latou naunau e fai
19 faamaoni le galuega, ma le talitonuina o i latou i le tauaveina o la latou
20 matafaioi; ma

21
22 TALUAI, o nei suiga e tumavaevae mai ai agavaa e tatau mo matafaioi a faatonusili.
23 E aveesea ai le faaluafesasi ma mautinoa ai le mulimulitai ma le faaaogaina
24 o le tulafono. O lenei faamaninoga e taua tele i le tausia ma le faatuatua
25 o tualumaga faalemalo e le mamalu lautele o le atunuu; ma

26
27 TALUAI, ia mautinoa ai o faatonusili o Sitiseni poo Nesionale o le Iunaita Setete e
28 tupuga Amerika Samoa, e mautinoa ai foi o i latou ua tofia e loloto la latou
29 sootaga ma le naunautaiga e faia mea mo le atunuu. O le moomia o

1 faatonusili ina ia fai ma tagata nonofo mau i Amerika Samoa mo le 12
2 masina ae lei oo ina faamaoniaina, e una'ia ai se ta'ita'iga ua masani ma
3 silafia lelei mataupu o loo feagai ai ma mana'oga i totonu o le lotoifale, ina
4 ia fesoasoani tele lena i le tauaveina o la latou foi taitaiga; ma

5
6 TALUAI, o le faia o tuutuuga e faapea e le tatau i se tasi na faamaonia se solitulafono
7 ona fai ma faatonusili, e faailoa le manaoga ina ia tausia le tulaga maua
8 ma le faatuatuaina i le malo. O le manaoga lea e mautinoa ai le faaalua e i
9 latou o loo ta'ita'i le faatuatuaina ma le faamaoni i galuega; ma

10
11 TALUAI, o suiga nei i le tulafono e faailoa ai lo tatou tiute ma le matafaioi e faaleleia
12 le tulaga o lo tatou malo. E matua taua lava le agavaa, faamaoni, ma
13 taitaiga lelei mo le faagaioioia o ni pulega faatuatuaina.

15 IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

16
17 Maga 1. 4.0112(a) ua suia nei e faitauina faapea:

18 “4.0112 Taualumaga o tofiga ma faamaoniga

19 (a) Malosi o tofiga a le Kovana ma le faamaoniga a le fonofaitulafono e faia e
20 pei ona fa'ailoa i lalo:

21 (1) O ~~f~~Faatonu o matagaluega (i latou i lalo o le 4.0301), ~~ma~~ ulu o ofisa galue
22 po o ofisa e le lipoti o ~~Lona tofiga e faamaonia e le Fonofaitulafono, ia tofia e le Kovana,~~
23 ~~ma faamaonia e le Felicia o Torino aria maota ta'itasi o le Fonofaitulafono. i se~~
24 faauluuluga o se matagaluega, ma vaega poo ofisa i lalo o le Ofisa o le Kovana, e le
25 ~~faamaonia e le Fonofaitulafono,~~ e tofia e le Kovana ma faamaonia i se palota a le toatele
26 o totino uma o maota e lua o le Fonofaitulafono.

27 (2) O isi lava tofiga ia faia e le Kovana vagana ua faia e le tulafono faapea o
28 lena tofiga e i lalo o le faamaoniga a le Maota Maua po o le Fonofaitulafono.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Maga 2. Maga 4.0302 ua faavae nei e faitauina:

“4.0302 Faatonusili – Tuutuuga/Mea e manaomia

(a) O Matagaluega taitasi a le Malo e ta’ita’ia e se faatonusili e maua ai uma mea nei o le a ta’ua:

(1) E tatau ona Sitiseni poo se Nesionale o le Iunaite Setete e tupuga Amerika Samoa. O le tupuga Amerika Samoa o lona uiga o se tasi sa fanau i Amerika Samoa poo le Iunaite Setete,

(2) E tatau ona a ititi mai e 12 masina sa nofo ai i Amerika Samoa, ae lei oo ina faamaoniaina.

(3) Ia leai sana solitulafono mama e aafia ai le amio poo se solitulafono mamafa.”

Maga 3. Maga 4.0302 ua faanumeraina 4.0303 e faitauina faapea:

“4.03024.0303 Tofiga-Taualumaga o Suesuega.

(a) E mafai ona tofia e le Kovana komiti faafoe, komisi ma vaega o le faamalosi tulafono e manatu ia e tatau ai.

(b) Soo se komiti suesue e tofia e i ai le pule atoatoa e vala’au ai molimau, faatauto, ma lipoti i le Faamasinoga Mauuluga i latou e le usita’ia, ma faasala ai e pei lava o le le usita’ia o le faamasinoga. O taualumaga ma lipoti a se komiti su’esu’e e faia lava e tusa ona faatonu ai e le Kovana i le faasologa e faia ai sea komiti su’esu’e.”

Maga 4. Aso e taualoaina ai.

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